FIRST DAY - JANUARY 9, 2019

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 9, 2019

PRAYER

The prayer was offered by Senator Kolterman.

PRESENTATION OF COLORS

Presentation of Colors by the Nebraska State Patrol - Headquarters Troop Honor Guard.

ROLL CALL

Pursuant to the provisions of Article III, Section 10 of the Constitution of Nebraska, the One Hundred Sixth Legislature, First Session of the Legislature of Nebraska, assembled in the George W. Norris Legislative Chamber of the State Capitol at the hour of 10:00 a.m., on Wednesday, January 9, 2019, and was called to order by President Foley.

The roll was called and the following members were present:

<table>
<thead>
<tr>
<th>Albrecht, Joni</th>
<th>Gragert, Tim</th>
<th>Lowe, John S.</th>
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<tr>
<td>Arch, John</td>
<td>Groene, Michael</td>
<td>McCollister, John S.</td>
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<td>Blood, Carol</td>
<td>Halloran, Steve</td>
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<td>Bolz, Kate</td>
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<td>Bostelman, Bruce</td>
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<td>Brewer, Tom</td>
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<td>Pansing Brooks, Patty</td>
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<td>Briese, Tom</td>
<td>Howard, Sara</td>
<td>Quick, Dan</td>
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<td>Cavanaugh, Machaela</td>
<td>Hughes, Dan</td>
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<td>Chambers, Ernie</td>
<td>Hunt, Megan</td>
<td>Slama, Julie</td>
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<td>Clements, Robert</td>
<td>Kolowski, Rick</td>
<td>Stinner, John P.</td>
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<td>Crawford, Sue</td>
<td>Koltermann, Mark A.</td>
<td>Vargas, Tony</td>
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<td>DeBoer, Wendy</td>
<td>La Grone, Andrew</td>
<td>Walz, Lynne</td>
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<td>Dorn, Myron</td>
<td>Lathrop, Steve</td>
<td>Wayne, Justin</td>
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<td>Erdman, Steve</td>
<td>Lindstrom, Brett</td>
<td>Williams, Matt</td>
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<td>Friesen, Curt</td>
<td>Linehan, Lou Ann</td>
<td>Wishart, Anna</td>
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<td>Geist, Suzanne</td>
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MOTION - Temporary Clerk and Sergeant at Arms

Senator Stinner moved to appoint Mr. Patrick J. O'Donnell as temporary Clerk of the Legislature and Mr. Jim Doggett as temporary Sergeant at Arms.

The motion prevailed.

RESIGNATION

July 6, 2018

The Honorable Pete Ricketts
Governor of Nebraska
Executive Suite
State Capitol
Lincoln, NE 68509

Dear Governor Ricketts,

With this letter, I tender my resignation as state senator in the Nebraska Legislature, effective July 9, 2018, ending my term in office roughly six months ahead of the scheduled conclusion.

It has been a privilege to serve the great State of Nebraska the past eight years and I will forever be grateful to the people of Legislative District 14 for their trust and support.

Warmest Regards,
(Signed) Jim Smith

MESSAGE(S) FROM THE GOVERNOR

July 9, 2018

Senator Jim Smith
District 14
State Capitol
Lincoln, NE 68509

Dear Senator Smith,

Pursuant to Nebraska Revised Statutes §32-562, I hereby acknowledge receipt of your July 9, 2018, letter resigning your seat as a member of the Nebraska Unicameral Legislature representing Legislative District 14 effective July 9, 2018.

Sincerely,
(Signed) Pete Ricketts
Governor

cc: Patrick J. O'Donnell, Clerk of the Nebraska Legislature
    Speaker Jim Scheer, Speaker of the Nebraska Legislature

RESIGNATION

December 26, 2018

Governor Ricketts,

As of 11:59 p.m. on December 26, 2018, I will be resigning as a member of the Nebraska Legislature.

It has been an honor to represent the people of the 40th Legislative District for the last 8 years. Having the opportunity to serve this great state at such a young age was a humbling experience and one that I will carry with me for the rest of my life.

I would like to thank you for your excellent leadership of the state of Nebraska, and people of the 40th district for instilling their trust in me for the last 8 years.

Sincerely,
(Signed) Tyson Larson

MESSAGE(S) FROM THE GOVERNOR

January 3, 2019

Senator Tyson Larson
District 40
49487 883rd Road
O'Neil, NE 68763

Dear Senator Larson,

Pursuant to Nebraska Revised Statutes §32-562, I hereby acknowledge receipt of your December 26, 2018, letter resigning your seat as a member of the Nebraska Unicameral Legislature representing Legislative District 40 effective December 27, 2018.

Sincerely,
(Signed) Pete Ricketts
Governor

cc: Patrick J. O'Donnell, Clerk of the Nebraska Legislature
    Speaker Jim Scheer, Speaker of the Nebraska Legislature
RESIGNATION

January 3, 2019

Governor Pete Ricketts
Nebraska State Capitol
1445 K Street, Lincoln, NE 68508

Dear Governor Ricketts,

It has been an honor and a privilege to serve the people of Gretna and Sarpy County as State Senator since 2013. I thank my constituents for the confidence in allowing me to represent them.

At the November 6, 2018, General Election, the people of Nebraska elected me to serve as State Treasurer. Accordingly, I resign the office of State Senator for the 49th Legislative District effective at 9:00 a.m. on Wednesday, January 9th, 2019.

Sincerely,
(Signed) John Murante

MESSAGE(S) FROM THE GOVERNOR

January 3, 2019

Senator John Murante
District 49
11814 South 211th Street
Gretna, NE 68028

Dear Senator Murante,

Pursuant to Nebraska Revised Statutes §32-562, I hereby acknowledge receipt of your January 3, 2019, letter resigning your seat as a member of the Nebraska Unicameral Legislature representing Legislative District 49 effective January 9, 2019, at 9:00 a.m.

Sincerely,
(Signed) Pete Ricketts
Governor

cc: Patrick J. O'Donnell, Clerk of the Nebraska Legislature
    Speaker Jim Scheer, Speaker of the Nebraska Legislature
MESSAGE(S) FROM THE GOVERNOR

December 17, 2018

Andrew T. La Grone
20276 Glenmore Drive, #1
Gretna, NE 68028

Dear Mr. La Grone:

It is my pleasure to appoint you as a member of the Nebraska Legislature representing District 49 effective January 9, 2019. Your knowledge and input are valuable and your willingness to serve in this important position is appreciated. Working together we can make wise decisions while keeping the best interests of our citizens in mind.

Congratulations and best wishes.

Sincerely,

(Signed) Pete Ricketts
Governor

Enclosures

GUBERNATORIAL APPOINTMENT

Greetings To All Who Shall See These Presents Know Ye, that I, Pete Ricketts, on behalf of the State of Nebraska and as Governor, do hereby appoint Andrew T. La Grone as a member of the Nebraska Legislature - District 49.

Reposing special trust in your ability, integrity and patriotism, I do authorize and empower you to discharge the duties of said appointment, according to law.

This appointment shall take effect on January 9, 2019, and continue until January 5, 2021, provided you shall satisfactorily perform all the duties imposed by law.

(Signed) Pete Ricketts
Governor

(Signed) John A. Gale
Secretary of State
RESIGNATION

January 8, 2019

Governor Pete Ricketts
State Capitol
P.O. Box 94848
Lincoln, NE 68509

Dear Governor Ricketts:

With my election to the Public Service Commission this past November, I am submitting my resignation as a member of the Legislature from the 1st Legislative District, effective January 8, 2019, at 11:59 p.m. It has been a pleasure to serve my state and community in this capacity for the past six years. I look forward to continuing my service to our state as a Public Service Commissioner.

Respectfully,
(Signed) Dan Watermeier, Senator
District #1

cc: Patrick O'Donnell, Clerk of the Legislature
Senator Jim Scheer, Speaker of the Legislature

MESSAGE(S) FROM THE GOVERNOR

January 8, 2019

Senator Dan Watermeier
District 1
2529 J Road
Syracuse, NE 68446

Dear Senator Watermeier,

Pursuant to Nebraska Revised Statutes §32-562, I hereby acknowledge receipt of your January 8, 2019, letter resigning your seat as a member of the Nebraska Unicameral Legislature representing Legislative District 1 effective January 8, 2019, at 11:59 p.m.

Sincerely,
(Signed) Pete Ricketts
Governor

cc: Patrick J. O'Donnell, Clerk of the Nebraska Legislature
Speaker Jim Scheer, Speaker of the Nebraska Legislature
MESSAGE(S) FROM THE GOVERNOR

December 26, 2018

Julie Slama
73424 645a Avenue
Peru, NE 68421

Dear Ms. Slama:

It is my pleasure to appoint you as a member of the Nebraska Legislature representing District 1 effective January 9, 2019. Your knowledge and input are valuable and your willingness to serve in this important position is appreciated. Working together we can make wise decisions while keeping the best interests of our citizens in mind.

Congratulations and best wishes.

Sincerely,

(Signed) Pete Ricketts
Governor

Enclosures

GUBERNATORIAL APPOINTMENT

Greetings To All Who Shall See These Presents Know Ye, that I, Pete Ricketts, on behalf of the State of Nebraska and as Governor, do hereby appoint Julie Slama as a member of the Nebraska Legislature - District 1.

Reposing special trust in your ability, integrity and patriotism, I do authorize and empower you to discharge the duties of said appointment, according to law.

This appointment shall take effect on January 9, 2019, and continue until January 5, 2021, provided you shall satisfactorily perform all the duties imposed by law.

(Signed) Pete Ricketts
Governor

(Signed) John A. Gale
Secretary of State

MOTION - Committee on Credentials

Senator Linehan moved that we proceed to the election of five persons to serve as the Committee on Credentials, who will forthwith report to the Legislature on the credentials of those claiming to be elected to the
Legislature in the General Election in November 2018.

The motion prevailed.

Senator Hilkemann moved to elect the following five senior members of the Legislature to serve on the Committee on Credentials: Senators Chambers, Bolz, Crawford, Howard, and Kolowski.

The motion prevailed.

REPORT OF COMMITTEE ON CREDENTIALS

State of Nebraska

United States of America, )
              ss.                  Secretary of State

State of Nebraska )

I, John A. Gale, Secretary of State of the State of Nebraska do hereby certify that the attached is a true and correct copy of the Official Roster of members of the Nebraska Unicameral Legislature elected or appointed to serve in the One Hundred Sixth Legislature, First Session, 2019.

Further, I hereby certify that the members so listed on the Official Roster attached hereto are the duly elected or appointed members of the Unicameral Legislature in the State of Nebraska for the One Hundred Sixth Legislature, First Session, 2019.

Finally, I hereby certify that all election returns, abstracts, canvass and appointment records with reference to said members are on file in the office of the Secretary of State and are a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska on this date of January 9, 2019.

(SEAL)  (Signed) John A. Gale
Secretary of State

DISTRICT/NAME  ELECTED
1  Julie Slama - Appointed    January 9, 2019
2  Robert Clements    November 6, 2018
3  Carol Blood       November 8, 2016
4  Robert Hilkemann  November 6, 2018
5  Mike McDonnell     November 8, 2016
6  Machaela Cavanaugh November 6, 2018
7  Tony Vargas        November 8, 2016
8  Megan Hunt         November 6, 2018
9  Sara Howard        November 8, 2016
10  Wendy DeBoer      November 6, 2018
MOTION - Credentials Committee Report

Senator Bolz moved to approve the Committee on Credentials Report as certified and presented by the Secretary of State.

The motion prevailed.
MOTION - Escort Chief Justice

Senator Wayne moved that a committee of five be appointed to escort the Chief Justice of the Supreme Court to the Legislative Chamber for the purpose of administering the oath of office to the members of the Legislature.

The motion prevailed.

The Chair appointed Senators Wishart, Albrecht, Kolterman, Briese, and Kolowski to serve on said committee.

MEMBERS’ OATH OF OFFICE

STATE OF NEBRASKA )
) ss.
LANCASTER COUNTY )

Do you and each of you solemnly swear (or affirm) that you will support the constitution of the United States, and the constitution of the State of Nebraska, and will faithfully discharge the duties of members of the Legislature according to the best of your ability, and that at the election at which you were chosen to fill said office, you have not improperly influenced in any way the vote of any elector, and have not accepted, nor will you accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company or person, or any promise of office, for any official act or influence (for any vote you may give or withhold on any bill, resolution, or appropriation).

Arch, John
Brandt, Tom
Cavanaugh, Machaela
Clements, Robert
DeBoer, Wendy
Dorn, Myron
Friesen, Curt
Gragert, Tim
Groene, Michael
Hansen, Ben
Hansen, Matt
Hilkenmann, Robert
Hughes, Dan
Hunt, Megan
Kolterman, Mark A.
La Grone, Andrew
Lathrop, Steve
Lindstrom, Brett
McCollister, John S.
Morfeld, Adam
Moser, Mike
Murman, Dave
Pansing Brooks, Patty
Slama, Julie
Stinner, John P.
Williams, Matt

The committee escorted the Chief Justice from the Chamber.

MOTION - Adopt Temporary Rules

Senator Hilgers moved that the rules, as now in our possession, be adopted for today only, Wednesday, January 9, 2019.

The motion prevailed.
MOTION - Election of Officers

Senator Scheer moved that the following officers, recommended by the Executive Board, be elected to serve for the One Hundred Sixth Legislature:

Clerk of the Legislature   Patrick J. O'Donnell
Assistant Clerk of the Legislature  Richard K. Brown
Sergeant at Arms    Jim Doggett

The motion prevailed.

MOTION - Election of Speaker

Senator Hughes moved to proceed to the election of the Speaker of the Legislature.

The motion prevailed.

Senator Scheer placed his name in nomination.

Senator M. Hansen moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Scheer.

The motion prevailed.

Senator Scheer was duly elected Speaker of the Legislature.

MOTION - Escort Chief Justice

Senator Quick moved that a committee of five be appointed to escort the Chief Justice of the Supreme Court to the Legislative Chamber for the purpose of administering the oath of office to the officers of the Legislature.

The motion prevailed.

The Chair appointed Senators Pansing Brooks, Williams, Lindstrom, Halloran, and Walz to serve on said committee.

OFFICERS’ OATH OF OFFICE

STATE OF NEBRASKA )  
) ss.
LANCASTER COUNTY )

We, and each of us, do solemnly swear (or affirm) that we will support the constitution of the United States, the constitution of the State of Nebraska, and will faithfully discharge the duties of our respective offices to the best of our ability.
The committee escorted the Chief Justice from the Chamber.

**MOTION - Chairperson of Committee on Committees**

Senator Bostelman moved to proceed to the election of the Chairperson of the Committee on Committees.

The motion prevailed.

Senator Hilkemann placed his name in nomination.

Senator Erdman placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Morfeld, Lowe, and Linehan as tellers.

Senator Hilkemann 31
Senator Erdman 18

Senator Hilkemann was duly elected Chairperson of the Committee on Committees.

**MOTION - Committee on Committees Members**

Senator Morfeld moved to proceed to the election of the remaining twelve members of the Committee on Committees, and that we authorize the members residing within each of the three districts, as enumerated in Rule 3, Sec. 2, to nominate four members to be elected by the legislative body to serve on the Committee on Committees.

The motion prevailed.

Senators Morfeld, Pansing Brooks, Hilgers, and Bostelman were nominated from District 1.

Senators Vargas, Lathrop, Howard, and Lindstrom were nominated from District 2.

Senators Friesen, Groene, Erdman, and Murman were nominated from District 3.

Senator Howard moved the approval of the nominees to the Committee on
Committees.

The motion prevailed.

The Chair declared the nominees duly elected.

**MOTION - Chairperson of Executive Board**

Senator McCollister moved to proceed to the election of the Chairperson of the Executive Board of the Legislative Council.

The motion prevailed.

Senator Bolz placed her name in nomination.

Senator Hilgers placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Clements, McDonnell, and Friesen as tellers.

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<td>Bolz</td>
<td>23</td>
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<td>Hilgers</td>
<td>26</td>
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Senator Hilgers was duly elected Chairperson of the Executive Board.

**MOTION - Vice Chairperson of Executive Board**

Senator Brewer moved to proceed to the election of the Vice Chairperson of the Executive Board of the Legislative Council.

The motion prevailed.

Senator Geist placed her name in nomination.

Senator Vargas placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators DeBoer, Arch, and Lathrop as tellers.

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Senator Vargas was duly elected Vice Chairperson of the Executive Board.
MOTION - Executive Board Members

Senator Walz moved to proceed to the election of the other six members of the Executive Board of the Legislative Council as outlined in 50-401.01.

The motion prevailed.

Senators Bolz and Kolterman were nominated from District 1.

Senators Chambers and McCollister were nominated from District 2.

Senators Hughes and Lowe were nominated from District 3.

Senator Kolowski moved the approval of the nominees to the Executive Board of the Legislative Council.

The motion prevailed.

The Chair declared the nominees duly elected.

MOTION - Standing Committee Chairpersons

Senator Vargas moved to proceed to the election of the standing committee chairpersons, in accordance with Rule 3, Sec. 8(a).

The motion prevailed.

CHAIRPERSON - Agriculture

Senator Halloran placed his name in nomination.

Senator M. Hansen moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Halloran.

The motion prevailed.

Senator Halloran was duly elected Chairperson of the Agriculture Committee.

CHAIRPERSON - Appropriations

Senator Stinner placed his name in nomination.

Senator M. Hansen moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Stinner.

The motion prevailed.

Senator Stinner was duly elected Chairperson of the Appropriations Committee.
CHAIRPERSON - Banking, Commerce and Insurance

Senator Williams placed his name in nomination.

Senator M. Hansen moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Williams.

The motion prevailed.

Senator Williams was duly elected Chairperson of the Banking, Commerce and Insurance Committee.

CHAIRPERSON - Business and Labor

Senator Albrecht placed her name in nomination.

Senator M. Hansen placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Dorn, Blood, and Hughes as tellers.

Senator Albrecht 24
Senator M. Hansen 25

49

Senator M. Hansen was duly elected Chairperson of the Business and Labor Committee.

CHAIRPERSON - Education

Senator Groene placed his name in nomination.

Senator Kolowski placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Moser, Quick, and La Grone as tellers.

Senator Groene 24
Senator Kolowski 21

45

The Chair announced that a second ballot would be cast between Senator Groene and Senator Kolowski.

The Chair appointed Senators Moser, Quick, and La Grone as tellers.

Senator Groene 26
Senator Kolowski 20

46
Senator Groene was duly elected Chairperson of the Education Committee.

CHAIRPERSON - General Affairs

Senator Briese placed his name in nomination.

Senator Blood placed her name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Chambers, Slama, and B. Hansen as tellers.

Senator Briese 29
Senator Blood 20
49

Senator Briese was duly elected Chairperson of the General Affairs Committee.

CHAIRPERSON - Government, Military and Veterans Affairs

Senator Brewer placed his name in nomination.

Senator M. Hansen moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Brewer.

The motion prevailed.

Senator Brewer was duly elected Chairperson of the Government, Military and Veterans Affairs Committee.

CHAIRPERSON - Health and Human Services

Senator Howard placed her name in nomination.

Senator M. Hansen moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Howard.

The motion prevailed.

Senator Howard was duly elected Chairperson of the Health and Human Services Committee.

CHAIRPERSON - Judiciary

Senator Lathrop placed his name in nomination.

Senator M. Hansen moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Lathrop.
The motion prevailed.

Senator Lathrop was duly elected Chairperson of the Judiciary Committee.

**CHAIRPERSON - Natural Resources**

Senator Hughes placed his name in nomination.

Senator M. Hansen moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Hughes.

The motion prevailed.

Senator Hughes was duly elected Chairperson of the Natural Resources Committee.

**CHAIRPERSON - Nebraska Retirement Systems**

Senator Kolterman placed his name in nomination.

Senator M. Hansen moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Kolterman.

The motion prevailed.

Senator Kolterman was duly elected Chairperson of the Nebraska Retirement Systems Committee.

**CHAIRPERSON - Revenue**

Senator Lindstrom placed his name in nomination.

Senator Linehan placed her name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Cavanaugh, Murman, and Gragert as tellers.

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Senator Linehan was duly elected Chairperson of the Revenue Committee.

**CHAIRPERSON - Transportation and Telecommunications**

Senator Friesen placed his name in nomination.
Senator M. Hansen moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Friesen.

The motion prevailed.

Senator Friesen was duly elected Chairperson of the Transportation and Telecommunications Committee.

**CHAIRPERSON - Urban Affairs**

Senator Wayne placed his name in nomination.

Senator M. Hansen moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Wayne.

The motion prevailed.

Senator Wayne was duly elected Chairperson of the Urban Affairs Committee.

**MOTION - Special and Select Committee Chairpersons**

Senator Briese moved to proceed to the election of the special and select committee chairpersons, in accordance with Rule 3, Sec. 8(a).

The motion prevailed.

**CHAIRPERSON - Rules**

Senator Crawford placed her name in nomination.

Senator M. Hansen moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Crawford.

The motion prevailed.

Senator Crawford was duly elected Chairperson of the Rules Committee.

**CHAIRPERSON - Enrollment and Review**

Senator Wishart nominated Senator Slama.

Senator M. Hansen moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Slama.

The motion prevailed.

Senator Slama was duly elected Chairperson of the Enrollment and Review Committee.
MOTION - Election Returns

Senator Lowe moved that a committee of three be appointed to escort the Secretary of State to the Chamber to deliver the election returns of the General Election of November 2018.

The motion prevailed.

The Chair appointed Senators Bolz, Lowe, and Brewer to serve on said committee.

The committee escorted Secretary of State, John A. Gale, to the rostrum where he delivered the following report.

REPORT FROM THE SECRETARY OF STATE

January 9, 2019

Speaker of the Legislature
One Hundred Sixth Legislature, First Session (Regular) 2019
State Capitol
Lincoln, Nebraska

Honorable Speaker:

In accordance with Article IV, Section 4 of the Constitution of the State of Nebraska, I have the honor of herewith delivering to you, under Seal, the abstract of votes cast in the ninety-three counties of the State of Nebraska at the General Election held on November 6, 2018, for the offices of Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, Treasurer, Attorney General, Members of the Public Service Commission, Regents of the University of Nebraska, and Members of the State Board of Education. These votes are required by law to be canvassed by the Nebraska State Legislature, pursuant to Section 32-1039 R.S. Nebraska 1943, Reissue of 2016 as submitted to me for delivery to the Honorable Speaker of the Legislature.

I also deliver to you, under Seal, the list of candidates receiving the highest vote for each particular office enumerated. The certificate of the Secretary of State accompanies this list.

The original abstract sheets containing the tabulation of votes from the ninety-three counties with reference to one Initiative Measure is on file in this office. A certification of these returns is also attached.

Inasmuch as these abstract sheets are part of the records of the Office of Secretary of State, we respectfully request that they be returned to our office files immediately upon the completion of your official canvass.
Respectfully submitted,
(Signed)  John A. Gale
Secretary of State

CERTIFICATE

State of Nebraska

United States of America, ) ss. Secretary of State
State of Nebraska ) State Capitol
Lincoln, Nebraska Lincoln, Nebraska

I, John A. Gale, Secretary of State of the State of Nebraska do hereby certify that the attached is a true and correct list of the candidates for the offices of Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, Treasurer, Attorney General, Members of the Public Service Commission, Regents of the University of Nebraska, and Members of the State Board of Education, receiving the highest number of votes at the General Election in the State of Nebraska held on November 6, 2018.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska on this date of January 9, 2019.

(SIGNATURE)  (Signed) John A. Gale
Secretary of State

Governor - Pete Ricketts
Lieutenant Governor - Mike Foley
Secretary of State - Robert B. Evnen
Auditor of Public Accounts - Charlie Janssen
State Treasurer - John Murante
Attorney General - Doug Peterson
Public Service Commission, District 1 - Dan Watermeier
Public Service Commission, District 3 - Tim Schram
Board of Regents of the University of Nebraska, District 3 - John Pillen
Board of Regents of the University of Nebraska, District 4 - Elizabeth O'Connor
Board of Regents of the University of Nebraska, District 5 - Rob Schafer
Board of Regents of the University of Nebraska District 8 - Barbara Weitz
State Board of Education, District 5 - Patricia H. Timm
State Board of Education, District 6 - Maureen Nickels
State Board of Education, District 7 - Robin R. Stevens
State Board of Education, District 8 - Deborah Neary
CERTIFICATE

State of Nebraska

United States of America, ) ss.
State of Nebraska )

Secretary of State
State Capitol
Lincoln, Nebraska

I, John A. Gale, Secretary of State of the State of Nebraska do hereby certify that the attached is a true and correct listing of the Statutory Measure proposed by the Initiative Process showing the number of votes cast for and against at the General Election held on November 6, 2018.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska on this date of January 9, 2019.

(SEAL) (Signed) John A. Gale
Secretary of State

2018 General Election
Initiative Measure 427

A statutory initiative measure to provide that the state shall amend its Medicaid state plan to expand eligibility for medical assistance to cover certain adults ages 19 through 64 whose incomes are one hundred thirty-eight percent (138%) of the federal poverty level or below as defined by federal law, and to maximize federal financial participation to fund their care.

For 356,891
Against 309,533

The Secretary of State was escorted from the Chamber.

Senator Kolterman moved pursuant to Article IV, Section 4, to approve the report of the Secretary of State and the candidates stated therein be declared duly elected.

The motion prevailed.

MOTION - Inaugural Ceremonies

Senator Blood moved to arrange to hold the inaugural ceremonies for the newly elected state officials on Thursday, January 10, 2019, at 1:30 p.m.

The motion prevailed.
VISITOR(S)

The Doctor of the Day was Dr. Mark Jones from Lincoln.

ADJOURNMENT

At 1:25 p.m., on a motion by Senator Albrecht, the Legislature adjourned until 10:00 a.m., Thursday, January 10, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
The prayer was offered by Dr. Jane Florence, Saint Paul United Methodist Church, Lincoln.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Foley presiding.

The roll was called and all members were present except Senator McCollister who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the first day was approved.

MOTION - Adopt Temporary Rules

Senator Crawford moved that the rules, as now in our possession, be adopted until such time as the permanent rules are adopted pursuant to Rule 2, Section 1; provided that the temporary rules shall not continue after the twelfth legislative day, January 25, 2019.

The motion prevailed.

COMMITTEE ON COMMITTEES PRELIMINARY REPORT

Senator Hilkemann offered the following Committee on Committees report:

Agriculture (8)
Rm. 1524 - Tuesday
Halloran (C), Albrecht, Blood, Chambers, Hansen, B., Lathrop, Moser, Slama

Appropriations (9)
Rm. 1003 - Monday, Tuesday, Wednesday, Thursday, & Friday
Stinner (C), Bolz, Clements, Dorn, Erdman, Hilkemann, McDonnell, Vargas, Wishart
Banking, Commerce and Insurance (8)
Rm. 1507 - Monday & Tuesday
Williams (C), Gragert, Howard, Kolterman, La Grone, Lindstrom, McCollister, Quick

Business and Labor (7)
Rm. 1524 - Monday
Hansen, M. (C), Chambers, Crawford, Halloran, Hansen, B., Lathrop, Slama

Education (8)
Rm. 1525 - Monday & Tuesday
Groene (C), Brewer, Kolowski, Linehan, Morfeld, Murman, Pansing Brooks, Walz

General Affairs (8)
Rm. 1510 - Monday
Briese (C), Albrecht, Arch, Blood, Hunt, Lowe, Moser, Wayne

Government, Military and Veterans Affairs (8)
Rm. 1507 - Wednesday, Thursday, & Friday
Brewer (C), Blood, Gragert, Hansen, M., Hilgers, Hunt, Kolowski, Lowe

Health and Human Services (7)
Rm. 1510 - Wednesday, Thursday, & Friday
Howard (C), Arch, Cavanaugh, Hansen, B., Murman, Walz, Williams

Judiciary (8)
Warner Chamber - Wednesday, Thursday, & Friday
Lathrop (C), Brandt, Chambers, DeBoer, Morfeld, Pansing Brooks, Slama, Wayne

Natural Resources (8)
Rm. 1525 - Wednesday, Thursday, & Friday
Hughes (C), Albrecht, Bostelman, Geist, Halloran, La Grone, Moser, Quick

Nebraska Retirement Systems (6)
Rm. 1525 - At call of Chair
Kolterman (C), Bolz, Groene, Kolowski, Lindstrom, Stinner

Revenue (8)
Rm. 1524 - Wednesday, Thursday, & Friday
Linehan (C), Briese, Crawford, Friesen, Groene, Kolterman, Lindstrom, McCollister

Transportation and Telecommunications (8)
Warner Chamber - Monday & Tuesday
Friesen (C), Bostelman, Brandt, Cavanaugh, DeBoer, Geist, Hilgers, Hughes
Urban Affairs (7)
Rm. 1510 - Tuesday
Wayne (C), Arch, Briese, Crawford, Hansen, M., Hunt, Lowe

Committee on Committees (13)
Hilkemann (C)
District 1: District 2: District 3:
Bostelman Howard Erdman
Hilgers Lathrop Friesen
Pansing Brooks Lindstrom Groene
Morfeld Vargas Murman

Enrollment and Review (1)
Slama (C)

Reference (9)
Hilgers (C), Vargas (VC), Bolz, Chambers, Hughes, Kolterman, Lowe, McCollister, Scheer, Stinner (nonvoting ex officio)

Rules (6)
Crawford (C), Erdman, Howard, Hansen, M., Lathrop, Scheer (ex officio)

Executive Board of the Legislative Council (9)
Hilgers (C), Vargas (VC), Bolz, Chambers, Hughes, Kolterman, Lowe, McCollister, Scheer, Stinner (nonvoting ex officio)

ANNOUNCEMENT(S)
The Committee on Committees elected Senator Morfeld as Vice Chairperson.

MESSAGE(S) FROM THE GOVERNOR
April 19, 2018

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 appointed to the Technical Advisory Committee for Statewide Assessment:

Jeffrey Nellhaus, 4017 48th Street, Washington, DC 20016
Robert Henson, 4330 Aldemy Circle, High Point, NC 27265

Also, contingent upon your approval, the following individual is being
reappointed to the Technical Advisory Committee for Statewide Assessment:

Linda Poole, 5054 South 171 Avenue, Omaha, NE 68135

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

April 19, 2018

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 Niobrara Council:

Mary L. Mercure, 208 E. 6th Street, Valentine, NE 69201

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

April 19, 2018

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 Board of Emergency Medical Services:
Carl Rennerfeldt, 601 North 24th Street, Blair, NE 68008  
Randy Boldt, 1804 South 190th Street, Omaha, NE 68130  
Dr. John Bonta, 6000 South 98th Street, Lincoln, NE 68526  
Karen Bowlin, 400 Road West 30, Ogallala, NE 69153  
Ann Fiola, 132 North Walnut Street, Ainsworth, NE 69210  
Michael Miller, EdD, RN, NRP, 18427 Cinnamon Street, Omaha NE 68135

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

April 19, 2018

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 Rural Health Advisory Commission:

Cherlyn Hunt, 431 East Calkins Avenue, Elm Creek, NE 68836

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

April 19, 2018

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 Nebraska Arts Council:

Joyce Hasselbalch, 3520 S. 76 Street, Lincoln, NE 68506

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

April 19, 2018

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 Crime Victim's Reparation Committee:

Shawn Eatherton, 3207 Avenue K, Kearney, NE 68847

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 31, 2018

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 appointed to the Nebraska Commission on Problem Gambling:

Todd Zohner, 82998 562 Avenue, Stanton, NE 68779
Jeffrey Bomberger, 8631 Lavender Circle, Lincoln, NE 68505

Contingent upon your approval, the following individual is being reappointed to the Nebraska Commission on Problem Gambling:

Paul Leckband, 1606 Skyline Drive, Norfolk, NE 68701

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

June 7, 2018

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 Natural Resources Commission:

Donald P. Batie, 43590 Road 761, Lexington, NE 68850
Mark Czaplewski, 2747 Lakewood Drive, Grand Island, NE 68801
Don Kraus, 2019 Spalding Drive, Holdrege, NE 68949
Lindsey Smith, 941 North 10th Avenue, Broken Bow, NE 68822
Walter Dennis Strauch, 50189 Hilyard Drive, Mitchell, NE 69357
Loren Taylor, 1119 South 3rd Avenue, Broken Bow, NE 68822

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

July 27, 2018

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

Contingent upon your approval, the following individuals are being reappointed to the Crime Victim's Reparation Committee:

Michelle Schindler, 4630 Sugar Creek Court, Lincoln, NE 68516
Thomas Parker, 2695 Ponder Place, Gering, NE 69341

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

July 27, 2018

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 Nebraska Natural Resources Commission:

John Heaston, 6742 Crooked Creek Drive, Lincoln, NE 68516

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

July 27, 2018

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 reappointed to the Nebraska Ethanol Board:

Bradley B. Bird, 12018 County Road P30, Blair, NE 68008

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

July 27, 2018

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:

Allen Simpson, 2401 Ryons Street, 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

July 27, 2018

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 Climate Assessment Response Committee:

Bryan Tuma, Nebraska Emergency Management Agency, 2433 NW 24th Street, Lincoln, NE 68524

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

September 21, 2018

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 reappointed to the Nebraska Ethanol Board:

Michael S. Thede, 327 R Road, Palmer, NE 68864

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

September 26, 2018

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 as the Nebraska State Fire Marshal – Nebraska State Fire Marshal's Office:
Christopher Cantrell, 5415 W. Chancery Road, Lincoln, NE 68521

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

September 26, 2018

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 reappointed to the Nebraska Investment Council:

Gail Werner-Robertson, 1215 North 136th Street, Omaha, NE 68154

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

November 21, 2018

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 Nebraska State Electrical Board:

Mike Hunsberger, 44175 Drive 796, Broken Bow, NE 68822

Also, contingent upon your approval, the following individual is being
reappointed to the Nebraska State Electrical Board:

George Morrissey, PE, LEED, AP, ATD, 3333 North 140th Street, Omaha, NE 68164

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

November 21, 2018

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 Niobrara Council:

Lana S. Arrowsmith, 305 Backendorf, Bassett, NE 68714

Also, contingent upon your approval, the following individuals are being reappointed to the Niobrara Council:

Jason D. Appelt, 43043 Gobblers Roost Road, Ainsworth, NE 69210
Bradley A. Arrowsmith, 89067 Doc Middleton Drive, Bassett, NE 68714
Dallas D. Dodson, 89542 State Highway 97, Valentine, NE 69201
Dustin Hoefs, 90870 396th Avenue, Valentine, NE 69201
Mary L. Mercure, 208 East 6th Street, Valentine, NE 69201
Richard S. Mercure, 510 North Haley Street, Valentine, NE 69201

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
November 21, 2018

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 appointed to the Nebraska Arts Council:

Walter Seiler, 1208 Laramie Avenue, Alliance, NE 69301
Amy Haddad, 9605 Oak Circle, Omaha, NE 68124
Sarah Peetz, 940 Piedmont Road, Lincoln, NE 68510

Also, contingent upon your approval, the following individual is being reappointed to the Nebraska Arts Council:

Joyce Hasselbalch, 3520 South 76th Street, Lincoln, NE 68506

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

November 21, 2018

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 Rural Health Advisory Commission:

Lynette Kramer, M.D., 2612 Hillview Drive, Albion, NE 68620

Also, contingent upon your approval, the following individuals are being reappointed to the Rural Health Advisory Commission:

Kyle Klammer, M.D., 707 Lemay Drive, Bellevue, NE 68005
Cherlyn Hunt, 431 East Calkins Avenue, Elm Creek, NE 68836
Laeth Nasir, MBBS (M.D.), 1865 South 110 Street, Omaha, NE 68144
Michael Allen Sitorius, M.D., 8115 Jackson Street, Omaha, NE 68114
Rebecca A. Schroeder, Ph.D., 212 W. 9 Street, Curtis, NE 69025
Roger D. Wells, PA-C, 1518 Jay Street, St. Paul, NE 68873

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

November 26, 2018

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 Nebraska Board of Parole:

Robert W. Twiss, 433 Sherwood Drive, Gretna, NE 68028

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

December 27, 2018

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 as the Director of the Nebraska Department of Administrative Services:
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

COMMUNICATION(S)

August 6, 2018

Mr. Patrick O'Donnell
Clerk of the Legislature
Room 2018
State Capitol
P.O. Box 94604
Lincoln, NE 68509

Mr. O'Donnell:

This letter is to inform you that as of May 17, 2018, I was elected to be the Chairman of the Chief Standing Bear National Statuary Hall Selection Committee (LB807). This Committee was formed from the passage of LB807 during the 2018 Legislative Session.

If you need any other information, please feel free to contact me or my staff.

Thank you.

(Signed) Senator Tom Brewer
Nebraska Legislature
District 43

TB/jc

COMMUNICATION(S)

Received a copy of Senate Concurrent Resolution No. 40 from the state of Missouri relating to an application to Congress for the calling of an Article V convention of states to propose an amendment to the United States Constitution regarding term limits for members of Congress.
ATTORNEY GENERAL’S OPINIONS

Opinion 18-004

SUBJECT: Constitutionality of Refundable Income Tax Credits in Proposed Constitutional Amendment.

REQUESTED BY: Senator Steve Erdman
Nebraska Legislature

WRITTEN BY: Douglas J. Peterson, Attorney General
L. Jay Bartel, Assistant Attorney General

INTRODUCTION

You have requested our opinion concerning the constitutionality of a legislative resolution proposing to amend the Nebraska Constitution by adding a new section providing a refundable Nebraska income tax credit in the amount of thirty-five percent of property taxes paid by the taxpayer during the taxable year. The credit would be available for taxable years beginning on or after January 1, 2021. You ask us to address two questions regarding the constitutionality of the proposed constitutional amendment: (1) Does the proposal violate the dormant Commerce Clause?; and (2) Does the proposal discriminate against non-resident Nebraska property taxpayers?

ANALYSIS

A. Commerce Clause.

Recently, we addressed whether legislation proposing an income tax credit based on a percentage of property taxes paid during the taxable year violated the Commerce Clause. Op. Att’y Gen. No. 18-001 (March 21, 2018). We summarized the Commerce Clause principles relevant to analyzing the constitutionality of such legislation as follows:

The Commerce Clause authorizes Congress to "regulate Commerce...among the several States." U.S. Const. art. I, § 8, cl. 3. "Though phrased as a grant of regulatory power to Congress, the Clause has long been understood to have a 'negative' aspect that denies the States the power unjustifiably to discriminate against or burden the interstate flow of articles in commerce." Oregon Waste Systems, Inc. v. Dep't of Environmental Quality, 511 U.S. 93, 98 (1994) ["Oregon Waste Systems"]. This "negative command, known as the dormant Commerce
Clause, prohibit[s] certain state taxation even when Congress has failed to legislate on the subject." Oklahoma Tax Comm’n v. Jefferson Lines, Inc., 513 U.S. 175, 179 (1995). Under the four-part test adopted by the Court to govern the validity of state taxes under the Commerce Clause, a tax will be sustained against Commerce Clause challenge "when the tax is applied to an activity with a substantial nexus with the taxing State, is fairly apportioned, does not discriminate against interstate commerce, and is fairly related to the services provided by the State." Complete Auto Transit, Inc. v. Brady, 430 U.S. 274, 279 (1977).

"[T]he first step in analyzing any law subject to judicial scrutiny under the negative Commerce Clause is to determine whether it 'regulates evenhandedly with only "incidental" effects on interstate commerce, or discriminates against interstate commerce.'" Oregon Waste Systems, 511 U.S. at 99 (quoting Hughes v. Oklahoma, 441 U.S. 322, 336 (1979)). "[D]iscrimination' simply means differential treatment of in-state and out-of-state economic interests that benefits the former and burdens the latter." Oregon Waste Systems, 511 U.S. at 99. "[A] state tax that favors in-state business over out-of-state business for no other reason than the location of the business is prohibited by the Commerce Clause." American Trucking Ass'ns, Inc. v. Scheiner, 483 U.S. 266, 286 (1987). "[T]he degree of a differential burden or charge on interstate commerce 'measures only the extent of the discrimination' and 'is of no relevance to the determination whether a State has discriminated against interstate commerce.'" Oregon Waste Systems, 511 U.S. at 100 n.4 (quoting Wyoming v. Oklahoma, 502 U.S. 437, 455 (1992) (emphasis in original)).

In assessing if a state tax impermissibly discriminates against interstate commerce, a court must consider not only the tax, but also any credits, exemptions, or exclusions. See Maryland v. Louisiana, 451 U.S. 725, 756 (1981) (Invalidating Louisiana tax on use of natural gas in the state in part because allowing credits only to those engaged in in-state economic activity effectively immunized local interests from the tax); see also West Lynn Creamery, Inc. v. Healy, 512 U.S. 186, 211 (1994) (Scalia, J., concurring) ("[E]xemption from or 'credit' against a 'neutral tax' . . . no different in principle" than tax that directly discriminates against out-of-state interests). Various tax exemptions or credits have been held to violate the Commerce Clause. See, e.g., Camps Newfoundland/Owatonna, Inc. v. Town of Harrison, Maine, 520 U.S. 564 (1997) (Invalidating property tax exemption for charitable institutions that was limited to institutions serving principally state residents); New Energy Co. of Indiana v. Limbach, 486 U.S. 269 (1988) (Invalidating Ohio statute that provided tax credit for sales of ethanol produced in-state, but not ethanol produced in certain other states).

"[A] tax may violate the Commerce Clause if it is facially discriminatory, has a discriminatory intent, or has the effect of unduly burdening interstate commerce." Amerada Hess Corp. v. Director, Div. of Taxation, 490 U.S. 66, 75 (1989). "If a restriction on commerce is
discriminatory, it is virtually per se invalid." *Oregon Waste Systems*, 511 U.S. at 99. A discriminatory law will be invalidated unless "it advances a legitimate local purpose that cannot be adequately served by reasonable nondiscriminatory means." *Id.* at 100 (quoting *New Energy Co. of Ind. v. Limbach*, 486 U.S. 2169, 278 (1988)). "By contrast, nondiscriminatory regulations that have only incidental effects on interstate commerce are valid unless 'the burden imposed on such commerce is clearly excessive in relation to the putative local benefits.' *Oregon Waste Systems*, 511 U.S. at 99 (quoting *Pike v. Bruce Church*, 397 U.S. 137, 142 (1970)).


Under LB 829, one of the legislative proposals addressed in our recent opinion, a refundable income tax credit was allowed "to each taxpayer...in the amount of fifty percent of the school district taxes levied on the taxpayer's property and paid by the taxpayer during [the] taxable year." LB 829, § 3. While "taxpayer" was not defined, we noted "it presumably refer[ed] to all taxpayers subject to Nebraska income tax." Op. Att'y Gen. No. 18-001 at 7. As noted, "taxpayers" subject to Nebraska income tax can include both resident and nonresident individuals and entities. We concluded that, "by stating 'each taxpayer' [was] entitled to the credit, we interpret[ed] the bill to extend the credit to any taxpayer subject to the Nebraska income tax, resident or nonresident." *Id.* As "[a]vailability of the credit [was] based on whether a person or entity [was] subject to Nebraska income tax and pa[id] property tax in Nebraska, not residency...," we concluded "the bill [did] not discriminate on its face against nonresidents subject to Nebraska income tax." *Id.*

We noted, however, that LB 829's limitation of the credit to persons or entities subject to Nebraska income tax "result[ed] in different treatment of some nonresidents." *Id.* Specifically, we stated:

In this regard, nonresidents who do not have income sourced to Nebraska and are thus not subject to income tax, but own property on which taxes are paid, would receive no income tax credit. While this may not impact a significant number of nonresidents, there is no "de minimis' defense to a
charge of discriminatory taxation under the Commerce Clause. "Fulton Corp. v. Faulkner, 516 U.S. 325, 334 n.3 (1996). The income tax credit is intended to provide tax relief to property taxpayers. By allowing the credit only to those subject to income tax, some property taxpayers (nonresidents that pay property taxes but are not subject to income tax) are denied relief. This discrimination against certain nonresidents would disfavor primarily out-of-state interests, which the Commerce Clause prohibits absent a showing that limiting the credit advances a legitimate local interest that cannot adequately be served by nondiscriminatory alternatives. Accordingly, to remove any potential impermissible discrimination, the credit should be extended to all property taxpayers, resident and nonresident, whether or not they are subject to Nebraska income tax. As the credit is refundable, a mechanism should be created to allow the credit to be claimed by those not otherwise subject to Nebraska income tax.


While rules governing the interpretation of statutes generally apply to constitutional provisions, constitutional provisions "receive a broader and more liberal construction than statutes." Hall v. Progress Pig, Inc., 259 Neb. 407, 414, 610 N.W.2d 420, 427 (2000). "Constitutional provisions, like statutes, are not open to construction as a matter of course; construction is appropriate only when it has been demonstrated that the meaning of the provision is not clear and therefore that construction is necessary." Pig Pro Nonstock Coop. v. Moore, 253 Neb. 72, 81, 568 N.W.2d 217, 223 (1997). "The words and terms of a constitutional provision are to be interpreted and understood in their most natural and obvious meaning, unless the subject indicates or the text suggests that they have been used in a technical sense." State ex rel. Douglas v. Beermann, 216 Neb. 849, 853-54, 347 N.W.2d 297, 301 (1984).

The language of the legislative resolution proposing to amend the constitution to provide a refundable income tax credit makes no distinction based on residency or Nebraska income tax liability. Rather, it states a credit is provided against Nebraska income tax in an amount equal to thirty-five percent of property taxes "levied on real property located in this state" and "[p]aid by the taxpayer during the taxable year." Unlike LB 829, which utilized the term "taxpayer" to refer to a person or entity subject to Nebraska income tax, the legislative resolution uses the term "taxpayer" to refer to the person or entity paying property taxes on real property in Nebraska. Thus, qualification for the credit is based on payment of real property taxes in Nebraska, not residency of the taxpayer, or the taxpayer being subject to Nebraska income tax. As the refundable income tax credit provided by this resolution would be available to any real property taxpayer, there would be no potential for improper discrimination against nonresidents or out-of-state interests which could run afoul of the Commerce Clause.
B. Discrimination Against Non-Resident Nebraska Property Taxpayers.

Your second question, which asks if the proposed constitutional amendment would impermissibly "discriminate against non-resident Nebraska property taxpayers," does not identify any specific constitutional provision which the amendment may violate. As it pertains to unconstitutional discrimination against non-residents, it is appropriate to consider if the proposal violates the Privileges and Immunities Clause. U.S. Const. art. IV, § 2. That clause provides: "The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens of the several States."

The object of the Privileges and Immunities Clause is to "strongly…constitute the citizens of the United States one people," by "placer[ing] the citizens of each State upon the same footing with citizen of other States, so far as the advantages resulting from citizenship in those States are concerned." Paul v. Virginia, 75 U.S. (8 Wall.) 168, 180 (1868). "[T]he clause plainly and unmistakably secures and protects the right of a citizen of one State to pass into any other State of the Union for the purpose of engaging in lawful commerce, trade, or business without molestation; to acquire personal property; to take and hold real estate; to maintain actions in the courts of the State; and to be exempt from any higher taxes or excises than are imposed by the State upon its own citizens." Ward v. Maryland, 79 U.S. (12 Wall.) 418, 430 (1870).3

"Like many other constitutional provisions, the privileges and immunities clause is not an absolute." Toomer v. Witsell, 334 U.S. 385, 396 (1948) ["Toomer"]. As explained in Toomer, the clause proscribes discrimination against citizens of other States where there is no substantial reason for the discrimination beyond the mere fact that they are citizens of other States. But it does not preclude disparity of treatment in the many situations where there are perfectly valid independent reasons for it. Thus, the inquiry in each case must be concerned with whether such reasons do exist and whether the degree of discrimination bears a close relationship to them. The inquiry must also, of course, be conducted with due regard for the principle that the States should have considerable leeway in analyzing local evils and in prescribing appropriate cures. 334 U.S. at 396.

Thus, in analyzing whether a law distinguishing between residents and nonresidents contravenes the Privileges and Immunities Clause, the inquiry focuses on whether "(i) there is a substantial reason for the difference in treatment; and (ii) the discrimination against nonresidents bears a substantial relationship to the State's objective." Supreme Court of New Hampshire v. Piper, 470 U.S. 274, 284 (1985).

State laws which deny nonresidents a general tax exemption or deduction without substantial justification have been held to violate the Privileges and
Immunities Clause. See, e.g., *Lunding v. New York Tax Appeals Tribunal*, 522 U.S. 287 (1998) (No substantial justification supported statute that effectively denied only nonresident taxpayers an income tax deduction for alimony paid.); *Travis v. Yale & Towne Mfg. Co.*, 252 U.S. 60 (1920) ["Travis"] (Invalidating statute that denied only nonresidents an exemption from tax on a certain threshold of income.). States may, however, limit nonresidents' deductions of business expenses and nonbusiness deductions based on the relationship between those expenses and in-state property or income. *Schaffer v. Carter*, 252 U.S. 37 (1920) (Upholding Oklahoma statute denying deductions for out-of-state losses to nonresidents who were subject to Oklahoma's tax on in-state income.); *Travis*, 252 U.S. at 75-76 (Recognizing that *Schaffer* "settled…[t]hat there is no unconstitutional discrimination against citizens of other states in confining the deduction of expenses, losses, etc., in the case of nonresident taxpayers, to such as are connected with income arising from sources within the taxing state.").

Statutes limiting property tax relief or credits to resident property owners have been held to violate the Privileges and Immunities Clause. *Borden v. Selden*, 259 Iowa 808, 146 N.W.2d 306 (1966) (Invalidating agricultural land tax credit applicable only to land owned by residents.); *Opinion of the Judges*, 81 S.D. 629, 140 N.W.2d 34 (1966) (Definition of "individual taxpayer" qualified to receive distributions of tax relief in the form of a credit and refund was unconstitutional as it was limited to resident owners of real or personal property.).

In *Anderson v. Tiemann*, 182 Neb. 393, 155 N.W.2d 322 (1967), the Nebraska Supreme Court held that allowing only residents a "food sales tax credit" against Nebraska income tax did not constitute unjust or unreasonable discrimination under the Privileges and Immunities Clause. Initially, the court noted that the credit was part of the sales tax rather than the income tax, and it "seem[ed] reasonable for the Legislature to determine that generally a state sales tax on food for personal use will be paid almost universally by residents of the state, while purchases of such foods in the state by nonresidents are ordinarily minimal." *Id.* at 405, 155 N.W.2d at 330. It emphasized that the cases cited to support the claim the credit was invalid were "either property tax cases or income tax cases involving personal exemptions," not sale tax cases. *Id.* at 407, 155 N.W.2d at 331. The court found that, "[v]iewed as a form of state sales tax exemption, the classification between residents and nonresidents as to the credit or refund of sales taxes on food for personal use is supported by valid independent reasons other than mere residence." *Id.* Nor would the result be different if the credit were treated as part of the income tax, as "[a] credit or deduction on income tax for sales taxes paid on food for personal use should logically be treated as a personal expense deduction, as opposed to a business expense deduction." *Id.* The court concluded by stating:

In our opinion, there are substantial reasons for the disparity of treatment between residents and nonresidents and the classification is not discriminatory nor arbitrary. Many facts support this classification, whether the credit, refund, or deduction, be viewed from the aspect of a
sales tax or an income tax. The Legislature may have been of the opinion that food purchases for personal use are so closely related to the state of residence, particularly with respect to the imposition of a state sales tax, that any exemption, credit, deduction, or refund should be allowed only by the state of residence and not by every other state in which some part of the taxpayer's income might be found and taxed. The wisdom of such a legislative policy is a matter for legislation rather than judicial decision. We hold that the allowance and limitation of the food sales tax credit only to residents does not constitute unjust or unreasonable discrimination under the privileges and immunities and equal protection clauses of the Fourteenth Amendment. 182 Neb. at 408, 155 N.W.2d at 332.

As noted in response to your first question, the language of the legislative resolution proposing to amend the constitution to provide a refundable income tax credit makes no distinction based on residency or Nebraska income tax liability. Rather, it states a credit is provided against Nebraska income tax in an amount equal to thirty-five percent of property taxes "levied on real property located in this state" and "paid by the taxpayer during the taxable year." Thus, qualification for the credit is based on payment of real property taxes in Nebraska, not residency of the taxpayer, or the taxpayer being subject to Nebraska income tax. As the refundable income tax credit provided by this resolution would be available to any real property taxpayer, there would be no potential for improper discrimination against nonresidents that would violate the Privileges and Immunities Clause.

CONCLUSION

The refundable income tax credit provided under the proposed constitutional amendment is not limited to Nebraska residents. Accordingly, it does not discriminate against nonresidents or primarily out-of-state interests in violation of the Commerce Clause. Also, as eligibility for the credit is not limited to Nebraska residents, it does not run afoul of the Privileges and Immunities Clause.

Very truly yours,
DOUGLAS J. PETERSON
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

pc Patrick J. O'Donnell
Clerk of the Nebraska Legislature

07-1109-29

1 Corporations operating as a unitary business both within and outside Nebraska determine taxable income by use of an apportionment formula. Neb. Rev. Stat. §§ 77-2734.05 and 77-2734.06 (2009).
The proposed amendment requires the Legislature to "provide by law" for the refundable credit. Thus, to be consistent with the language of the amendment, legislation to implement the credit must provide a means for all property taxpayers, resident or non-resident, to claim the credit, whether or not they are subject to Nebraska income tax.

While the terms "resident" and "citizen" are not synonymous, "a general taxing scheme...[that] discriminates against all nonresidents, has the necessary effect of including in the discrimination those who are citizens of other states." *Travis v. Yale & Towne Mfg. Co.*, 252 U.S. 60, 79 (1920).

**Opinion 18-006**

**SUBJECT:** Whether the Nebraska Legislature's Archived Videos of Committee Hearings and Floor Debates Are "Public Records" Under the Nebraska Public Records Statutes

**REQUESTED BY:** Senator Suzanne Geist

Nebraska State Legislature

**WRITTEN BY:** Douglas J. Peterson, Attorney General

Leslie S. Donley, Assistant Attorney General

You have requested an opinion from this office with respect to the "archived videos of committee hearings and floor debate" of the Nebraska Legislature. You indicate that you are contemplating introducing legislation that would explicitly make the videos public records, but would like us to clarify whether legislation is needed. In your opinion request letter, you state that Patrick J. O'Donnell, Clerk of the Nebraska Legislature, testified on Legislative Bill 1018, a bill you introduced during the 2018 legislative session. Mr. O'Donnell stated that the Nebraska Legislature has "significant quantities of digitized files that are maintained both on our server system as well as backup files at NET [Nebraska Educational Television]," and that the Legislature owned the files. You further indicate that transcribers and committee clerks have access to the archived videos, "but other legislative employees, senators and the public are denied access."

**PREVIOUS DISPOSITION**

On May 1, 2018, this office issued its disposition in File No. 18-R-113; Clerk of the Legislature; Debra A. Portz, Petitioner ("Portz") This letter was written in response to a petition submitted to our office under Neb. Rev. Stat. § 84-712.03(1)(b) (2014, 2018 Neb. Laws LB 193) of the Nebraska Public Records Statutes, Neb. Rev. Stat. §§ 84-712 to 84-712.09 (2014, Cum. Supp. 2016) ("NPRS"). Under § 84-712.03(1)(b), any person denied any rights granted under §§ 84-712 to 84-712.03 may petition the Attorney General to determine whether the petitioner has been denied access to public
records, or whether the public body involved is otherwise not in compliance with the provisions of the NPRS.

The petitioner in Portz had submitted a public records request to the Clerk of the Legislature seeking a copy of archived videos of floor debate for legislative bill 295 for two days in March 2018. The petitioner noted that written transcripts of the floor debate were not currently available. Mr. O'Donnell denied the request, indicating that the Legislature does not make audio and video files available because they are not considered "official records." Mr. O'Donnell explained that the audio and video files are not public records themselves, but are electronic files used by legislative staff to create transcripts of the proceedings. According to Mr. O'Donnell, the transcripts constitute the official public records of legislative committee hearings and floor debate. The transcripts are then made available to the public through the Legislature's website or upon request to the Clerk's office. In lieu of providing a copy of the video, Mr. O'Donnell offered to provide the petitioner a rough draft transcript.

In addition to his position that audio and video recordings of legislative proceedings do not constitute "public records," Mr. O'Donnell noted other concerns associated with producing the audio and video files in his denial letter, including: (1) the costly storage requirements and the need for staff to manage the files; (2) issues associated with authenticating the files for administrative and judicial proceedings; (3) lack of staff to handle requests for the files if offered to the public; (4) lack of technology (hardware, software, and trained staff) to manage the files; and (5) the lack of search capability for extremely large files. Mr. O'Donnell also argued that Neb. Rev. Stat. § 84-712(3)(e) did not require his office to produce public records in a different format from that of the original public record. Mr. O'Donnell indicated that the Legislature's Executive Board considered this issue twice in the last three years, and has not changed its policy denying release of archived video. He asserted that making transcripts available via the Legislature's "website is the most viable, cost-efficient way to serve the public and maintain our Legislature's historical commitment to providing openness and transparency." Portz at 2.

Upon review, we determined that the audio and video recordings of committee hearings and floor debate fell within the definition of public records set out in the NPRS. We also determined that there was no statutory basis to withhold the recordings. We rejected the notion that producing copies of the recordings would require the Clerk's office to produce records "in a new or different format modified from that of the original public record," noting that the recordings currently exist as a digital record and could be produced as a digital record. Under these circumstances, the written transcripts represent a new and different format, not the recordings themselves. As a result of our findings, we directed Mr. O'Donnell to produce the requested recordings to the petitioner at his earliest possible convenience.
DISCUSSION


[except as otherwise expressly provided by statute, all citizens of this state and all other persons interested in the examination of the public records as defined in section 84-712.01 are hereby fully empowered and authorized to (a) examine such records, and make memoranda, copies using their own copying or photocopying equipment in accordance with subsection (2) of this section, and abstracts therefrom, all free of charge, during the hours the respective offices may be kept open for the ordinary transaction of business and (b) except if federal copyright law otherwise provides, obtain copies of public records in accordance with subsection (3) of this section during the hours the respective offices may be kept open for the ordinary transaction of business.]

This basic language guaranteeing access to governmental records has been in existence since 1866. In 1979, the Nebraska Legislature enacted the following definition of "public records":

Except when any other statute expressly provides that particular information or records shall not be made public, public records shall include all records and documents, regardless of physical form, of or belonging to this state, any county, city, village, political subdivision, or tax-supported district in this state, or any agency, branch, department, board, bureau, commission, council, subunit, or committee of any of the foregoing. Data which is a public record in its original form shall remain a public record when maintained in computer files.


However, access to records is not absolute. An exception exists "when any other statute expressly provides that particular information or records shall not be made public . . . ."\(^6\) In addition, Neb. Rev. Stat. § 84-712.05 currently contains twenty-one categories of public records that may be withheld at the discretion of the public body involved so long as those records have not been "publicly disclosed in an open court, open administrative proceeding, or open meeting or disclosed by a public entity pursuant to its duties . . . ." Neb. Rev. Stat. § 84-712.08 permits the suspension of certain provisions of the NPRS and the Open Meetings Act when the application of those provisions would result in the loss of federal funds, services or essential information available to a state agency.

In Nebraska, statutory language is to be given its plain and ordinary meaning; an appellate court will not resort to interpretation to ascertain the meaning of statutory words which are plain, direct, and unambiguous.
In discerning the meaning of a statute, a court must determine and give effect to the purpose and intent of the Legislature as ascertained from the entire language of the statute considered in its plain, ordinary, and popular sense. *Aksamit*, 299 Neb. at 123, 907 N.W.2d at 308; *State v. Gilliam*, 292 Neb. 770, 781, 874 N.W.2d 48, 57 (2016). When the Legislature provides a specific definition for purposes of a section of an act, that definition is controlling. *Farmers*, 296 Neb. at 356, 893 N.W.2d at 736.

The definition of "public records" encompasses "all records and documents, regardless of physical form, of or belonging to . . . any . . . branch . . . ". Courts often turn to dictionaries to ascertain a word's plain and ordinary meaning. *Gilliam*, 292 Neb. at 781, 874 N.W.2d at 57. For example, "record" in this context may be defined as "1. [a] documentary account of past events, usu. designed to memorialize those events. 2. information that is inscribed on a tangible medium or that, having been stored in an electronic or other medium, is retrievable in perceivable form." BLACK'S LAW DICTIONARY 1301 (10th ed. 2014). "Physical" is defined as "having material existence: perceptible especially through the senses and subject to the laws of nature." "Form" relates to "one of the different modes of existence, action, or manifestation of a particular thing or substance: kind." The phrase "of or belonging to," construed in *Evertson v. City of Kimball*, 278 Neb. 1, 767 N.W.2d 751 (2009), "includes any documents or records that a public body is entitled to possess—regardless of whether the public body takes possession. The public's right of access should not depend on where the requested records are physically located." *Id.* at 9, 767 N.W.2d at 759. The word "branch" denotes a "division of an institution [the executive, legislative, and judicial branches of government]." BLACK'S LAW DICTIONARY 199 (10th ed. 2014).

The archived video recordings of committee hearings and floor debate are documentary accounts of legislative proceedings. The recordings are produced and stored in an electronic medium. The recordings are retrieved by legislative staff for the purpose of preparing written transcripts of the proceedings. While NET broadcasts and streams the proceedings, and maintains a copy of the broadcasts, the Nebraska Legislature retains ownership of the content. See *infra* at 1. In this regard, there is no question that the recordings are "of or belonging to" the Nebraska Legislature. It is also axiomatic that the Nebraska Legislature is a branch of Nebraska state government. "The powers of the government of this state are divided into three distinct departments, the legislative, executive, and judicial . . . ." Neb. Const. art. II, § 1. "The legislative authority of the state shall be vested in a Legislature consisting of one chamber." Neb. Const. art. III, § 1. Applying the plain and ordinary meaning of these terms to the definition of public
records in § 84-712.01(1) leads us to conclude, without equivocation, that recordings of legislative proceedings are public records.

Moreover, we are unaware of any other statute that would make the recordings not a public record. And there is no exception in § 84-712.05 that would allow the Clerk, at his discretion, to withhold the recordings from disclosure. This fact is plainly evidenced by the attempt to add "[a]udio and video recordings of the proceedings of the Legislature or of a committee or division of the Legislature" to § 84-712.05 during the last legislative session. The waiver provisions in § 84-712.08 do not apply to the Nebraska Legislature. Consequently, since the recordings at issue fall within the definition of public records set out in § 84-712.01(1), and there is no statute that otherwise provides that the records are not public records or, alternatively, are public records but may be withheld, the recordings must be made available to a Nebraska citizen or other interested person in response to a request made under § 84-712.

"[T]he Legislature exercises a power constitutionally committed to it by enacting statutes to declare what is the law and public policy." *State ex rel. Veskmna v. Steel*, 296 Neb. 581, 598, 894 N.W.2d 788, 800 (2017). "In enacting the public records statutes, the Legislature has determined that the welfare of the people is best served through liberal public disclosure of the records of the three branches of government." *Id.; Aksamit*, 299 Neb. at 122, 907 N.W.2d at 307 (2018). "Nebraska, like the federal government and many other states, has broad public records laws that generally provide open access to governmental records." *State ex rel. Adams Cty. Historical Society v. Kinyoun*, 277 Neb. 749, 754, 765 N.W.2d 212, 217 (2009). In view of these legal principles, the Legislature's long-held policy that the recordings of committee hearings and floor debate are not public records is untenable. Consequently, we would strongly suggest that the Legislature take affirmative steps, either independently or in conjunction with NET, to resolve the ongoing issues and concerns relating to producing copies of the recordings in response to public records requests made pursuant to § 84-712. Alternatively, the Legislature should consider legislation which would allow the Clerk to withhold the recordings at his discretion.

**CONCLUSION**

Based on the foregoing, we conclude that archived video of floor debate and committee hearings are public records under the NPRS. No other statutory provisions exist which would allow the recordings to be kept confidential. Consequently, in light of our conclusion, there is no need for you to pursue clarifying legislation on this matter at this time.

Sincerely,

DOUGLAS J. PETERSON
Attorney General

(Signed) Leslie S. Donley
Assistant Attorney General
1 LB 1018 contained three components. First, it established that audio and video recordings of legislative proceedings are not the "official records" of the proceedings and are not "admissible in any proceeding as evidence of legislative history, actions, or intent." Second, it created a requirement for "[a]ny government web site offering access to audio and video recordings" of legislative proceedings to notify users that the recordings "shall not be used for political or commercial purposes." Third, the bill added "[a]udio and video recordings of the proceedings of the Legislature or of a committee or division of the Legislature" to the list of public records that could be withheld from disclosure at the discretion of the lawful custodian. See Neb. Rev. Stat. § 84-712.05. LB 1018 did not advance from committee.


5 "The whole theory [of LB 86] is, the documents prepared by public agencies are public except if another statute already makes them not public or if they are listed in these particular seven exceptions [enumerated later in the bill]." Hearing of the Government, Military and Veterans Affairs Committee on LB 86, 86th Neb. Leg., 1st Sess. (Feb. 9, 1979) at 4.

SUBJECT: Whether the fees charged to participants in the Nebraska Educational Savings Plan Trust are public funds and whether the Legislature may transfer an excess of those fees into the General Fund.

REQUESTED BY: Senator John P. Stinner, Nebraska State Legislature
Don Stenberg, Nebraska State Treasurer

WRITTEN BY: Douglas J. Peterson, Attorney General
Natalee J. Hart, Assistant Attorney General

INTRODUCTION

You have each requested our opinion on questions which have followed the issuance of Op. Att'y Gen. 18-003 (July 18, 2018) relating to an account which was maintained by the State Treasurer for the purpose of paying administrative costs associated with the Nebraska Educational Savings Plan Trust. In our prior opinion, we determined that the monies held in that account by the State Treasurer (designated the "Fee Account" therein) must be deposited in an account set up for that purpose by the Legislature, the "Expense Fund." However, we declined to opine on the question of whether the funds in that account were "public funds," as such a determination was unnecessary at that time. You have both now asked us to issue an opinion on this issue. Senator Stinner has posed the following question:

(1) Were the "Fee Account" funds, as reported under the Auditor's August 14, 2018, attestation report, "money of the state" (or "public money" or "public funds") for purposes of Neb. Rev. Stat. § 84-602 (Cum. Supp. 2016)?
Senator Stinner has indicated that he intends to bring legislation concerning this issue; accordingly, it is now appropriate for us to opine on the nature of the funds in the Expense Fund. Treasurer Stenberg has also asked us to opine on this same question. Additionally, Treasurer Stenberg has posed two other questions to this office:

(2) Whether the portion of Neb. Rev. Stat. § 85-1807(4), which authorizes the Legislature to transfer funds from the Expense Fund of the Nebraska Educational Savings Trust to the General Fund, is constitutional?

(3) If the Legislature were to transfer funds from the College Savings Plan Expense Fund to the General Fund, would that be a violation of federal securities law?

BACKGROUND

In. Op. Att'y Gen. No. 18-003 we were asked by the State Treasurer and the State Auditor to opine as to whether the Treasurer was permitted to maintain a bank account outside of the state accounting system, which served to pay expenses related to the Nebraska Educational Savings Plan Trust ("NESPT") fund. The funds in that outside account originated with fees charged to investors. We determined that because Neb. Rev. Stat. § 85-1807 specifically provided for the deposit of such fees in the "Expense Fund," the Treasurer was required to utilize that fund and not an outside account. In Op. Att'y Gen. No. 18-003 we were concerned primarily with whether the Treasurer could maintain a bank account outside of the state accounting system in which to deposit and store these fees; we were not concerned with the nature of the funds, as the character of the funds was inapplicable to the question of where the funds were statutorily required to be deposited. Consequently, we declined to opine as to whether the funds in the Expense Fund were public funds. This opinion will now examine that question and related questions posed by the Treasurer.

The State Treasurer has been granted duties and responsibilities to implement and administer NESPT, a public trust established for investment by individuals for future educational use. Neb. Rev. Stat. §§ 85-1801 through 85-1814 (2014). The Legislature has established three separate funds for the State Treasurer to administer in relation to NESPT: (1) The College Savings Plan Program Fund ("Program Fund"), (2) the College Savings Plan Expense Fund ("Expense Fund"), and (3) the College Savings Plan Administrative Fund ("Administrative Fund"). Neb. Rev. Stat. § 85-1807(1). The State Treasurer is required to deposit money received by the trust into the appropriate fund and the funds "shall be separately administered." Id. Money in each of the funds is to be invested by the State Investment Officer when such funds are available. Neb. Rev. Stat. § 85-1807(2)-(4). The Program Fund consists of all deposits and investment income from investors in NESPT. Neb. Rev. Stat. § 85-1807(2).
In implementing NESPT, the Treasurer is permitted to "establish, impose, and collect administrative fees and charges in connection with transactions of the trust, and provide for reasonable service charges, including penalties for cancellations and late payments with respect to participation agreements." Neb. Rev. Stat. § 85-1804(10) (2014). The administrative fees authorized by this statute are to be deposited into the Expense Fund.

The expense fund shall be used to pay costs associated with the Nebraska educational savings plan trust and shall be funded with fees assessed to the program fund. . . . Transfers may be made from the expense fund to the General Fund at the direction of the Legislature. Any money in the expense fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.


The Legislature appropriates funds from the Expense Fund into the Administrative Fund in order to pay the costs of "administering, operating, and maintaining" the NESPT trust. Neb. Rev. Stat. § 85-1807(3). No General Fund appropriations are to be used to operate NESPT. Neb. Rev. Stat. § 85-1807(1). Neb. Rev. Stat. § 85-1813 provides that the assets of the Program Fund are to be held in trust for the participants and beneficiaries and no property rights exist in the State to this fund, but expressly excludes the Administrative Fund and the Expense Fund from these stipulations:

The assets of the Nebraska educational savings plan trust, including the program fund and excluding the administrative fund and the expense fund, shall at all times be preserved, invested, and expended solely and only for the purposes of the trust and shall be held in trust for the participants and beneficiaries. No property rights in the trust shall exist in favor of the state. Such assets of the trust shall not be transferred or used by the state for any purposes other than the purposes of the trust.

Your questions concern whether the monies found in the Expense Fund are "public funds" and whether those funds may be lawfully transferred from the Expense Fund to the General Fund as authorized by Neb. Rev. Stat. § 85-1807(4). Our responses to your questions are set out below.

ANALYSIS

Whether the funds in the Expense Fund are "public funds."

Your first question as posed to us is whether the "Fee Account" funds, as reported under the Auditor's August 14, 2018, attestation report, are "money of the state" (or "public money" or "public funds") for purposes of Neb. Rev. Stat. § 84-602 (Cum. Supp. 2016). As the funds which were maintained in the "Fee Account" as referenced in Op. Att'y Gen. No. 18-003 were transferred to the Expense Fund in August 2018, we will rephrase your
question to be whether the funds in the Expense Fund, derived directly from fees charged of NESPT participants, are public funds or monies of the state.

Neb. Rev. Stat. § 84-602 provides, in pertinent part, that "[i]t shall be the duty of the State Treasurer: (1) [t]o receive and keep all money of the state not expressly required to be received and kept by some other person . . . . ."

The phrase "money of the state" is not defined for purposes of § 84-602(1). "Money of the state" is also often referred to as "public funds." "Public funds" is defined only once in Nebraska statute, in relation to the budgets of cities, counties, and other political subdivisions. While not directly germane to the question before us, Neb. Rev. Stat. § 13-503(7) (Cum. Supp. 2016) may provide some insight as to what "public funds" means in Nebraska: "[p]ublic funds means all money, including nontax money, used in the operation and functions of governing bodies."

Absent a statutory definition, "money of the state" or "public funds" should be given its plain and ordinary meaning. See In re Interest of Jeremy T., 257 Neb. 736, 600 N.W.2d 747 (1999). Where the words of a statute are plain, direct, and unambiguous, no interpretation is necessary to ascertain their meaning. Governors of Knights of Ak-Sar-Ben v. Dept of Revenue, 217 Neb. 518, 349 N.W.2d 385 (1984); Garreans v. City of Omaha, 216 Neb. 487, 345 N.W.2d 309 (1984). A court will not read meaning into a statute that is not warranted by the legislative language, and it will not read anything plain, direct, and unambiguous out of a statute. State ex rel. Douglas v. Herrington, 206 Neb. 516, 294 N.W.2d 330 (1980). "Public funds" are commonly defined as "[t]he revenue or money of a governmental body" while "general fund" is defined as "[a] government's primary operating fund . . . . A general fund is distinguished from assets of a special character such as trust, escrow, and special purpose funds." Black's Law Dictionary 682 (7th ed. 1999).

We have indicated previously that "state funds" involve monies which are generated by the operation of general state law such as state fees and state taxes. "[T]he Nebraska Supreme Court and other authorities define public funds as those funds belonging to the state or a political subdivision that the state has collected in accordance with general law." Op. Att'y Gen. No. 07016, p. 2 (September 24, 2007). Funds are not public funds when they have been segregated for a specific use and cannot lawfully be used for any other purpose. Id. "Special purpose funds in the custody of the State that are earmarked for particular purposes are not public funds." Id. In distinguishing between state and nonstate funds, we have maintained that "[s]tate funds are those monies which are generated by state fees or state taxes. Nonstate funds are those which the state receives from outside sources." Op. Att'y Gen. No. 87114, p. 1 (December 9, 1987). "[N]onstate funds must be appropriated for purposes defined by the sources of the funds." Id at 2. Custodial funds held for a specific purpose are not state monies. Merely depositing funds within a state treasury does not in itself make them state funds; "only monies raised by operation of some general state law become state funds." Op. Att'y Gen. No. 87001, p. 1 (January 6, 1987).
Neb. Rev. Stat. § 85-1807(4) provides that the Expense Fund "shall be used to pay costs associated with the [NESPT] trust." Neb. Rev. Stat. § 85-1807(3) provides that the Administrative Fund is to be funded by appropriation from the Expense Fund and "shall be utilized to pay for the costs of administering, operating, and maintaining the trust. . ." However, Neb. Rev. Stat. § 85-1807(4) further provides that "transfers may be made from the expense fund to the General Fund at the direction of the Legislature." We must also be cognizant of the express exclusion of the Expense Fund from the trust created from the Program Fund and the requirement that the funds invested by participants be "preserved, invested, and expended solely and only for the purposes of the trust and shall be held in trust for the participants and beneficiaries." Neb. Rev. Stat. § 85-1813. Further, while as to the Program Fund the state has no property rights and may not transfer or use those assets for any purpose other than the trust, the same prohibition is not made as to the Expense Fund or the Administrative Fund. Id.

These statutes provide conflicting indications of the nature of the Expense Fund as public or nonpublic and we must attempt to reconcile their meaning. We are guided by the following principles in that undertaking. Effect must be given to every word of a statute, since the Legislature is presumed to have intended every provision of a statute to have a meaning. Iske v. Papio Nat. Resources Dist., 218 Neb. 39, 352 N.W.2d 172 (1984). Different provisions of a statute must be reconciled to make them logical, harmonious, and sensible. Ledwith v. Bankers Life Ins. Co., 156 Neb. 107, 54 N.W.2d 409 (1952). In determining legislative intent, it is necessary to examine the statute as a whole, in light of its objects and purposes. See Sorensen v. Meyer, 220 Neb. 457, 370 N.W.2d 173 (1985); Adkisson v. City of Columbus, 214 Neb. 129, 333 N.W.2d 661 (1983).

The State Treasurer's position is that the funds in the Expense Fund are not public funds. In support of this, the Treasurer points us to Allen v. City of Omaha, 136 Neb, 620, 286 N.W. 916 (1939) and Sherard v. State of Nebraska, 244 Neb. 743, 509 N.W.2d 194 (1993). In Allen, the court considered whether a city pension fund for police officers was a "public fund" for purposes of awarding attorney's fees to the prevailing party. The court discussed only the fund which contained participant contributions and investment income, and discussed other similar trust funds, each of which are akin to the Program Fund of NESPT, in holding that the pension fund was not a public fund. The court stated:

"The term 'public funds' means funds belonging to the state or to any county or political subdivision of the state; more specifically taxes, customs, moneys, etc., raised by the operation of some general law, and appropriated by the government to the discharge of its obligations, or for some public or governmental purpose; and in this sense it applies to the funds of every political division of the state wherein taxes are levied for public purposes. The term does not apply to special funds, which are collected or voluntarily contributed, for the sole benefit of the
contributors, and of which the state is merely the custodian." In conformity therewith it has been held that a state hail insurance fund raised from hail insurance premiums was not a public fund. A state bonding fund raised from the collection of bond premiums was not a public fund. A state compensation fund maintained by contributions of employers is a special and not a public fund. Funds paid to the state forester for fire protection by those whose property was benefited are not state funds.

Allen, 136 Neb. at 625, 286 N.W. at 919 (internal citations omitted). The characteristics of the pension fund contributed to this holding: the pension fund was not raised by taxation but by employee and employer contributions, the pension fund was statutorily segregated for a specific use and could not be used for any other purpose, and the money in the pension fund was held in trust by the city treasurer for the benefit of claimants. Id. "In no event do such moneys become the funds of the city. They can be paid out only as provided in the statute creating the fund." Id.

In Sherard, the court dealt with the Second Injury Fund, which provided compensation in certain workers' compensation cases, and whether a writ of execution could issue against the fund. Because state property is not subject to execution, the issue was whether the money held in the fund was state money. The statutes which established the fund made the State Treasurer the custodian of the fund and specifically provided that the funds were to be held in trust and were not "money or property of the state." Sherard, 244 Neb. at 749, 509 N.W. 2d 194, 199.

As we indicated in Op. Att'y Gen. No. 18-003, neither Allen nor Sherard is directly applicable to the Expense Fund. The funds at issue in each of these opinions are similar to those found in the Program Fund – the funds deposited by the investors, rather than the Expense Fund – the fees charged of the investors. These cases make no mention of fees or administrative charges to participants and whether those fees are public funds. Additionally, the statute establishing the fund in Sherard specifically provided that the Second Injury Fund was not money of the state, in contrast to Neb. Rev. Stat. § 85-1813 which excludes the Expense Fund from a similar provision related to NESPT. However, as in each of these cases, the funds in the Expense Fund have been set aside for a particular purpose.

Also relevant to our analysis are the program disclosure statements and participation agreements available to program participants and members of the public. These documents create an expectation on the part of the program participants who invest in one or more of the plans as to what fees will be charged of the fund(s) in which they invest and the intended expenditure of those fees. The plan disclosure documents inform plan participants of a "state Administration Fee to cover administrative costs of overseeing, distributing and marketing the Plan." NEST Direct College Savings Plan Program Disclosure Statement and Participation Agreement, p.
Additionally, plan participants are also advised that their investment plan will be assessed various fees including:

An administration fee equal to 0.02% of the average daily net assets in each Investment Option will be allocated to the state's cost to administer, market, and distribute the Plan. This fee accrues daily as a percentage of average daily net assets and is deducted from each Investment Option. This fee will reduce the value of an account.

NEST Direct College Savings Plan Program Disclosure Statement and Participation Agreement, p. 43; NEST Advisor College Savings Plan Program Disclosure Statement and Participation Agreement, p. 48 (July 23, 2018);7 TD Ameritrade 529 College Savings Plan Program Disclosure Statement and Participation Agreement, p. 43; State Farm 529 Savings Plan Program Disclosure Statement and Participation Agreement, p. 41 (August 6, 2018).8 From the language in these plan documents, it seems to us that it would be the reasonable expectation of the plan participants that their fees are utilized only in relation to NESPT.

The Expense Fund is unlike any other fund. These funds originate with fees charged to investors, are collected by the Treasurer, and held in a state fund to be invested by the State Investment Council. In Op. Att'y Gen. No. 18-003 we stated that a court could well determine that these are public funds. However, it is also possible that a court could find these to be nonpublic funds. The unique nature of the fees paid into the Expense Fund leaves us with little precedent to guide our examination of this question. However, we believe that the more persuasive case controlling the nature of the fees to be Allen v. City of Omaha. In that case, the court provided direction for what are to be considered "public funds" in Nebraska: "taxes, customs, moneys, etc., raised by the operation of some general law, and appropriated by the government to the discharge of its obligations, or for some public or governmental purpose." Allen also provides us with a three-part test for establishing whether funds are public funds: (1) the funds are raised by taxation, (2) are statutorily segregated for a specific use, and (3) are held in trust by an official. Allen v. City of Omaha, 136 Neb. 620, 286 N.W.2d 916, 919; See also Sherard v. State of Nebraska, 244 Neb. at 750, 509 N.W. 2d 194, 199.

As in Allen, the funds in the Expense Fund were not raised by taxation or through a general law, and are segregated by § 85-1807(3)-(4) for a specific use. The Expense Fund is comprised of funds raised from private individuals for a specific purpose: to pay the costs associated with NESPT by program participants, in order that no general funds be used to support NESPT. The Expense Fund is not used for the general operation and function of the Treasurer's Office; it is utilized to pay NESPT expenses and is held by the State Treasurer for this sole purpose.
We recognize the dichotomy created by the language in Neb. Rev. Stat. § 85-1807(3)-(4) versus that in Neb. Rev. Stat. § 85-1813 which specifically excludes the Expense Fund from the prohibition against the assets of the NESPT trust fund being transferred or used by the state for any purposes other than the trust. We resolve that conflict by recognizing that the Expense Fund is intended to be spent by the State Treasurer, after proper appropriation by the Legislature into the Administrative Fund, in order to pay the costs associated with NESPT. Were the Expense Fund part of the assets of the NESPT Trust, and were there a prohibition against transferring the fees, the Legislature would be unable to properly appropriate the funds for expenditure by the Treasurer or examine the expenses related to the NESPT program for propriety. While the State has no custody or control over the assets of the NESPT Trust, which are those monies invested by plan participants, the State must have control over the fees deposited into the Expense Fund in order for the Treasurer to expend them. The State's interest in the Expense Fund is in its proper administration and the payment of appropriate expenses, not in the corpus of the fund. Mere custody of the fees in the Expense Fund and authority of the State Treasurer to spend them does not make monies in the Expense Fund public funds. In our reading of Neb. Rev. Stat. §§ 85-1801 through 85-1814, we believe that the most sensible construction of the act as a whole is that the fees paid by investors are not meant to be public funds made available for the general use of the State of Nebraska.

The funds at issue no longer belong to the individuals paying the fees once they are collected. But neither do we believe that these fees belong to the state. The court in Allen held that those funds "were not, strictly speaking, public funds" and did not belong to the City, but were held by the city treasurer for the benefit of claimants. Consequently, we believe the better answer here to be that the Expense Fund is not clearly a public fund and should not be treated as a public fund by the Legislature. We believe these funds, which are earmarked and held by the State Treasurer for the specific purpose of paying expenses of NESPT, must be utilized only for that purpose.

**Whether the portion of Neb. Rev. Stat. § 85-1807(4), which authorizes the Legislature to transfer funds from the Expense Fund of the Nebraska Educational Savings Trust to the General Fund, is constitutional?**

There is currently no imminent Legislative action calling for a transfer of funds from the Expense Fund to the General Fund. As a result, it is unnecessary to opine as to whether this provision is unconstitutional. However, we believe your question can be posed another way: whether the Legislature has the authority to transfer funds from the Expense Fund to the General Fund, when those funds are earmarked for purposes related solely to NESPT and are not clearly public funds. We do not believe it has such authority.
We have previously opined that in order for any state agency to utilize funds, state or nonstate, the Legislature must first make an appropriation. Op. Att'y Gen. No. 87001, "The Legislature must appropriate all funds (both state and non-state) before actual payment can be disbursed from the state. . . . However, nonstate funds must be appropriated for purposes defined by the sources of the funds." Op. Att'y Gen. No. 87114, p. 1-2. Consequently, while the Legislature must appropriate the funds before the Treasurer may expend them, for the reasons already found herein, we do not believe the Legislature may appropriate funds in the Expense Fund to any fund other than the Administrative Fund or for any other purpose than to pay the costs of administering, operating, or maintaining the trust.

If the Legislature were to transfer funds from the College Savings Plan Expense Fund to the General Fund, would that be a violation of federal securities law?

We do not believe that the Legislature may transfer funds from the Expense Fund into the General Fund. However, the Treasurer and the legal counsel for the NESPT plans have raised concerns that any transfer of funds from the Expense Fund for purposes other than to pay expenses related to the NESPT funds would run afoul of federal securities law, specifically the anti-fraud provision of the federal Securities Act and the rules of the Securities Exchange Commission. See 17 C.F.R. § 240.10b-5; 15 U.S.C. § 77q. These rules prohibit fraud in the marketing and description of a federal security, such as an interest in the Nebraska college savings plan. 17 C.F.R. § 240.10b-5 provides:

It shall be unlawful for any person, directly or indirectly, by the use of any means or instrumentality of interstate commerce, or of the mails or of any facility of any national securities exchange,

(a) To employ any device, scheme, or artifice to defraud,

(b) To make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, or

(c) To engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person, in connection with the purchase or sale of any security.

Additionally, 15 U.S.C. § 77q (a) contains very similar language prohibiting fraudulent statements in the sale of securities. Neb. Rev. Stat. § 85-1807 and the plan documents provide that the fees charged of participants are to be used to pay expenses related to the plan. We agree with the State Treasurer that these federal provisions give rise to concerns that the transfer of funds out of the Expense Fund for a use other than to pay expenses related to NESPT may be in violation of federal rules related to these college savings plans.
CONCLUSION

For the reasons set forth above, we believe that the funds in the Expense Fund are not clearly public funds; these are funds held in the custody of the State Treasurer which are earmarked for a particular purpose: to pay expenses related to NESPT. General Funds are explicitly prohibited from being utilized to support NESPT, requiring fees to be charged of participants in order to sustain the program. That they are held by the State Treasurer in a state bank account does not define whether the funds are public funds: the nature of the funds is defined by their origin and intended use. In this case, we believe the better answer to be that these funds are not public funds, must be used only to pay expenses of NESPT, and cannot be transferred by the Legislature for general state purposes.

Sincerely,

DOUGLAS J. PETERSON
Attorney General
(Signed) Natalee J. Hart
Assistant Attorney General

pc Patrick J. O'Donnell
Clerk of the Nebraska Legislature

02-703-29

1 In Op. Att'y Gen. No. 18-003, that account was referred to as the "Fee Account." As that account has now been closed and the funds moved to the Expense Fund, we will only refer to the Expense Fund in this opinion. See Nebraska State Auditor of Public Accounts, Attestation Report of the Nebraska State Treasurer, p. 5 (August 14, 2018), found at http://www.auditors.nebraska.gov/APA_Reports/2018/SA12-08142018-July_1_2016_through_December_31_2017_Attestation_Report.pdf.

2 The State Treasurer asks, rhetorically, in his request letter, whether child support payments handled by that office become state funds merely by being deposited in a state bank account. We believe it is clear that these types of monies never become "state funds." See also, Op. Att'y Gen. No. 0002, p. 1 (January 4, 2000) ("[child support funds] represent child support payments due individual litigants rather than public funds.")

3 We have also looked for guidance in how other states' courts have defined "public funds" absent a statutory definition. In Virginia, "[p]ublic funds are those moneys belonging to the State or to any city, county or political subdivision of the State, — or more specifically, taxes, customs and moneys raised by the operation of law for the support of the government or for the discharge of its obligations. . . . The character of the money is determined by its ownership rather than by the manner and means of its collection." Beckner v. Com., 174 Va. 454, 459, 5 S.E.2d 525, 527 (1939)(citations omitted). "Public funds are moneys belonging to the United States or a corporate agency of the Federal government, a state or subdivision thereof,
or a municipal corporation. They represent moneys raised by the operation of law for the support of the government or for the discharge of its obligations. In other words, they constitute 'revenue', which, in turn, is defined as 'the income of the government arising from taxation, duties, and the like.' "Wood Bros. Const. Co. v. Bagley, 232 Iowa 902, 908–09, 6 N.W.2d 397, 400 (1942)(internal quotations omitted)(citations omitted). These cases are consistent with the prior opinions of this office.

4 The State Treasurer also cites to an informal opinion of this office issued in 2013 concerning the University of Nebraska Group Health Trust Fund. The question raised in that opinion was whether those funds, which were to be used to pay University employee health care obligations, funded by employee and employer health plan contributions, must be deposited with the State Treasurer. We determined that the University Trust Fund did not contain money of the state once that money was paid into the trust; the money belonged to the health plan for the sole purpose of paying employee health claims. However, that opinion is inapplicable to the questions at issue. First, there was no express statutory provision requiring the University to deposit the funds with the State Treasurer. In the present instance, the Nebraska Legislature has chosen a specific statutory scheme that requires the fees paid by NESPT participants to be deposited in the Expense Fund. Second, the primary analysis related to whether the University had a legal obligation to make the health plan payments and whether the employees who participated in the plan had a legal right to the payments. Our analysis depended on the Nebraska Wage Payment and Collection Act, which has no application to the questions herein.


9 We understand the Expense Fund is utilized to pay for expenses of the Treasurer's Office related to the administration of NESPT. This is in keeping with the prohibition against using any General Fund monies to operate NESPT. See Neb. Rev. Stat. § 85-1807(1); See also Op. Att'y Gen. No. 93094 (November 10, 1993) ("It is a longstanding principle of constitutional law in Nebraska that public funds cannot be expended for private purposes." (citations omitted)). No Expense Fund monies are used for the general operation of the Treasurer's Office, or its other programs.

10 This office generally declines to opine as to whether a current statute is unconstitutional, absent a pressing need to do so. Should the Legislature instruct the Treasurer to transfer funds from the Expense Fund to the
General Fund, the issue of whether such transfer would be constitutional would then be ripe for our opinion. See Neb. Rev. Stat. §§ 84-215, 84-216.

Opinion 18-009


REQUESTED BY: Senator Kate Bolz
Nebraska Legislature

WRITTEN BY: Douglas J. Peterson, Attorney General
Laura A. Nigro, Assistant Attorney General

INTRODUCTION

You have requested an opinion from this office asking whether the term "officer of a state police agency of another state" in Neb. Rev. Stat. § 60-146 (Cum. Supp. 2016), amended by 2018 Neb. Laws LB 909, § 24, refers to only active officers of a statewide law enforcement agency. Depending on our response, you are considering amendatory legislation. For the reasons set forth below, we conclude that "an officer of a state police agency of another state" means only law enforcement officers working within a state police agency of a state other than Nebraska.

DISCUSSION

Neb. Rev. Stat. § 60-146 addresses obtaining certificates of title for vehicles. Section § 60-146 requires that an application for a certificate of title include a statement of identification inspection, unless an exception applies. Neb. Rev. Stat. 60-146(3) specifically addresses who can conduct an identification inspection for in-state and out-of-state vehicles. Section 60-146(3) provides:

The statement that an identification inspection has been conducted shall be furnished by the county sheriff of any county or by any other holder of a certificate of training issued pursuant to section 60-183,1 shall be in a format as determined by the department, and shall expire ninety days after the date of the inspection. The county treasurer shall accept a certificate of inspection, approved by the superintendent, from an officer of a state police agency of another state unless an inspection is required under section 60-174.5

As you point out in your letter, § 60-146 provides different inspection rules for in-state and out-of-state vehicles. In-state vehicles may be inspected by a county sheriff or a holder of a certificate of training issued by
the Nebraska State Patrol ["Patrol"] pursuant to § 60-183. Out-of-state vehicles can only be inspected by an officer of a state police agency of the state from which the vehicle originates.

"In construing a statute, a court must determine and give effect to the purpose and intent of the Legislature as ascertained from the entire language of the statute considered in its plain, ordinary, and popular sense." Piska v. Nebraska Dep't of Social Services, 252 Neb. 589, 594, 567 N.W.2d 544, 547 (1997). "[A]n appellate court must look to the statute's purpose and give to the statute a reasonable construction which best achieves that purpose, rather than a construction which would defeat it." Henery v. City of Omaha, 263 Neb. 700, 705, 641 N.W.2d 644, 648 (2002). "Statutory language is to be given its plain and ordinary meaning in the absence of anything indicating to the contrary." PSB Credit Services, Inc. v. Rich, 251 Neb. 474, 477, 558 N.W.2d 295, 297 (1997).

Applying these rules of statutory interpretation, the language of § 60-146 is plain and unambiguous. "State police" is defined as "[t]he department or agency of a state government empowered to maintain order, as by investigating crimes, and making arrests." Black's Law Dictionary (10th ed. 2014). Thus, the phrase "an officer of a state police agency of another state" plainly means a person serving as an officer of a state police agency in a state other than Nebraska.3

You ask us to consider whether "an officer of a state police agency of another state" could be interpreted more broadly to include non-state police officers or persons that are licensed to conduct inspections by a state police agency. You note that, under § 60-146, in-state vehicles can have an identification inspection conducted by a holder of a certificate of training issued pursuant to § 60-183. As stated previously however, § 60-146 lays out different processes for in-state and out-of-state vehicles.

"The legal principle of expressio unius est exclusio alterius (the expression of one thing is the exclusion of the others) recognizes the general principle of statutory construction that an expressed object of a statute's operation excludes the statute's operation on all other objects unmentioned by the statute." Pfizer Inc. v. Lancaster Cty. Bd. of Equal., 260 Neb. 265, 272, 616 N.W.2d 326, 335 (2000). See also A & D Technical Supply Co. v. Nebraska Dep't of Revenue, 259 Neb. 24, 31, 607 N.W.2d 857, 863 (2000). "[W]here a statute or ordinance enumerates the things upon which it is to operate, or forbids certain things, it is to be construed as excluding from its effect all those not expressly mentioned, unless the legislative body has plainly indicated a contrary purpose or intention." Nebraska City Ed. Ass'n v. School Dist. of Nebraska City, in Otoe Cty., 201 Neb. 303, 306, 267 N.W.2d 530, 532 (1978) (citing Starman v. Shirley, 162 Neb. 613, 76 N.W.2d 749 (1956)).

Neb. Rev. Stat. § 60-146 states that out-of-state vehicles must be inspected by "an officer of a state police agency of another state." Under
§ 60-146, the conduct of identification inspections by persons holding a certificate of training is limited to holders of certificates issued by the Patrol and applies only to the inspection of in-state vehicles. The Legislature clearly chose to have different processes apply to inspections of in-state and out-of-state vehicles. The Legislature could have made one process apply to all vehicles. It chose not to do so.

CONCLUSION

Based on the above discussion, it is our opinion that under § 60-146, an "officer of a state police agency of another state" does not include any law enforcement officer other than one employed by a state police agency of a state other than Nebraska. Further, it also does not permit non-state police officers or persons licensed to conduct inspections by another state's police agency to conduct out-of-state identification inspections.

Sincerely,

DOUGLAS J. PETERSON
Attorney General

(Signed) Laura A. Nigro
Assistant Attorney General

pc Patrick J. O'Donnell
Clerk of the Nebraska Legislature
36-035-29

1 "No person shall conduct an inspection unless he or she is the holder of a current certificate of training issued by the patrol. The certificate of training shall be issued upon completion of a course of instruction, approved by the patrol, in the identification of stolen and altered vehicles. The superintendent may require an individual to take such additional training as he or she deems necessary to maintain a current certificate of training." Neb. Rev. Stat. § 60-183 (2010).


3 This is consistent with instructions published by the Department of Motor Vehicles ["DMV"] advising identification inspections for out-of-state vehicles are to be performed by "the State Police in the state where the vehicle is located...." See https://dmv.nebraska.gov/dvr/title/vehicle-inspection. The DMV's instructions refer to the Patrol's Vehicle Inspection Form (NSP455), which is to be completed "BY STATE LAW ENFORCEMENT OFFICER ONLY," with a certification that the inspector is "an officer of a STATE POLICE AGENCY employed by the STATE of____________________."(accessible at https://dmv.nebraska.gov/sites/dmv.nebraska.gov/files/doc/dvr/forms/455-Motor Vehicle Identification Certificate.pdf).
2018 INTERIM REPORT
ON THE DISPOSITION OF
INTERIM STUDY RESOLUTIONS

### Agriculture

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1 A background report prepared by staff on the topic of the resolution is published on the Agriculture Committee's website.

### Appropriations

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**Banking, Commerce and Insurance**

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### Education

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<td>Interim study to examine issues under the jurisdiction of the Education Committee</td>
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<td>Interim study to examine alternative teacher certification programs</td>
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<td>403</td>
<td>Interim study to examine the enrollment option program</td>
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<td>381</td>
<td>Interim study to examine the inclusion of financial literacy and entrepreneurship in the academic content standards adopted by the State Board of Education as proposed in LB 1094, 2018</td>
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<td>Interim study to examine the Student Discipline Act</td>
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<td>393</td>
<td>Interim study to examine delinquent or unpaid school meal accounts in Nebraska schools and school districts</td>
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<td>434</td>
<td>Interim study to examine school structure and finance</td>
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<td>372</td>
<td>Interim study to examine school violence and identify steps that can be taken to preserve our schools as safe environments for learning and growth</td>
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<td>438</td>
<td>Interim study to examine the benefits of the creation of an educational trust fund</td>
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<td>439</td>
<td>Interim study to examine the ongoing implementation and impact of LB 276, 2014, which made medicaid reimbursement available for a broader array of services delivered to medicaid-eligible special education students</td>
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<td>446</td>
<td>Interim study to examine existing best practices for anti-bullying policies and practices in K-12 education and the feasibility of adopting these standards</td>
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<td>428</td>
<td>Interim study to examine the potential of micro-credentialing in Nebraska</td>
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<td>357</td>
<td>Interim study to examine the current status of early childhood education</td>
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### Executive Board

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<tr>
<td>401</td>
<td>Interim study to identify the lawful occupations and the occupational regulations which are subject to the Occupational Board Reform Act and to prepare for implementation of the act</td>
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<td>437</td>
<td>Interim study to analyze possible improvements and changes to the standing committee system of the Legislature</td>
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<td>Interim study to examine the issues surrounding the adoption of a state strategic plan</td>
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<td>458</td>
<td>Interim study to examine the feasibility of developing a process for the preparation and consideration of racial impact statements relating to possible legislation</td>
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**General Affairs**

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<td>339</td>
<td>Interim study to examine the issuance and usage of special designated licenses under the Nebraska Liquor Control Act pursuant to 53-124.11</td>
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<td>375</td>
<td>Interim study to examine issues under the jurisdiction of the General Affairs Committee</td>
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<tr>
<td>382</td>
<td>Interim study to conduct a comprehensive review of state laws affecting farm wineries</td>
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<td>449</td>
<td>Interim study to examine the jurisdiction of the State Racing Commission and the role of the commission in promoting the best interests of the horse racing industry</td>
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**Government, Military and Veterans Affairs**

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<tr>
<td>353</td>
<td>Interim study to determine the feasibility and fiscal impact of hiring outside consultants to perform an efficiency review of state agencies</td>
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<td>374</td>
<td>Interim study to examine the regional boundaries of the Nebraska Planning and Development Regions</td>
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<td>Number</td>
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<td>391</td>
<td>Interim study to examine the effects on elections should Nebraska switch to an all vote-by-mail system</td>
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<td>407</td>
<td>Interim study to examine the self-funded model that has led to the development and management of technology to allow citizens electronic access to government information and services</td>
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<td>417</td>
<td>Interim study to examine whether inmates in county jails, who are eligible to vote, are being unconstitutionally disenfranchised due to their circumstances</td>
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<td>455</td>
<td>Interim study to identify evidence-based best practices for establishing an early warning system to identify and respond to fiscal distress among local political subdivisions</td>
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<td>469</td>
<td>Interim study to examine the processes by which state government contracts with small businesses</td>
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Health and Human Services

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<tr>
<td>377</td>
<td>Interim study to review procedures and practices at the Youth Rehabilitation Center-Kearney and the Youth Rehabilitation and Treatment Center-Geneva with the intent to improve safety and security</td>
<td></td>
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<td>395</td>
<td>Interim study to examine issues to identify the needs of and improve upon the emergency medical services system provided by volunteers in Nebraska</td>
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<tr>
<td>405</td>
<td>Interim study to examine the conditions which lead to the congregation, isolation, and segregation of Nebraskans with mental illness who reside in institutional settings and those at risk of placement in institutional settings due to a lack of community support and services</td>
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<td>413</td>
<td>Interim study to examine strategies to strengthen Nebraska's workforce and build financial mobility and independence, particularly among working parents with young children</td>
<td>Ongoing</td>
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<tr>
<td>414</td>
<td>Interim study to examine the overall impact of the area agencies on aging and their interaction with the Aging and Disability Resource Center</td>
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<tr>
<td>419</td>
<td>Interim study to examine the term &quot;shaken baby syndrome&quot; as it exists within Nebraska statutes</td>
<td>X</td>
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<tr>
<td>420</td>
<td>Interim study to examine possible collaboration between the Dept. of Health and Human Services and the Dept. of Education to address behavioral or mental health issues for Nebraska students</td>
<td>Ongoing</td>
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<td>422</td>
<td>Interim study to examine the issuance and usage of electronic prescriptions in accordance with regulatory standards</td>
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<td>436</td>
<td>Interim study to evaluate the effectiveness of occupational licensing processes in accommodating military spouses and transitioning service members</td>
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<td>440</td>
<td>Interim study to examine issues relating to the Nebraska Coalition for Patient Safety</td>
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<td>Interim study to conduct a comprehensive review of Nebraska's Medicaid Insurance for Workers with Disabilities eligibility under the Medical Assistance Act</td>
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<tr>
<td>Interim study to examine the work of the Nebraska Children's Commission and to evaluate the need for the commission's continuation and any revisions to its structure and purpose</td>
<td>X</td>
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<tr>
<td>Interim study to create legislation to assure no person will be discriminated against on the basis of a disability when he or she is being considered as an adoptive parent in an adoption or obtaining guardianship or foster parenting status or placement</td>
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<td>Interim study to examine existing barriers that prohibit the establishment of mobile massage establishments</td>
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### Judiciary

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<tr>
<td>370</td>
<td>Interim study to conduct a review of issues arising from the lack of mental health treatment for those in the criminal justice system</td>
<td>Hearing held 9/7/2018</td>
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<tr>
<td>390</td>
<td>Interim study to examine the success of the Office of Violence Prevention since its establishment</td>
<td>Hearing held 9/7/2018</td>
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<tr>
<td>402</td>
<td>Interim study to examine the issue of granting local school boards the authority to allow school employees to carry concealed handguns on school grounds</td>
<td>Hearing held 9/28/2018</td>
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<tr>
<td>406</td>
<td>Interim study to examine the feasibility of adopting the American Bar Association's Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases</td>
<td>Hearing held 9/7/2018</td>
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<td>Interim Study</td>
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<tr>
<td><strong>415</strong></td>
<td>Interim study to examine the effectiveness of statute 29-901, as relates to the imposition of bail and the requiring of money bonds for misdemeanors and city ordinance violations</td>
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<td><strong>418</strong></td>
<td>Interim study to examine the disproportionality that exists in Nebraska's foster care and juvenile justice systems</td>
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<td><strong>423</strong></td>
<td>Interim study to examine the application of adverse possession in the State of Nebraska and to consider recommendations for modernizing the doctrine to meet contemporary requirements</td>
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<td><strong>429</strong></td>
<td>Interim study to examine the role and purpose of school resource officers</td>
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<td><strong>432</strong></td>
<td>Interim study to examine issues faced by renters in Nebraska including rental deposits and fees, recourse for renters when rights are violated, and other issues</td>
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<td><strong>435</strong></td>
<td>Interim study to review how the Nebraska State Patrol conducts internal affairs investigations into potential civil and criminal violations of its members</td>
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<td><strong>447</strong></td>
<td>Interim study to examine security measures to ensure safety in schools</td>
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<tr>
<td><strong>459</strong></td>
<td>Interim study to create legislation to assure that no person will be discriminated against on the basis of a disability in situations arising under the juvenile code in which he or she faces termination or limitation of his or her parental rights</td>
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<td><strong>467</strong></td>
<td>Interim study to examine the Nebraska Juvenile Code</td>
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<td><strong>468</strong></td>
<td>Interim study to review criminal offenses throughout the Nebraska statutes</td>
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Hearing held 9/7/2018

Hearing held 9/28/2018

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<td>Interim study to examine issues relating to the spread of Eastern Redcedar trees</td>
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<td>Interim study to review public power</td>
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<td>Interim study to review issues pertaining to water quality</td>
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<td>394</td>
<td>Interim study to examine policies and practices designed to assist low-income Nebraskans at risk of utility shutoffs due to overdue payments</td>
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<td>Interim study to examine methods of increasing solar energy development in Nebraska</td>
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<td>463</td>
<td>Interim study to examine statutes related to augmentation projects in relationship to the Nebraska Cooperative Republican Platte Enhancement interlocal project in Lincoln County</td>
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**Nebraska Retirement Systems**

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<tr>
<td>368</td>
<td>Interim study to examine the public employees' retirement systems administered by the Public Employees Retirement Board</td>
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<tr>
<td>369</td>
<td>Interim study to carry out the provisions of 13-2402 which require the Nebraska Retirement Systems Committee to monitor underfunded defined benefit plans administered by political subdivisions</td>
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<td>373</td>
<td>Interim study to examine the potential for public safety officers to retain a portion of pension funds for health care under section 402(l) of the Internal Revenue Code</td>
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<td>396</td>
<td>Interim study to examine possible changes to the School Employees Retirement Act and the Class V School Employees Retirement Act</td>
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<td>Interim study to examine issues related to updating the Nebraska Advantage Act</td>
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<td>Interim study to examine the possible elimination of various exemptions of goods and exclusions of services under Nebraska's sales and use tax laws</td>
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<td>Interim study to examine taxes and fees on wireless services</td>
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<td>Interim study to examine resources available to the state and political subdivisions to fund roads</td>
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<td>465</td>
<td>Interim study to review issues pertaining to funding Nebraska's infrastructure system</td>
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<td>Interim study to examine issues raised by LB 1031, 2018, which considered whether the One-Call Notification System Act should be updated</td>
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<td>Interim study to examine a comprehensive list of issues related to the operation of autonomous vehicles in Nebraska</td>
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<td>441</td>
<td>Interim study to examine telecommunications services in Nebraska</td>
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<td>Interim study to examine issues under the jurisdiction of the Transportation and Telecommunications Committee</td>
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<td><strong>Transportation and Telecommunications</strong></td>
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Interim study to investigate transferring the recreational vehicles franchise statutes into a distinct and separate section of law

Interim study to examine net neutrality

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<td>Interim study to determine a sustainable revenue source for the Nebraska Main Street Network</td>
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<td>392</td>
<td>Interim study to examine neighborhood issues and potential neighborhood improvement tools</td>
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<td>397</td>
<td>Interim study to examine the statutory authority for municipalities to establish port authorities</td>
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<td>398</td>
<td>Interim study to examine the impact on sanitary and improvement districts upon annexations by municipalities</td>
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<tr>
<td>399</td>
<td>Interim study to examine issues related to metropolitan transit authorities</td>
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<td>Interim study to examine issues related to the Nebraska Municipal Land Bank Act</td>
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<td>404</td>
<td>Interim study to examine the potential impact of Opportunity Zones under the federal Tax Cuts and Jobs Act on municipalities in Nebraska</td>
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<tr>
<td>409</td>
<td>Interim study to examine issues related to the disconnection of territory from the corporate limits of cities of the first class, cities of the second class, and villages</td>
<td>X</td>
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<tr>
<td>410</td>
<td>Interim study to examine issues related to the municipal regulation of railroads</td>
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<tr>
<td>411</td>
<td>Interim study to examine issues under the jurisdiction of the Urban Affairs Committee</td>
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</table>
Interim study to examine the statutes governing cities of the primary class

Interim study to examine the operating expenses and fees charged for inspections, plans reviews, and other services by the Housing and Recreational Vehicle Dept. of the Public Service Commission

Interim study to evaluate the availability of affordable housing in Nebraska municipalities with an emphasis on rental housing

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NOTICE OF COMMITTEE HEARING(S)

Rules

Room 1525

Wednesday, January 16, 2019 1:30 p.m.

Proposed Rules Changes

Note: Rule change proposals are available from Senator Crawford

(Signed) Sue Crawford, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

**LEGISLATIVE BILL 1.** Introduced by Executive Board: Hilgers, 21, Chairperson.

A BILL FOR AN ACT relating to the Water Funding Task Force; to repeal provisions relating to the task force that terminated on December 31, 2013; and to outright repeal sections 50-504, 50-505, 50-506, 50-507, and 50-508, Revised Statutes Cumulative Supplement, 2018.

**LEGISLATIVE BILL 2.** Introduced by Executive Board: Hilgers, 21, Chairperson.

A BILL FOR AN ACT relating to the McGruff House program; to repeal provisions that are obsolete relating to a program that ended in 2012; and to outright repeal section 43-3201, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 3.** Introduced by Executive Board: Hilgers, 21, Chairperson.
A BILL FOR AN ACT relating to appropriations; to amend section 85-1418, Reissue Revised Statutes of Nebraska, and sections 13-518 and 85-1503, Revised Statutes Cumulative Supplement, 2018; to repeal provisions that are obsolete; to harmonize provisions; to repeal the original sections; and to outright repeal sections 90-517, 90-535, 90-536, 90-537, 90-538, 90-539, and 90-541, Reissue Revised Statutes of Nebraska, and sections 90-542, 90-543, 90-544, 90-545, 90-546, 90-547, 90-548, 90-549, 90-550, 90-551, 90-552, 90-553, 90-554, 90-555, 90-556, 90-557, 90-559, and 90-560, Revised Statutes Cumulative Supplement, 2018.

LEGISLATIVE BILL 4. Introduced by Stinner, 48.

A BILL FOR AN ACT relating to the Tax Equalization and Review Commission Act; to amend sections 77-5004 and 77-5013, Reissue Revised Statutes of Nebraska; to provide for mileage reimbursement as prescribed; to change filing fees as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 5. Introduced by Blood, 3.

A BILL FOR AN ACT relating to the Beginning Farmer Tax Credit Act; to amend sections 77-5203, 77-5213, and 77-5215, Reissue Revised Statutes of Nebraska; to define a term; to change provisions relating to tax credit amounts; to provide for applicability; and to repeal the original sections.


A BILL FOR AN ACT relating to postsecondary education; to amend section 85-502, Revised Statutes Cumulative Supplement, 2018; to change residency requirements for persons on active duty and their dependents; and to repeal the original section.


A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Cumulative Supplement, 2018; to adopt the Counterfeit Airbag Prevention Act; to provide penalties and eliminate a penalty; to harmonize provisions; to repeal the original section; and to outright repeal section 28-635, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 8. Introduced by Blood, 3.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,233, Reissue Revised Statutes of Nebraska; to allow physician medical directors to display certain vehicle lights as prescribed; to define a term; and to repeal the original section.


A BILL FOR AN ACT relating to political subdivisions; to prohibit cities,
villages, and counties from taxing or otherwise regulating the use of distributed ledger technology; to define a term; and to provide duties for the Revisor of Statutes.

LEGISLATIVE BILL 10. Introduced by Blood, 3.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-6,230, Revised Statutes Cumulative Supplement, 2018; to authorize the operation of lighted-billboard motor vehicles; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 11. Introduced by Blood, 3.

A BILL FOR AN ACT relating to cities and villages; to amend section 18-1720, Reissue Revised Statutes of Nebraska; to provide for an interlocal agreement with a county to abate, remove, or prevent nuisances as prescribed; and to repeal the original section.

LEGISLATIVE BILL 12. Introduced by Blood, 3.

A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to amend section 81-885.14, Reissue Revised Statutes of Nebraska, and section 81-885.17, Revised Statutes Cumulative Supplement, 2018; to provide a license fee exemption for servicemembers and their spouses as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.


A BILL FOR AN ACT relating to breast-feeding; to amend sections 28-806, 77-2701, 77-2701.04, 77-2701.41, 77-2711, 77-2713, and 77-27,223, Reissue Revised Statutes of Nebraska; to exempt breast-feeding from public indecency offenses; to provide a sales and use tax exemption for breast pumps and related supplies as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.


A BILL FOR AN ACT relating to agriculture; to provide for truth in advertising and labeling in the sale of meat and food plans; to define terms; to prohibit misleading or deceptive practices; to provide a penalty; and to provide an operative date.

LEGISLATIVE BILL 15. Introduced by Blood, 3.

A BILL FOR AN ACT relating to insurance; to adopt the Children of Nebraska Hearing Aid Act.
LEGISLATIVE BILL 16. Introduced by Briese, 41; Brewer, 43.

A BILL FOR AN ACT relating to public records; to amend section 84-712.05, Revised Statutes Cumulative Supplement, 2018; to provide for withholding certain public records; and to repeal the original section.

LEGISLATIVE BILL 17. Introduced by Briese, 41.

A BILL FOR AN ACT relating to juveniles; to amend section 43-246, Reissue Revised Statutes of Nebraska; to state a right relating to a disabled parent; and to repeal the original section.

LEGISLATIVE BILL 18. Introduced by Briese, 41; Murman, 38.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,132, Reissue Revised Statutes of Nebraska; to adopt the Remote Seller Sales Tax Collection Act; to direct certain sales tax revenue to the Property Tax Credit Cash Fund; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 19. Introduced by Briese, 41.

A BILL FOR AN ACT relating to public records; to amend section 84-712.05, Revised Statutes Cumulative Supplement, 2018; to provide for confidentiality of certain reports of injury under the Nebraska Workers’ Compensation Act; to provide duties for the Nebraska Workers’ Compensation Court; and to repeal the original section.

LEGISLATIVE BILL 20. Introduced by Briese, 41.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 13-1304 and 13-1306, Reissue Revised Statutes of Nebraska; to require approval by the voters for the issuance of bonds by public building commissions; to harmonize provisions; and to repeal the original sections.


A BILL FOR AN ACT relating to state government; to amend section 73-504, Reissue Revised Statutes of Nebraska; to provide formal protest procedures for certain contracts for services; to provide duties for the Department of Administrative Services; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 22. Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to nursing facilities; to amend sections 71-2097, 71-2098, and 71-20,100, Reissue Revised Statutes of Nebraska; to redefine a term; to change provisions relating to distribution of the Nursing Facility Penalty Cash Fund; to harmonize provisions; and to repeal the
original sections.

**LEGISLATIVE BILL 23.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to the Property Assessed Clean Energy Act; to amend sections 13-3202, 13-3203, 13-3204, and 13-3205, Revised Statutes Cumulative Supplement, 2018; to change legislative findings; to redefine terms; to change provisions relating to requirements for ordinances or resolutions, assessment contracts, and duties of municipalities; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 24.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Health and Human Services.

**LEGISLATIVE BILL 25.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to health and human services; to amend sections 38-151 and 71-8701, Reissue Revised Statutes of Nebraska; to provide additional fees for certain credentials; to provide for a termination date; to create a fund; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 26.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to legal service insurance corporations; to amend sections 44-3302 and 44-3303, Reissue Revised Statutes of Nebraska; to redefine a term; to exclude certain plans from the insurance laws as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 27.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to community colleges; to amend sections 77-3442, 85-1402, 85-1517, 85-1520, 85-1521, and 85-1535, Reissue Revised Statutes of Nebraska; to change provisions relating to tax levies as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 28.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to real property; to authorize damages for property taxes and special assessments paid on property lost through adverse possession.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend sections 38-101 and 38-2001, Revised Statutes Cumulative Supplement, 2018; to provide for telehealth practice; to eliminate provisions relating to telehealth practice; to harmonize provisions; to repeal the original sections; and to outright repeal section 38-2063, Revised Statutes Cumulative Supplement, 2018.


A BILL FOR AN ACT relating to the Professional Landscape Architects Act; to amend sections 81-8,183.01, 81-8,184, 81-8,186, 81-8,191, 81-8,191.01, 81-8,192, 81-8,194, 81-8,196, 81-8,198, 81-8,199, 81-8,200, 81-8,202, 81-8,204, 81-8,205, and 81-8,206, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to licensure and regulation of professional landscape architects; to provide and change penalties; to harmonize provisions; to repeal the original sections; and to outright repeal sections 81-8,184.01, 81-8,185, 81-8,187, 81-8,188, 81-8,195, 81-8,197, 81-8,200.01, 81-8,200.02, 81-8,201, and 81-8,203, Reissue Revised Statutes of Nebraska.


A BILL FOR AN ACT relating to retirement; to amend sections 79-978.01 and 84-1503, Revised Statutes Cumulative Supplement, 2018; to provide for a work plan relating to a transfer of management of the retirement system operated under the Class V School Employees Retirement Act to the Nebraska Public Employees Retirement Systems; to require a report; to provide duties for the Public Employees Retirement Board; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 32. Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2309.01, 23-2310.05, 84-1310.01, and 84-1311.03, Revised Statutes Cumulative Supplement, 2018; to change defined contribution benefit investment options as prescribed under the County Employees Retirement Act and State Employees Retirement Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 33. Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to retirement; to amend sections 72-1243, 72-1277, 72-1278, 73-507, and 84-1502, Reissue Revised Statutes of Nebraska, and sections 79-989, 84-712.05, and 84-1503, Revised Statutes Cumulative Supplement, 2018; to change written plan of action deadlines for the Nebraska Investment Council and the Public Employees Retirement Board; to change findings and comprehensive review provisions relating to
the achieving a better life experience program; to provide an exception for contracts for certain auditing services; to provide a public records exception as prescribed under the Class V School Employees Retirement Act; to increase the board member per diem and change duties relating to competitive bidding of the Public Employees Retirement Board; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 34. Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2320, 84-1321.01, and 84-1322, Reissue Revised Statutes of Nebraska, and sections 23-2308.01, 23-2319.01, and 84-1309.02, Revised Statutes Cumulative Supplement, 2018; to eliminate provisions relating to benefits payable after the filing of a grievance or appeal and change provisions relating to employee reinstatement under the County Employees Retirement Act and State Employees Retirement Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 35. Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2320 and 84-1322, Reissue Revised Statutes of Nebraska, and sections 23-2306 and 84-1307, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to reemployment, reinstatement, repayment, and age eligibility regarding certain retirement system members under the County Employees Retirement Act and State Employees Retirement Act; to provide an operative date; and to repeal the original sections.


A BILL FOR AN ACT relating to the School Employees Retirement Act; to amend section 79-927, Reissue Revised Statutes of Nebraska, and sections 79-902 and 79-921, Revised Statutes Cumulative Supplement, 2018; to redefine creditable service for certain member employees; to change a deadline for payment for restoration of relinquished creditable service; to change provisions relating to required forms of payment and service credit computation; and to repeal the original sections.

LEGISLATIVE BILL 37. Introduced by Hilkemann, 4.

A BILL FOR AN ACT relating to the Podiatry Practice Act; to amend sections 38-2047 and 38-3001, Reissue Revised Statutes of Nebraska; to provide for a physician assistant to assist a podiatrist as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 38. Introduced by Hilkemann, 4.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 18-1737, 60-380, 60-392, 60-399, 60-3,102, 60-3,105, 60-3,106, 60-3,107,
LEGISLATIVE BILL 39. Introduced by Hilkemann, 4.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-6,268 and 60-6,270, Revised Statutes Cumulative Supplement, 2018; to change passenger restraint system enforcement from a secondary offense to a primary offense; to require the use of occupant protection systems for each vehicle occupant; to repeal the original sections; and to outright repeal section 60-6,271, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 40. Introduced by Hilkemann, 4.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-4,120.01, 60-4,123, 60-4,124, and 60-6,179.01, Revised Statutes Cumulative Supplement, 2018; to change certain uses of interactive wireless communication devices from secondary offenses to primary offenses as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 41. Introduced by Hilkemann, 4.

A BILL FOR AN ACT relating to bingo and other gambling; to amend section 9-1,101, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to the Charitable Gaming Division and the Nebraska Commission on Problem Gambling, use of the Charitable Gaming Operations Fund, and transfers to the Compulsive Gamblers Assistance Fund and General Fund as prescribed; and to repeal the original section.

LEGISLATIVE BILL 42. Introduced by Hilkemann, 4.

A BILL FOR AN ACT relating to condominium law; to amend sections 76-808, 76-816, and 76-861, Reissue Revised Statutes of Nebraska; to provide responsibility for maintenance, repair, and replacement and provide a duty as prescribed for the board of administrators or other administrative body under the Condominium Property Act; to provide a duty for the executive board under the Nebraska Condominium Act; to provide for filing
fees; and to repeal the original sections.

**LEGISLATIVE BILL 43.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to victims' rights; to adopt the Sexual Assault Survivors' Bill of Rights Act.

**LEGISLATIVE BILL 44.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-115, 28-204, 29-742, 29-744, and 29-2204.02, Reissue Revised Statutes of Nebraska, and sections 23-3406, 23-3408, 24-1106, 25-1140.09, 28-104, 28-105, 28-201, 28-202, 28-303, 28-1356, 29-1602, 29-1603, 29-1816, 29-1822, 29-2004, 29-2005, 29-2006, 29-2020, 29-2021, 29-2204, 29-2261, 29-2407, 29-2801, 29-3205, 29-3920, 29-3922, 29-3928, 29-3929, 29-3930, 55-480, 83-1,110.02, 83-1,122.01, and 83-4,143, Revised Statutes Cumulative Supplement, 2018; to eliminate the death penalty; to change and eliminate provisions relating to the death penalty and murder in the first degree and related powers, duties, and procedures of courts, the Commission on Public Advocacy, the Department of Correctional Services, the Director of Correctional Services, the Board of Pardons, and the Governor; to eliminate a homicide-case report; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 24-1105, 28-105.01, 29-2519, 29-2520, 29-2521, 29-2521.01, 29-2521.02, 29-2521.03, 29-2521.04, 29-2521.05, 29-2522, 29-2523, 29-2524, 29-2524.01, 29-2524.02, 29-2525, 29-2527, 29-2528, 29-2537, 29-2538, 29-2539, 29-2540, 29-2541, 29-2542, 29-2543, 29-2544, 29-2811, 83-1,132, 83-964, 83-965, 83-966, 83-967, 83-968, 83-969, 83-970, 83-971, and 83-972, Revised Statutes Cumulative Supplement, 2018.

**LEGISLATIVE BILL 45.** Introduced by Chambers, 11.


**LEGISLATIVE BILL 46.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-452, Reissue Revised Statutes of Nebraska; to eliminate provisions relating to the hunting of mountain lions; to repeal the original section; and to outright repeal section 37-473, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 47.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-1420, Reissue Revised Statutes of Nebraska; to change provisions relating to when a grand jury report may be made public; and to repeal the
original section.

**LEGISLATIVE BILL 48.** Introduced by Stinner, 48.

A BILL FOR AN ACT relating to water; to amend section 46-229.04, Reissue Revised Statutes of Nebraska; to change provisions relating to a finding of sufficient cause for nonuse of a water appropriation; and to repeal the original section.

**LEGISLATIVE BILL 49.** Introduced by Stinner, 48.

A BILL FOR AN ACT relating to the Public Accountancy Act; to amend section 1-162.01, Reissue Revised Statutes of Nebraska; to change provisions relating to firm ownership; and to repeal the original section.

**LEGISLATIVE BILL 50.** Introduced by Vargas, 7.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.03 and 77-2716, Reissue Revised Statutes of Nebraska; to change individual income tax brackets and rates; to impose an additional tax on certain income; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 51.** Introduced by Vargas, 7; Lindstrom, 18.

A BILL FOR AN ACT relating to the Motor Vehicle Industry Regulation Act; to amend section 60-1411.03, Reissue Revised Statutes of Nebraska, and sections 60-1407 and 60-1438.01, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to license applications, prohibited acts, and franchise restrictions; and to repeal the original sections.

**LEGISLATIVE BILL 52.** Introduced by Stinner, 48.

A BILL FOR AN ACT relating to state government; to define terms; to require public funds to be recorded in the state accounting system and invested by the state investment officer as prescribed; and to provide for enforcement.

**LEGISLATIVE BILL 53.** Introduced by Scheer, 19.

A BILL FOR AN ACT relating to water drainage; to amend sections 31-224 and 31-226, Reissue Revised Statutes of Nebraska; to change and provide duties for landowners or their tenants relating to removal of a blockage or an obstruction in a watercourse, slough, or drainage ditch or drainage course; to change provisions relating to failure to clear after notice; to provide for court costs and attorney's fees; and to repeal the original sections.

**LEGISLATIVE BILL 54.** Introduced by Lowe, 37.

A BILL FOR AN ACT relating to firearms; to amend section 28-1202,
Reissue Revised Statutes of Nebraska; to change provisions relating to carrying a concealed weapon; to define a term; to harmonize provisions; and to repeal the original section.

**Legislative Bill 55.** Introduced by Lowe, 37.

A bill for an act relating to minors; to amend section 43-2101, Revised Statutes Cumulative Supplement, 2018; to authorize persons eighteen years of age to acquire or convey title to real property; and to repeal the original section.

**Legislative Bill 56.** Introduced by Lowe, 37.

A bill for an act relating to the Nebraska Liquor Control Act; to amend section 53-124.13, Reissue Revised Statutes of Nebraska, and section 53-124.11, Revised Statutes Cumulative Supplement, 2018; to change requirements for application for and issuance of a special designated license; and to repeal the original sections.

**Legislative Bill 57.** Introduced by Morfeld, 46.

A bill for an act relating to rental property; to amend sections 77-2701 and 77-2701.04, Reissue Revised Statutes of Nebraska; to define terms; to prohibit ordinances and other regulations prohibiting short-term rentals of residential property as prescribed; to provide for agreements with online hosting platforms regarding taxation; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

**Legislative Bill 58.** Introduced by Morfeld, 46.

A bill for an act relating to firearms; to amend sections 69-2406, 69-2407, and 69-2439, Reissue Revised Statutes of Nebraska, and section 25-2740, Revised Statutes Cumulative Supplement, 2018; to adopt the Extreme Risk Protection Order Act; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**Legislative Bill 59.** Introduced by Cavanaugh, 6; Howard, 9.

A bill for an act relating to the Children's Residential Facilities and Placing Licensure Act; to amend section 71-1936, Reissue Revised Statutes of Nebraska; to change provisions relating to investigations; to require reports; and to repeal the original section.

**Legislative Bill 60.** Introduced by Cavanaugh, 6; Howard, 9.

A bill for an act relating to infants; to amend sections 71-2102, 71-2103, 71-2104, and 79-1902, Reissue Revised Statutes of Nebraska, and section 43-2606, Revised Statutes Cumulative Supplement, 2018; to change
provisions relating to training requirements and shaken baby syndrome; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 61.** Introduced by Halloran, 33.

A BILL FOR AN ACT relating to rabies; to amend sections 71-4401, 71-4402, 71-4402.03, 71-4406, and 71-4407, Reissue Revised Statutes of Nebraska; to redefine terms; to change and eliminate provisions relating to vaccination and rules and regulations; to change provisions relating to seizure, confinement, testing, and disposition of a domestic animal and postexposure management of domestic animals and livestock; to harmonize provisions; to repeal the original sections; and to outright repeal section 71-4402.01, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 62.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-503.02, Reissue Revised Statutes of Nebraska; to provide for distribution of information regarding and treatment of trichomoniasis; and to repeal the original section.

**LEGISLATIVE BILL 63.** Introduced by Groene, 42.

A BILL FOR AN ACT relating to rural and suburban fire protection districts; to amend sections 35-506, 35-509, 35-1204, 35-1206, and 77-3442, Reissue Revised Statutes of Nebraska; to change provisions relating to payments to board members and tax levies; to change the Mutual Finance Assistance Act as prescribed; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 64.** Introduced by Groene, 42.

A BILL FOR AN ACT relating to the Licensing of Truth and Deception Examiners Act; to amend sections 81-1901, 81-1902, 81-1903, 81-1904, 81-1905, 81-1906, 81-1907, 81-1908, 81-1909, 81-1910, 81-1911, 81-1912, 81-1913, 81-1914, 81-1915, 81-1916, 81-1920, 81-1921, 81-1923, 81-1924, 81-1925, 81-1926, 81-1928, 81-1930, 81-1932, 81-1934, 81-1935, and 81-1936, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to licensing, training, and internships; to harmonize provisions; to repeal the original sections; and to outright repeal sections 81-1917, 81-1918, 81-1919, and 81-1922, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 65.** Introduced by Groene, 42.

A BILL FOR AN ACT relating to the State Electrical Act; to amend sections 81-2101, 81-2106, and 81-2108, Reissue Revised Statutes of Nebraska; to authorize a licensing exception; to harmonize provisions; and to repeal the original sections.

A BILL FOR AN ACT relating to cities; to amend sections 14-403.01, 15-1102, and 19-903, Reissue Revised Statutes of Nebraska; to change provisions relating to comprehensive plans for cities to provide for an early childhood element as prescribed; and to repeal the original sections.


A BILL FOR AN ACT relating to municipalities; to amend sections 8-205, 13-1302, 19-3052, 23-206, 23-339, and 31-505, Reissue Revised Statutes of Nebraska, and section 13-2705, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to how population thresholds are determined as prescribed; to redefine a term; to change references to cities, villages, and governing bodies; and to repeal the original sections.

LEGISLATIVE BILL 68. Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to cities; to amend sections 19-4019, 19-4022, 19-4032, 19-4035, and 19-4036, Reissue Revised Statutes of Nebraska, and sections 19-4017, 19-4017.01, 19-4018, 19-4021, 19-4026, 19-4027, 19-4028, 19-4029, 19-4029.01, 19-4029.02, 19-4029.03, 19-4029.04, 19-4029.05, 19-4030, 19-4031, 19-4033, 19-4034, and 19-4037, Revised Statutes Cumulative Supplement, 2018; to change provisions of the Business Improvement District Act as prescribed; to harmonize provisions; and to repeal the original sections.


A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Reissue Revised Statutes of Nebraska; to provide income tax credits for caregivers as prescribed; and to repeal the original section.

LEGISLATIVE BILL 70. Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to certain financial transactions; to amend sections 66-1509, 77-5211, and 81-15,119, Reissue Revised Statutes of Nebraska; to adopt the Uniform Voidable Transactions Act; to eliminate the Uniform Fraudulent Transfer Act; to harmonize provisions; to repeal the original sections; and to outright repeal sections 36-701, 36-702, 36-703, 36-704, 36-705, 36-706, 36-707, 36-708, 36-709, 36-710, 36-711, and 36-712, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 71. Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to shoplifting; to amend section 25-2803, Reissue Revised Statutes of Nebraska; to eliminate a civil cause of action for damages from shoplifting; to harmonize provisions; to repeal the original section; and to outright repeal section 25-21,194, Reissue Revised Statutes
of Nebraska.

**LEGISLATIVE BILL 72.** Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to county officers; to amend sections 32-517, 32-518, 32-519, 32-520, 32-521, 32-522, 32-523, 32-524, 32-525, 32-526, 32-528, 32-529, and 32-609, Reissue Revised Statutes of Nebraska; to provide for nomination and election of county officers on the nonpartisan ballot; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 73.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to schools; to require display of the national motto; to authorize contributions; and to provide duties for the Attorney General.

**LEGISLATIVE BILL 74.** Introduced by Williams, 36; Kolterman, 24.

A BILL FOR AN ACT relating to the Pharmacy Practice Act; to amend section 38-2845, Reissue Revised Statutes of Nebraska, and sections 38-2801 and 38-2802, Revised Statutes Cumulative Supplement, 2018; to define and redefine terms; to provide for validation of acts, tasks, and functions by certified pharmacy technicians as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 75.** Introduced by Williams, 36.

A BILL FOR AN ACT relating to the Nebraska Grape and Winery Board; to amend section 53-302, Reissue Revised Statutes of Nebraska; to change provisions relating to terms of office; and to repeal the original section.

**LEGISLATIVE BILL 76.** Introduced by Williams, 36.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-6202, Reissue Revised Statutes of Nebraska; to change provisions relating to the nameplate capacity tax; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 77.** Introduced by Williams, 36.

A BILL FOR AN ACT relating to real property; to amend sections 76-2207.27, 76-2207.30, 76-2222, 76-2228.01, 76-2228.02, 76-2230, 76-2231.01, 76-2232, 76-2236, 76-2238, and 76-3202, Reissue Revised Statutes of Nebraska; to change provisions of the Real Property Appraiser Act and alphabetize and redefine terms in the Nebraska Appraisal Management Company Registration Act; to harmonize provisions; and to repeal the original sections.
LEGISLATIVE BILL 78. Introduced by Williams, 36.

A BILL FOR AN ACT relating to limited liability companies; to amend section 21-147, Reissue Revised Statutes of Nebraska, sections 21-192, 21-507, 21-509, 21-510, 21-513, 21-514, 21-517, 21-520, 21-521, 21-522, 21-523, 21-525, 21-526, 21-528, 21-529, 21-532, 21-534, 21-537, and 21-539, Revised Statutes Cumulative Supplement, 2018; to provide changes and corrections to the Nebraska Uniform Protected Series Act; to change filing fees and dissolution provisions under the Nebraska Uniform Limited Liability Company Act; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal section 21-541, Revised Statutes Cumulative Supplement, 2018.

LEGISLATIVE BILL 79. Introduced by Friesen, 34.

A BILL FOR AN ACT relating to transportation; to amend sections 60-107, 60-2705, 75-363, 75-364, 75-366, 75-392, and 75-393, Reissue Revised Statutes of Nebraska, and sections 60-119.01, 60-302.01, 60-336.01, 60-363, 60-386, 60-3,113.04, 60-3,193.01, 60-3,198, 60-3,202, 60-462.01, 60-479.01, 60-4,111.01, 60-4,132, 60-4,134, 60-4,147.02, 60-501, 60-628.01, 60-6,265, and 60-2909.01, Revised Statutes Cumulative Supplement, 2018; to allow for electronic images of registration certificates; to change provisions relating to the distribution of certain registration fees; to adopt and update references to certain federal provisions relating to cabin trailers, low-speed vehicles, handicapped or disabled parking, motor vehicle and trailer registration, the International Registration Plan, operators' licenses and state identification cards, commercial motor vehicles, hazardous materials, occupant protection systems and three-point safety belt systems, motor vehicle consumer informal dispute settlement procedures, disclosure of motor vehicle records, motor carrier and hazardous material regulations and their enforcement, and the unified carrier registration plan and agreement; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 80. Introduced by Friesen, 34.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-146, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to identification inspections; and to repeal the original section.

LEGISLATIVE BILL 81. Introduced by Friesen, 34.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-6,170, 60-6,172, 60-6,173, and 60-6,174, Reissue Revised Statutes of Nebraska, and sections 60-601 and 60-605, Revised Statutes Cumulative Supplement, 2018; to define a term; to change provisions relating to special stops at railroad grade crossings; to harmonize provisions; and to repeal the original sections.
LEGISLATIVE BILL 82. Introduced by Friesen, 34.

A BILL FOR AN ACT relating to highways and bridges; to amend sections 39-2109, 39-2114, 39-2119, 39-2122, 39-2502, 39-2510, 39-2512, and 39-2520, Reissue Revised Statutes of Nebraska, and sections 39-810, 39-847, 39-1320, 39-2113, 39-2115, 39-2118, 39-2120, and 39-2121, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to contracts and state aid for bridges, land acquisition for state highways, functional classification, minimum standards, six-year and one-year plans, and distribution of funds to political subdivisions as prescribed; to change and provide duties; to harmonize provisions; to repeal the original sections; to outright repeal sections 39-2117 and 39-2119.01, Reissue Revised Statutes of Nebraska, and section 39-2116, Revised Statutes Cumulative Supplement, 2018; and to declare an emergency.

LEGISLATIVE BILL 83. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to voting rights; to amend sections 29-112, 29-113, 32-313, and 32-1530, Reissue Revised Statutes of Nebraska, and sections 29-2264, 32-312, and 83-1,118, Revised Statutes Cumulative Supplement, 2018; to provide for the restoration of voting rights upon completion of a felony sentence; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 84. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Reissue Revised Statutes of Nebraska; to provide an income tax deduction for certain wages paid to individuals convicted of a felony; and to repeal the original section.

LEGISLATIVE BILL 85. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to cities; to provide for a rental housing inspection program for a city of the metropolitan class or a city of the primary class as prescribed; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 86. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 76-901 and 76-903, Reissue Revised Statutes of Nebraska, and section 58-708, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to the distribution of funds from the Affordable Housing Trust Fund and the documentary stamp tax; and to repeal the original sections.

LEGISLATIVE BILL 87. Introduced by Wayne, 13.
A BILL FOR AN ACT relating to the Department of Economic Development; to amend section 81-12,149, Reissue Revised Statutes of Nebraska, and sections 58-708, 81-1201.21, and 81-12,156, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to the distribution of funds from the Affordable Housing Trust Fund, from the Site and Building Development Fund, from the Job Training Cash Fund, and under the Business Innovation Act; and to repeal the original sections.

LEGISLATIVE BILL 88. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to taxation; to amend section 77-2715.07, Reissue Revised Statutes of Nebraska; to provide an income tax credit for certain purchases of a residence; and to repeal the original section.

LEGISLATIVE BILL 89. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to amend sections 28-416 and 28-1354, Revised Statutes Cumulative Supplement, 2018; to change certain marijuana penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 90. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 29-2204.02, Reissue Revised Statutes of Nebraska, and section 28-105, Revised Statutes Cumulative Supplement, 2018; to make post-release supervision optional for Class IV felonies as prescribed; to provide for applicability of changes; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 91. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to criminal procedure; to provide for deferred judgments by courts as prescribed; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 92. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend section 43-283, Reissue Revised Statutes of Nebraska; to require application of the Nebraska Evidence Rules at parental termination hearings as prescribed; and to repeal the original section.

LEGISLATIVE BILL 93. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-328, Reissue Revised Statutes of Nebraska; to provide for intervention by a biological parent in certain proceedings involving juveniles as prescribed; to harmonize provisions; and to repeal the original section.
LEGISLATIVE BILL 94. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to treatment and corrections; to amend section 47-918, Revised Statutes Cumulative Supplement, 2018; to require a report by the Inspector General of the Nebraska Correctional System; to designate the Nebraska State Patrol as the agency to investigate criminal activity within correctional facilities operated by the Department of Correctional Services as prescribed; to provide powers and duties for the patrol; to provide for confidentiality of certain records; to harmonize provisions; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 95. Introduced by Wayne, 13; Stinner, 48.

A BILL FOR AN ACT relating to the state building code; to amend sections 71-6404, 71-6405, and 71-6406, Reissue Revised Statutes of Nebraska; to define a term; to change the applicability of provisions to public buildings; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 96. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to building codes; to amend sections 71-6404 and 71-6406, Reissue Revised Statutes of Nebraska; to change provisions relating to local building and construction codes; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 97. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to funding for highways; to amend sections 39-2203, 39-2205, 39-2209, 39-2211, 39-2212, 39-2213, 39-2216, 39-2222, 39-2223, 39-2704, and 66-4,100, Reissue Revised Statutes of Nebraska, and section 39-2224, Revised Statutes Cumulative Supplement, 2018; to authorize issuance of highway bonds; to create a fund; to change provisions of the Nebraska Highway Bond Act and the Build Nebraska Act; to pledge revenue for the bonds; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 98. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the Election Act; to amend section 32-618, Reissue Revised Statutes of Nebraska; to change signature requirements for nomination of partisan candidates by petition; and to repeal the original section.
MOTION - Escort Committees

Senator Williams moved that a series of committees be appointed to escort the various state and constitutional officers for the purpose of administering their oaths of office.

The motion prevailed.

BILLS ON FIRST READING

The following bills were read for the first time by title:


A BILL FOR AN ACT relating to the Prompt Payment Act; to amend sections 81-2402, 81-2403, 81-2404, and 81-2405, Reissue Revised Statutes of Nebraska; to define a term; to change requirements for bills submitted by small businesses; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 100. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to appropriations; to state intent relating to appropriations to the Nebraska State Historical Society as prescribed; and to declare an emergency.


A BILL FOR AN ACT relating to political accountability and disclosure; to amend section 49-1499.03, Reissue Revised Statutes of Nebraska; to change actions required to be taken by an elected officeholder of certain cities or villages or a school district relating to a potential conflict of interest; and to repeal the original section.

LEGISLATIVE BILL 102. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the University of Nebraska-Lincoln; to amend sections 85-1,134 and 85-1,136, Reissue Revised Statutes of Nebraska; to change references from the Big Twelve Conference to the Big Ten Conference in provisions requiring payment of a stipend or restricting hours of participation for persons competing in intercollegiate athletics; and to repeal the original sections.

LEGISLATIVE BILL 103. Introduced by Linehan, 39.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1601.02, Reissue Revised Statutes of Nebraska; to change provisions relating to property tax requests; and to repeal the original section.
LEGISLATIVE BILL 104. Introduced by Linehan, 39.

A BILL FOR AN ACT relating to the Nebraska Education Improvement Fund; to amend sections 9-812 and 85-1920, Revised Statutes Cumulative Supplement, 2018; to change the distribution of funds as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 105. Introduced by Linehan, 39.

A BILL FOR AN ACT relating to the State of Nebraska; to designate a state vegetable.

LEGISLATIVE BILL 106. Introduced by Dorn, 30.

A BILL FOR AN ACT relating to the DNA Identification Information Act; to amend section 29-4108, Reissue Revised Statutes of Nebraska; to change provisions relating to DNA records; and to repeal the original section.

LEGISLATIVE BILL 107. Introduced by Dorn, 30.

A BILL FOR AN ACT relating to cities and villages; to amend sections 18-1901, 18-1902, 18-1903, 18-1904, 18-1906, 18-1908, 18-1911, and 18-1914, Reissue Revised Statutes of Nebraska; to change provisions relating to plumbing boards and their terms of office, organization, appointment, and meetings; to change provisions relating to plumbing licenses, renewal licenses, license fees, and variance fees; to change penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 108. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to the Nebraska Treatment and Corrections Act; to amend section 83-176, Reissue Revised Statutes of Nebraska, and section 83-1,135, Revised Statutes Cumulative Supplement, 2018; to prescribe requirements for and limitations on placement of Department of Correctional Services inmates in county jails as prescribed; to harmonize provisions; and to repeal the original sections.


A BILL FOR AN ACT relating to state employees; to amend sections 81-1307 and 84-1601, Reissue Revised Statutes of Nebraska; to require the position classification plan and salary or pay plan to include certain positions as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 110. Introduced by Wishart, 27; Chambers, 11; Hansen, M., 26; Howard, 9; Hunt, 8; Kolowski, 31; McCollister, 20; Morfeld, 46; Pansing Brooks, 28; Quick, 35; Vargas, 7; Walz, 15; Wayne, 13.
A BILL FOR AN ACT relating to cannabis; to amend sections 28-439, 77-2701.48, 77-2704.09, 77-27,132, 77-27,237, and 77-4303, Reissue Revised Statutes of Nebraska, and section 28-416, Revised Statutes Cumulative Supplement, 2018; to adopt the Medical Cannabis Act; to change provisions relating to controlled substances and taxation; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 111. Introduced by Howard, 9; Hunt, 8.

A BILL FOR AN ACT relating to certificates of title; to amend sections 37-1278 and 60-151, Revised Statutes Cumulative Supplement, 2018; to change a certificate of title application signature requirement as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 112. Introduced by Howard, 9; Blood, 3; Crawford, 45; Quick, 35.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend sections 38-151, 38-154, and 38-155, Reissue Revised Statutes of Nebraska, and sections 38-101, 38-105, 38-118.01, 38-129.01, and 38-131, Revised Statutes Cumulative Supplement, 2018; to define terms; to provide for the waiver of certain fees for low-income individuals, military families, and young workers; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 113. Introduced by Blood, 3.

A BILL FOR AN ACT relating to the Office of Inspector General of the Nebraska Correctional System Act; to amend section 47-913, Revised Statutes Cumulative Supplement, 2018; to require the Department of Correctional Services to provide access to certain records; to define a term; and to repeal the original section.

LEGISLATIVE BILL 114. Introduced by Blood, 3.

A BILL FOR AN ACT relating to the Nebraska Treatment and Corrections Act; to amend section 83-1,107, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to reductions of good time; and to repeal the original section.

LEGISLATIVE BILL 115. Introduced by Blood, 3.

A BILL FOR AN ACT relating to schools; to amend section 79-216, Reissue Revised Statutes of Nebraska, and section 79-215, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to enrollment; to harmonize provisions; and to repeal the original sections.

A BILL FOR AN ACT relating to insurance; to authorize electronic delivery of insurance policies and billing information to insureds as prescribed.

LEGISLATIVE BILL 117. Introduced by Hilgers, 21.

A BILL FOR AN ACT relating to highways and bridges; to amend sections 39-1351, 39-1352, and 39-1354, Reissue Revised Statutes of Nebraska, and section 39-1353, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to construction contract bidding, qualification, evaluation, and proposals; to change certification of financial showing as prescribed; to change provisions relating to obtaining contract plans prepared by the Department of Transportation; and to repeal the original sections.

LEGISLATIVE BILL 118. Introduced by Arch, 14.

A BILL FOR AN ACT relating to county records; to provide for withholding the residential address of a physician or an osteopathic physician from the public; and to provide an operative date.

LEGISLATIVE BILL 119. Introduced by Arch, 14.

A BILL FOR AN ACT relating to the Health Care Quality Improvement Act; to amend sections 71-7904, 71-7906, 71-7907, 71-7910, 71-7911, and 71-7912, Reissue Revised Statutes of Nebraska; to define and redefine terms; to provide for immunity from liability and confidentiality of information relating to peer review; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 120. Introduced by Crawford, 45.

A BILL FOR AN ACT relating to schools; to amend section 79-2,146, Reissue Revised Statutes of Nebraska, and section 79-2,144, Revised Statutes Cumulative Supplement, 2018; to require training on mental health as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 121. Introduced by Crawford, 45.

A BILL FOR AN ACT relating to cities and villages; to amend section 18-201, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to limits on indebtedness from direct borrowing; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 122. Introduced by Crawford, 45.

A BILL FOR AN ACT relating to postsecondary education; to amend
section 85-502.01, Revised Statutes Cumulative Supplement, 2018; to change requirements for veterans and their spouses and dependents and other eligible persons to qualify as resident students as prescribed; and to repeal the original section.

LEGISLATIVE BILL 123. Introduced by Crawford, 45.

A BILL FOR AN ACT relating to the Taxpayer Transparency Act; to amend section 84-602.04, Revised Statutes Cumulative Supplement, 2018; to add an exemption from data base requirements for certain contracts as prescribed; and to repeal the original section.

LEGISLATIVE BILL 124. Introduced by Crawford, 45.

A BILL FOR AN ACT relating to the Property Assessed Clean Energy Act; to amend section 13-3210, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to jointly created and administered clean energy assessment districts; and to repeal the original section.

LEGISLATIVE BILL 125. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to victims' rights; to amend section 29-119, Revised Statutes Cumulative Supplement, 2018; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 126. Introduced by Hughes, 44.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-455, Reissue Revised Statutes of Nebraska; to provide for special landowner deer hunting permits as prescribed; to provide a duty for the Game and Parks Commission; and to repeal the original section.

LEGISLATIVE BILL 127. Introduced by Hughes, 44.

A BILL FOR AN ACT relating to hunting; to amend section 37-455, Reissue Revised Statutes of Nebraska; to redefine immediate family for purposes of limited permits; and to repeal the original section.

LEGISLATIVE BILL 128. Introduced by Hughes, 44.

A BILL FOR AN ACT relating to motor vehicles; to amend section 37-327.04, Reissue Revised Statutes of Nebraska, and sections 60-301, 60-393, 60-395, 60-396, 60-3,104, and 60-3,130.04, Revised Statutes Cumulative Supplement, 2018; to provide for Wildlife Conservation Plates; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 129. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to
the Department of Transportation.

LEGISLATIVE BILL 130. Introduced by DeBoer, 10; Hansen, M., 26; Wayne, 13.

A BILL FOR AN ACT relating to building construction standards; to amend sections 71-6403, 71-6404, 71-6406, 76-3501, 76-3502, 76-3503, 76-3504, and 76-3505, Reissue Revised Statutes of Nebraska; to change provisions relating to the state building code; to provide radon resistant new construction standards; to provide, change, and eliminate definitions; to restate intent; to eliminate a task force; to harmonize provisions; and to repeal the original sections.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 1CA. Introduced by Wayne, 13.

THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2020, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article I, section 2:

I-2 There shall be neither slavery nor involuntary servitude in this state, otherwise than for punishment of crime, whereof the party shall have been duly convicted.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to eliminate slavery or involuntary servitude as a punishment for crime.

For
Against.

LEGISLATIVE RESOLUTION 2. Introduced by Blood, 3.

WHEREAS, the Constitutional Convention of 1787 was initially convened to make revisions to the Articles of Confederation and this Convention decided instead to discard the Articles of Confederation entirely and create a new system of government; and

WHEREAS, the Constitution of the United States has served as the cornerstone of American liberty since its creation in 1787 and was the first written national constitution to set forth a system of separation of powers and to ensure that the rights of minority groups could not be easily trampled upon by the will of the majority; and

WHEREAS, despite turmoil and grave political and economic concerns, including, without limitation, the contested presidential elections of 1800, 1876, and 2000, the Civil War, and the Great Depression, a subsequent constitutional convention has not been held since 1787; and
WHEREAS, the Constitution has proven to be resilient and has been amended only twenty-seven times during the course of its two-hundred-thirty-year history; and

WHEREAS, Article V of the Constitution requires the Congress of the United States to convene a constitutional convention upon the application of two-thirds of the several states; and

WHEREAS, in 1893, the Legislature passed a joint resolution to make an application to Congress to call a convention to propose specified amendments to the Constitution; and

WHEREAS, in 1903, the Legislature passed House Roll No. 167 to make an application to Congress to call a convention to propose specified amendments to the Constitution; and

WHEREAS, in 1907, the Legislature passed Senate File No. 313 to make an application to Congress to call a convention to propose specified amendments to the Constitution; and

WHEREAS, in 1911, the Legislature passed a joint resolution to make an application to Congress to call a convention to propose specified amendments to the Constitution; and

WHEREAS, in 1949, the Legislature passed Legislative Resolution 32 to make an application to Congress to call a convention to propose specified amendments to the Constitution; and

WHEREAS, in 1965, the Legislature passed Legislative Resolution 42 to make an application to Congress to call a convention to propose specified amendments to the Constitution; and

WHEREAS, in 1978, the Legislature passed Legislative Resolution 152 to make an application to Congress to call a convention to propose specified amendments to the Constitution; and

WHEREAS, in 1979, the Legislature passed Legislative Resolution 106 to make an application to Congress to call a convention to propose specified amendments to the Constitution; and

WHEREAS, in 2010, the Legislature passed Legislative Resolution 538 to make an application to Congress to call a convention to propose specified amendments to the Constitution; and

WHEREAS, a Legislature may not bind a future Legislature for the very reason that in the course of human events new priorities emerge, what represented positive adaptation at a particular time ceases to do so, and the will of the people of the State of Nebraska changes; and

WHEREAS, nearly all the members of the Legislature who voted for the foregoing resolutions are deceased and over ninety-five percent of the members of the current Legislature have not had an opportunity to consider or take a position on any of the foregoing resolutions, indeed may not even be aware of their contents; and

WHEREAS, a litany of such resolutions have been passed by the legislatures of the several states and are currently pending, awaiting in some cases only the action of a few states;

WHEREAS, action by the current legislature of a small number of states could, in a very short period of time, irrevocably trigger one or more conventions to be convened, perhaps concurrently, without the concurrence of two-thirds of the current legislatures; and
WHEREAS, the powers and limitations on a convention of the states or multiple conventions being held simultaneously or jointly are unclear and uncertain; and

WHEREAS, a constitutional convention convened by Congress could make sweeping changes to the Constitution and threaten the liberty of future generations of Nebraskans; and

WHEREAS, the Legislature is aware that other state legislatures have made applications requesting that Congress convene a constitutional convention; and

WHEREAS, the issues raised and contents of the respective resolutions may no longer be germane to the present times; and

WHEREAS, the Legislature no longer supports its previous resolutions which requested that Congress convene a constitutional convention, most of which were adopted over three decades ago, and does not wish for these resolutions to be included with similar applications which were made by other state legislatures.

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

1. That each resolution passed by the Legislature described in this resolution and any additional resolutions previously passed by the Legislature petitioning Congress to call for a constitutional convention under Article V of the Constitution of the United States shall be rescinded upon passage of this resolution.

2. That the members of the Legislature urge each state legislature which has previously requested Congress to convene a constitutional convention to withdraw such applications.

3. That the Clerk of the Legislature prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the United States Senate, the Speaker of the United States House of Representatives, and each member of Nebraska’s congressional delegation.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR2 was referred to the Reference Committee.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 3CA. Introduced by Erdman, 47.

THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2020, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To add a new section 14 to Article VIII:
VIII-14 (1) Notwithstanding any other provision of this Constitution, the Legislature shall provide by law for a refundable credit against the income tax imposed by the State of Nebraska in an amount equal to thirty-five percent of the property taxes that were:
(a) Levied on real property located in this state; and
(b) Paid by the taxpayer during the taxable year.
(2) The Legislature shall make the credit available for taxable years beginning on or after January 1, 2021.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:
A constitutional amendment to require the Legislature to provide a refundable state income tax credit in an amount equal to thirty-five percent of the property taxes that were levied on real property located in this state and paid by the taxpayer during the taxable year.
For
Against.

RECESS

At 11:18 a.m., on a motion by Senator Albrecht, 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 Senator Chambers who was excused until he arrives.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 131. Introduced by Pansing Brooks, 28; DeBoer, 10; Lathrop, 12; Wayne, 13.

A BILL FOR AN ACT relating to crimes and punishment; to amend section 29-2204, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to minimum sentences; and to repeal the original section.

LEGISLATIVE BILL 132. Introduced by Pansing Brooks, 28; DeBoer, 10; Howard, 9; Hunt, 8; Quick, 35; Vargas, 7; Wayne, 13.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-105, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to certain penalties for persons under nineteen years of
age; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 133.** Introduced by Pansing Brooks, 28; Brewer, 43; Wayne, 13.

A BILL FOR AN ACT relating to the Nebraska Treatment and Corrections Act; to amend sections 83-182.01 and 83-1,114, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to structured programming and deferral of parole as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 134.** Introduced by Stinner, 48.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3442, Reissue Revised Statutes of Nebraska, and section 2-3225, Revised Statutes Cumulative Supplement, 2018; to provide certain levy authority and duties for natural resources districts; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 135.** Introduced by Stinner, 48.

A BILL FOR AN ACT relating to the Emergency Medical Services Practice Act; to amend section 38-1220, Reissue Revised Statutes of Nebraska; to change provisions relating to an exemption from licensing requirements; and to repeal the original section.

**PRESENTATION OF COLORS**

Presentation of Colors by the Nebraska Army and Air National Guard.

**INAUGURAL CEREMONIES**

Chief Justice Michael G. Heavican, administered the Oath of Office to the newly elected state officials.

Governor Pete Ricketts delivered his inaugural address. The text will appear in the following day's Journal.

The Governor, Lt. Governor, their families, and other newly elected state officials were escorted from the Chamber.

**ADJOURNMENT**

At 2:49 p.m., on a motion by Senator Lowe, the Legislature adjourned until 10:00 a.m., Friday, January 11, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
The prayer was offered by Senator Williams.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Foley presiding.

The roll was called and all members were present except Senator Wayne who was excused; and Senator Wishart who was excused until she arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the second day was approved.

COMMITTEE ON COMMITTEES FINAL REPORT

Senator Hilkemann offered the following Committee on Committees report:

Agriculture (8)
Rm. 1524 - Tuesday
Halloran (C), Blood, Brandt, Chambers, Hansen, B., Lathrop, Moser, Slama

Appropriations (9)
Rm. 1003 - Monday, Tuesday, Wednesday, Thursday, & Friday
Stinner (C), Bolz, Clements, Dorn, Erdman, Hilkemann, McDonnell, Vargas, Wishart

Banking, Commerce and Insurance (8)
Rm. 1507 - Monday & Tuesday
Williams (C), Gragert, Howard, Kolterman, La Grone, Lindstrom, McCollister, Quick

Business and Labor (7)
Rm. 1524 - Monday
Hansen, M. (C), Chambers, Crawford, Halloran, Hansen, B., Lathrop, Slama
Education (8)
Rm. 1525 - Monday & Tuesday
Groene (C), Brewer, Kolowski, Linehan, Morfeld, Murman, Pansing Brooks, Walz

General Affairs (8)
Rm. 1510 - Monday
Briese (C), Arch, Blood, Brandt, Hunt, Lowe, Moser, Wayne

Government, Military and Veterans Affairs (8)
Rm. 1507 - Wednesday, Thursday, & Friday
Brewer (C), Blood, Hansen, M., Hilgers, Hunt, Kolowski, La Grone, Lowe

Health and Human Services (7)
Rm. 1510 - Wednesday, Thursday, & Friday
Howard (C), Arch, Cavanaugh, Hansen, B., Murman, Walz, Williams

Judiciary (8)
Warner Chamber - Wednesday, Thursday, & Friday
Lathrop (C), Brandt, Chambers, DeBoer, Morfeld, Pansing Brooks, Slama, Wayne

Natural Resources (8)
Rm. 1525 - Wednesday, Thursday, & Friday
Hughes (C), Albrecht, Bostelman, Geist, Gragert, Halloran, Moser, Quick

Nebraska Retirement Systems (6)
Rm. 1525 - At call of Chair
Kolterman (C), Bolz, Groene, Kolowski, Lindstrom, Stinner

Revenue (8)
Rm. 1524 - Wednesday, Thursday, & Friday
Linehan (C), Briese, Crawford, Friesen, Groene, Kolterman, Lindstrom, McCollister

Transportation and Telecommunications (8)
Warner Chamber - Monday & Tuesday
Friesen (C), Albrecht, Bostelman, Cavanaugh, DeBoer, Geist, Hilgers, Hughes

Urban Affairs (7)
Rm. 1510 - Tuesday
Wayne (C), Arch, Briese, Crawford, Hansen, M., Hunt, Lowe

Committee on Committees (13)
Hilkemann (C)
District 1: District 2: District 3:
Bostelman Howard Erdman
Hilgers Lathrop Friesen
Pansing Brooks Lindstrom Groene
Morfeld (VC) Vargas Murman
INAUGURAL ADDRESS

Governor Pete Ricketts delivered the following address at the Inaugural Ceremonies on January 10, 2019.

President Foley, Speaker Scheer, Chief Heavican, Members of the unicameral, distinguished guests, including Stratcom Commander General Hyten, friends, family, my lovely wife, Susanne, fellow Nebraskans: Happy New Year and congratulations on the commencement of the First Session of the 106th Legislature.

I want to especially congratulate our newly-sworn in elected officials and officers and our new members of the Legislature. I have a deep admiration and respect for our State Senators and the work you do here in the chamber. You sacrifice much to serve the people in your communities. Thank you for your service. I also especially want to highlight and recognize the 13 new members of the Unicameral. Can we give them all a big round of applause, please?

It’s a deep honor for me to continue to serve as the 40th Governor of the great State of Nebraska. And you will often hear me say that Nebraska is what America is supposed to be. That we have the best place in the world to live right here in our state. And the reason we have the best place in the world is because of our people. Nebraskans are involved in their communities, in their schools, and in their churches. We’re kind to one another. We treat each other with dignity and respect.

And in the past, I’ve talked about our heroes who exemplify these characteristics. People like Minnie Freeman, Chief Standing Bear, or Father Flanagan. But these characteristics that we value don’t belong only to the heroes of the past. They’re alive and well today in Nebraska.

I think about Todd Brown, who found a wallet on an airplane, and not only returned it to the rightful owner in South Dakota, but put a little extra spending money in there so the young man could celebrate the return of his
wallet. Nebraskans do that.

Or, the three neighbors in Omaha who rushed to the scene of an accident and helped rescue the passengers from a burning vehicle at the risk of their own safety. Or Marine Captain Dustin Lukasiewicz, who lost his life in Nepal, providing relief services to residents and rescuing people after the terrible earthquakes.

We’re a great people, and a great people deserves great opportunity. And that’s why we’re all here. All the people in my office, in my agencies, all the people who work here in this chamber, all the people in the judicial branch. We’re all here to serve our fellow Nebraskans and make sure they have those great opportunities.

The vision for my administration has been to grow Nebraska and help create those opportunities for our people. And I make my commitment here to you today that we will continue to focus on growing Nebraska for the next four years.

Now our strategy to grow Nebraska has four pillars.

The first pillar is making sure we’re connecting Nebraskans to great paying jobs and that they’ve got the skills to be able to take those jobs.

The second pillar is making sure we’re cutting the regulatory red tape, taking down barriers for job creators, and providing our services at the speed of business.

The third pillar is making sure that we’re good stewards of the taxpayer dollars. That we’re doing a good job of taking care of the people we’re supposed to, but we’re also being respectful to the people who pay the bills. That we’re constraining spending, providing tax relief – especially property tax relief.

And the fourth pillar is that we promote our state. This is why I travel all around the country and around the world, from New York to Seattle, Japan to Europe, telling people that we have got the best place in the world right here. And folks, we’ve been recognized, we’ve been rewarded for that.

We are recognized as being the number one most fiscally stable state in the country. We’re number two for regulatory environment and cost of doing business. We have had the third highest wage growth in Nebraska of any state in the country since 2014. We’ve got the fourth highest workforce participation rate. Forbes says we’re the fifth best state overall for business. We’ve got the sixth lowest unemployment rate. And, for two years in a row now, we have led the nation in the most economic development projects per capita of any state in the country.

And when those companies invest in our state, they’re creating those job
opportunities for our Nebraska families, that allow our families to send their kids to school, go on that family vacation, and enjoy the Good Life here in our state. Folks, that’s what it’s all about.

I think about companies like Facebook and their billion-dollar investment in Papillion, creating about a thousand construction jobs now and 200 ongoing jobs when that facility is fully operational. Or Prairie Catalytic in Columbus. They’re creating a biorefinery with their $50 million dollar investment that will turn ethanol into ethyl acetate.

Or Becton Dickinson, who last year announced a $200 million investment in our state on top of the $140 million they just did in creating 300 additional jobs at their facilities.

Or Costco in Fremont. Their new plant there will create 800 jobs in Fremont and the opportunity for 125 farmers to be able to put up poultry barns, to be able to diversify their revenue, build equity in their operation, and allow young people to come back to the family farm.

Or right here in Lincoln, Kawasaki, a $3.6 billion contract to build railcars for the East Coast. Last year at the State of the State, you may remember, we talked about Eric Jones, a line worker at Kawasaki. Because Kawasaki also created their first ever aero structures division, right here in Nebraska, he got the opportunity to go to that division, which made him supervisor, and now has an even better job to take care of his family.

Folks, that’s what we’re supposed to do: Help create those opportunities for people like Eric Jones, so he can take care of his family and enjoy the Good Life here in our state. It’s not going to be easy, but we need to continue to grow Nebraska.

Four years ago, I borrowed the words from a great Nebraska stateswoman, Virginia Smith, who said, “There is no excellence without great labor.”

We’re going to have to work hard and work together. We’re going to have to roll up our sleeves, use a little bit of Nebraska grit. But I’m confident, working together, we can address the priorities of Nebraskans in the next weeks, months, and years.

Next week, I’ll return with my budget that focuses on these priorities. We’re going to have to continue to control spending and address key priorities like property tax relief.

I’m asking for your help in enacting this vision to grow Nebraska.

So once again, I want to say thank you to our State Senators for your service and sacrifice. I want to say best wishes to our newly sworn-in officials. Remember this special day. And on behalf of Susanne and my family: God bless you all and God bless the great State of Nebraska. Thank you.
BILLS ON FIRST READING

The following bills were read for the first time by title:

**LEGISLATIVE BILL 136.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to cities; to adopt the Density Bonus and Inclusionary Housing Act; and to provide a duty for the Revisor of Statutes.

**LEGISLATIVE BILL 137.** Introduced by Blood, 3.

A BILL FOR AN ACT relating to gambling; to amend sections 28-1101, 28-1105, and 28-1113, Reissue Revised Statutes of Nebraska; to adopt the Fantasy Contests Act; to redefine terms; to provide a gambling exception for conducting or participating in fantasy contests; to change a provision relating to the possession of gambling records; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 138.** Introduced by Blood, 3.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-301, 60-393, 60-395, 60-396, 60-3,104, 60-3,122.03, 60-3,122.04, and 60-3,130.04, Revised Statutes Cumulative Supplement, 2018; to provide for additional Military Honor Plates and Support Our Troops Plates; to create a fund; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 139.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to the Contractor Registration Act; to amend section 48-2117, Reissue Revised Statutes of Nebraska; to change provisions relating to a data base of contractors; to provide for a presumption; and to repeal the original section.

**LEGISLATIVE BILL 140.** Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to the Indoor Tanning Facility Act; to amend sections 71-3902, 71-3904, 71-3905, 71-3906, and 71-3907, Reissue Revised Statutes of Nebraska; to define a term; to change provisions relating to age and signed agreements; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 141.** Introduced by DeBoer, 10; Blood, 3; Bolz, 29; Cavanaugh, 6; Crawford, 45; Dorn, 30; Howard, 9; Hunt, 8; Lathrop, 12; McCollister, 20; Morfeld, 46; Pansing Brooks, 28; Quick, 35; Vargas, 7; Wishart, 27.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-310.01, Reissue Revised Statutes of Nebraska; to change provisions relating to strangulation; to prohibit suffocation; to change penalties; and to
repeal the original section.

**LEGISLATIVE BILL 142.** Introduced by Geist, 25.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-3301, 60-3302, 60-3303, 60-3304, 60-3305, 60-3306, 60-3307, 60-3308, 60-3309, 60-3310, and 60-3311, Revised Statutes Cumulative Supplement, 2018; to define and redefine terms; to change provisions relating to driving-automation-system-equipped vehicles; to provide powers and duties for the Department of Motor Vehicles; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 143.** Introduced by Hughes, 44.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Cumulative Supplement, 2018; to prohibit throwing or dropping dangerous instruments on motor vehicles; to define terms; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 144.** Introduced by Hughes, 44.

A BILL FOR AN ACT relating to elections; to amend sections 32-517, 32-518, 32-519, 32-520, 32-521, 32-522, 32-523, 32-524, 32-525, 32-526, 32-528, 32-529, 32-615, 32-810, 32-811, 32-813, 32-814, 32-815, and 32-817, Reissue Revised Statutes of Nebraska, and section 32-101, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to nomination and election of county officers in certain counties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 145.** Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to the Nebraska Uniform Power of Attorney Act; to amend section 30-4031, Reissue Revised Statutes of Nebraska; to change provisions relating to banks and other financial institutions; and to repeal the original section.

**LEGISLATIVE BILL 146.** Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to the Nebraska Uniform Power of Attorney Act; to amend section 30-4020, Reissue Revised Statutes of Nebraska; to change time for acceptance of a power of attorney; and to repeal the original section.

**LEGISLATIVE BILL 147.** Introduced by Groene, 42.

A BILL FOR AN ACT relating to the Student Discipline Act; to amend section 79-254, Reissue Revised Statutes of Nebraska; to provide for use of physical contact or physical restraint or removal from a class in response to student behavior; to harmonize provisions; and to repeal the original section.
LEGISLATIVE BILL 148. Introduced by Groene, 42.

A BILL FOR AN ACT relating to state and local government; to amend sections 13-503, 13-506, and 84-1411, Revised Statutes Cumulative Supplement, 2018; to redefine a term; to change provisions relating to public hearings on proposed budget statements and notice of meetings of public bodies; and to repeal the original sections.

LEGISLATIVE BILL 149. Introduced by Quick, 35; Albrecht, 17; Bolz, 29; Cavanaugh, 6; Hilkemann, 4; Howard, 9; Hunt, 8; McDonnell, 5; Pansing Brooks, 28; Vargas, 7; Walz, 15; Wishart, 27.

A BILL FOR AN ACT relating to vapor products; to amend sections 28-1418, 28-1418.01, 28-1419, 28-1420, 28-1421, 28-1423, 28-1424, 28-1425, 28-1427, 28-1429.01, 28-1429.02, 71-5716, 71-5718, and 71-5727, Reissue Revised Statutes of Nebraska; to change and provide restrictions relating to the sale and use of vapor products and flavored liquids as prescribed; to define and redefine terms; to require sellers of vapor products to be licensed as prescribed; to change legislative findings; to add restrictions relating to vapor products under the Nebraska Clean Indoor Air Act; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 150. Introduced by Brewer, 43.

A BILL FOR AN ACT relating to public records; to amend sections 84-712, 84-712.01, and 84-712.07, Reissue Revised Statutes of Nebraska, and section 84-712.05, Revised Statutes Cumulative Supplement, 2018; to define a term; to change provisions relating to access to and fees for public records; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 151. Introduced by Brewer, 43.

A BILL FOR AN ACT relating to public lettings and contracts; to adopt the Government Neutrality in Contracting Act.

LEGISLATIVE BILL 152. Introduced by Brewer, 43.

A BILL FOR AN ACT relating to the Nebraska National Guard; to amend section 23-3211, Revised Statutes Cumulative Supplement, 2018; to state the rights of members of the Nebraska National Guard; to provide for confidentiality of Nebraska National Guard members' residential addresses; and to repeal the original section.

LEGISLATIVE BILL 153. Introduced by Brewer, 43; Blood, 3; Bostelman, 23; Clements, 2; Crawford, 45; Gragert, 40; Linehan, 39; Lowe, 37; at the request of the Governor.
A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Reissue Revised Statutes of Nebraska; to change provisions relating to the taxation of military retirement benefits; and to repeal the original section.

LEGISLATIVE BILL 154. Introduced by Brewer, 43; Gragert, 40; Pansing Brooks, 28.

A BILL FOR AN ACT relating to the Nebraska State Patrol; to require a report on missing Native American women in Nebraska.

LEGISLATIVE BILL 155. Introduced by Brewer, 43; Bostelman, 23.

A BILL FOR AN ACT relating to privately developed renewable energy generation facilities; to amend section 70-1014.02, Reissue Revised Statutes of Nebraska; to eliminate provisions relating to eminent domain; and to repeal the original section.

LEGISLATIVE BILL 156. Introduced by Brewer, 43; McDonnell, 5.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-6,379, Reissue Revised Statutes of Nebraska, and sections 60-101, 60-102, 60-153, 60-301, 60-302, 60-3,187, 60-3,190, 60-501, 60-520, 60-547, 60-601, and 60-605, Revised Statutes Cumulative Supplement, 2018; to authorize the operation of former military vehicles as prescribed; to define terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 157. Introduced by Brewer, 43.

A BILL FOR AN ACT relating to the Nebraska Apiary Act; to amend sections 81-2,165.01 and 81-2,166, Reissue Revised Statutes of Nebraska; to define a term; to provide for voluntary registration of Nebraska apiaries and bee hives; to provide duties for the Department of Agriculture; to prohibit commercial beekeeping operations from locating hives as prescribed; to provide a cause of action; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 158. Introduced by Brewer, 43.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1301, Reissue Revised Statutes of Nebraska; to change provisions relating to the assessed value of real property; and to repeal the original section.

LEGISLATIVE BILL 159. Introduced by Williams, 36.

A BILL FOR AN ACT relating to insurance; to amend sections 44-2706, 44-2707, 44-2708, 44-2709, 44-2713, 44-2718, and 44-2719.01, Reissue Revised Statutes of Nebraska, and sections 44-2702, 44-2703, and
LEGISLATIVE BILL 160. Introduced by Quick, 35.

A BILL FOR AN ACT relating to the Local Option Municipal Economic Development Act; to amend sections 18-2705 and 18-2709, Revised Statutes Cumulative Supplement, 2018; to redefine terms to include early childhood infrastructure development and quality early childhood care and education programs for certain cities and villages as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 161. Introduced by Erdman, 47; Clements, 2; Friesen, 34.

LEGISLATIVE BILL 162. Introduced by Hunt, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.16, Reissue Revised Statutes of Nebraska; to impose sales and use taxes on certain services; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 163. Introduced by Hunt, 8.

A BILL FOR AN ACT relating to elections; to amend section 32-960, Reissue Revised Statutes of Nebraska; to permit counties to conduct elections by mail; and to repeal the original section.

LEGISLATIVE BILL 164. Introduced by Hunt, 8; Crawford, 45; Howard, 9; McCollister, 20; Morfeld, 46; Walz, 15.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-367.01 and 29-4003, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Cumulative Supplement, 2018; to prohibit the electronic transmission or online posting of certain photographs or videos as prescribed; to redefine sexual exploitation; to provide for a registrable offense under the Sex Offender Registration Act; to provide penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 165. Introduced by Hunt, 8; Morfeld, 46; Pansing Brooks, 28.

A BILL FOR AN ACT relating to schools; to amend section 79-265, Reissue Revised Statutes of Nebraska; to adopt the Too Young to Suspend Act; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 166. Introduced by Hunt, 8; Howard, 9; Morfeld, 46; Pansing Brooks, 28; Wishart, 27.

A BILL FOR AN ACT relating to crimes and offenses; to prohibit a defendant's discovery of a victim's actual or perceived gender or sexual orientation as a defense to criminal offenses; to define terms; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 167. Introduced by Hunt, 8; Pansing Brooks, 28.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend sections 38-178 and 38-2894, Reissue Revised Statutes of Nebraska, and section 38-101, Revised Statutes Cumulative Supplement, 2018; to provide for disciplinary action for providing conversion therapy as prescribed; to prohibit the provision and advertising of conversion therapy as prescribed; to define terms; to prohibit the use of funds for conversion therapy as prescribed; to harmonize provisions; and to repeal the original sections.
LEGISLATIVE BILL 168. Introduced by Hunt, 8; Howard, 9; McCollister, 20; Morfeld, 46; Vargas, 7; Wishart, 27.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-707, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Cumulative Supplement, 2018; to state legislative findings; to define a term; to classify subjecting a child to conversion therapy as child abuse; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 169. Introduced by Hunt, 8.

A BILL FOR AN ACT relating to public assistance; to amend section 68-1017.02, Reissue Revised Statutes of Nebraska; to change provisions relating to eligibility for Supplemental Nutrition Assistance Program benefits as prescribed; and to repeal the original section.

LEGISLATIVE BILL 170. Introduced by Hunt, 8; Morfeld, 46; Pansing Brooks, 28.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701, 77-2701.04, 77-2701.41, 77-2711, 77-2713, and 77-27,223, Reissue Revised Statutes of Nebraska; to provide a sales and use tax exemption for feminine hygiene products; to define terms; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 171. Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Administrative Services.

LEGISLATIVE BILL 172. Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to finance; to amend section 30-2723, Reissue Revised Statutes of Nebraska, and section 43-2101, Revised Statutes Cumulative Supplement, 2018; to clarify duties of cofiduciaries with respect to banking transactions involving trust or estate assets; to change provisions relating to sums on deposit payable on death to two or more beneficiaries; to authorize competency for persons eighteen years of age or older entering into certain financial agreements; and to repeal the original sections.


A BILL FOR AN ACT relating to sexual assault; to amend sections 28-318, 28-319, and 28-320, Reissue Revised Statutes of Nebraska; to define and redefine the terms of coercion and without consent; to provide for applicability; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 174. Introduced by Bolz, 29; Hilkemann, 4.
A BILL FOR AN ACT relating to violence prevention; to amend section 81-1451, Reissue Revised Statutes of Nebraska; to state intent relating to appropriations; and to repeal the original section.

LEGISLATIVE BILL 175. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-1466 and 49-1479, Reissue Revised Statutes of Nebraska; to change provisions relating to candidate committees; and to repeal the original sections.

LEGISLATIVE BILL 176. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-105, Revised Statutes Cumulative Supplement, 2018; to eliminate certain mandatory minimum penalties; and to repeal the original section.

LEGISLATIVE BILL 177. Introduced by Lindstrom, 18; Blood, 3; Crawford, 45; Kolowski, 31; Linehan, 39; McCollister, 20; McDonnell, 5.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3226.14, Reissue Revised Statutes of Nebraska; to change a termination date; and to repeal the original section.

LEGISLATIVE BILL 178. Introduced by Hilgers, 21.

A BILL FOR AN ACT relating to state government; to amend sections 48-193, 48-194, 48-195, 48-196, 48-197, 48-1,108, 81-8,224, 81-8,239.02, and 81-1021, Reissue Revised Statutes of Nebraska; to change provisions relating to workers' compensation claims and tort claims against the state, the State Self-Insured Liability Fund, and state vehicles; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 179. Introduced by Hilgers, 21.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-1902, Reissue Revised Statutes of Nebraska; to authorize the appeal of certain motions as final orders; to harmonize provisions; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 180. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to the Community College Gap Assistance Program Act; to amend section 85-2002, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to eligibility; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 181. Introduced by Bolz, 29.
A BILL FOR AN ACT relating to the Department of Health and Human Services; to provide for a study of long-term care sustainability; to impose a moratorium on changes to long-term care under the Medical Assistance Act; and to state intent to appropriate funds.

LEGISLATIVE BILL 182. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to revenue and taxation; to adopt the School District Local Option Income Surtax Act.

LEGISLATIVE BILL 183. Introduced by Briese, 41.

A BILL FOR AN ACT relating to taxation; to amend sections 77-201 and 77-5023, Reissue Revised Statutes of Nebraska; to change the valuation of agricultural land and horticultural land for purposes of certain school district taxes; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 184. Introduced by Friesen, 34; Lowe, 37.

A BILL FOR AN ACT relating to telecommunications and technology; to adopt the Small Wireless Facilities Deployment Act.

LEGISLATIVE BILL 185. Introduced by Friesen, 34.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1344 and 77-1347, Reissue Revised Statutes of Nebraska; to change provisions relating to the special valuation of agricultural or horticultural land; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 186. Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to notaries public; to amend sections 64-105, 64-113, 64-203, and 64-205, Reissue Revised Statutes of Nebraska, and section 23-1503.01, Revised Statutes Cumulative Supplement, 2018; to adopt the Online Notary Public Act; to change provisions relating to physical appearance before a notary; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 187. Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to the Sports Arena Facility Financing Assistance Act; to amend section 13-3105, Reissue Revised Statutes of Nebraska, and sections 13-3102, 13-3103, 13-3104, and 13-3106, Revised Statutes Cumulative Supplement, 2018; to authorize assistance for sports complexes as prescribed; to define and redefine terms; to change provisions relating to limitations on state assistance, applications, notice, and
considerations for application approval; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 188.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to the Nebraska Installment Loan Act; to amend section 45-1024, Revised Statutes Cumulative Supplement, 2018; to change the rate of interest to be charged on installment loans; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 189.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to the Nebraska Installment Loan Act; to amend section 45-1024, Revised Statutes Cumulative Supplement, 2018; to change the rate of interest to be charged on installment loans; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 190.** Introduced by La Grone, 49.

A BILL FOR AN ACT relating to the Department of Transportation; to amend sections 3-104, 3-158, 60-6,102, 60-6,103, 60-6,107, and 60-6,175, Revised Statutes Cumulative Supplement, 2018; to change and eliminate provisions relating to rules and regulations; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 191.** Introduced by La Grone, 49.

A BILL FOR AN ACT relating to state and local government; to amend section 77-1601.02, Reissue Revised Statutes of Nebraska, and sections 13-519 and 13-520, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to budget limitations and procedures and property tax request public hearing notice requirements as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 192.** Introduced by McCollister, 20.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-484, 60-4,117, 60-4,144, 60-4,189, and 80-414, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to veteran designations on operators' licenses and state identification cards; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 193.** Introduced by Urban Affairs Committee: Wayne, 13, Chairperson; Arch, 14; Briese, 41; Crawford, 45; Hansen, M., 26; Hunt, 8; Lowe, 37.

A BILL FOR AN ACT relating to cities and villages; to amend sections
LEGISLATIVE BILL 194. Introduced by Urban Affairs Committee: Wayne, 13, Chairperson; Arch, 14; Briese, 41; Crawford, 45; Hansen, M., 26; Hunt, 8; Lowe, 37.

A BILL FOR AN ACT relating to cities of the first class; to amend sections 16-115, 16-118, 16-316, 16-321.01, 16-610, 16-611, 16-614, 16-629, 16-645, 16-648, 16-663, 16-671.01, 16-674, 16-675, and 16-808, Reissue Revised Statutes of Nebraska, and sections 16-119, 16-304, 16-305, 16-309, 16-312, 16-313, 16-314, 16-317, 16-318, 16-319, 16-320, 16-321, 16-322, 16-323, 16-324, 16-326, 16-327, 16-401, 16-402, 16-403, 16-404, 16-405,
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LEGISLATIVE BILL 195. Introduced by Urban Affairs Committee: Wayne, 13, Chairperson; Arch, 14; Briese, 41; Crawford, 45; Hansen, M., 26; Hunt, 8; Lowe, 37.

A BILL FOR AN ACT relating to fire codes; to amend sections 71-5907 and 81-505.01, Reissue Revised Statutes of Nebraska, and section 81-502.04, Revised Statutes Cumulative Supplement, 2018; to correct references to the State Fire Code; and to repeal the original sections.

LEGISLATIVE BILL 196. Introduced by Urban Affairs Committee: Wayne, 13, Chairperson; Arch, 14; Briese, 41; Crawford, 45; Hansen, M., 26; Hunt, 8; Lowe, 37.

A BILL FOR AN ACT relating to cities; to amend sections 14-407, 14-420, and 19-4029.01, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to notice of certain zoning matters in cities of the metropolitan class and for certain hearings under the Business Improvement District Act; and to repeal the original sections.

LEGISLATIVE BILL 197. Introduced by Urban Affairs Committee: Wayne, 13, Chairperson; Arch, 14; Briese, 41; Crawford, 45; Hansen, M., 26; Hunt, 8; Lowe, 37.

A BILL FOR AN ACT relating to cities and villages; to provide a procedure for detachment of real property from the corporate limits of a city or village; to eliminate provisions relating to detachment of real property within the corporate limits of a city of the first class, city of the second class, or village; to provide a duty for the Revisor of Statutes; and to outright repeal sections 16-129 and 17-414, Revised Statutes Cumulative Supplement, 2018.

LEGISLATIVE BILL 198. Introduced by Halloran, 33.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1205, Reissue Revised Statutes of Nebraska, and sections 28-101, 28-1201, 28-1351, and 28-1354, Revised Statutes Cumulative Supplement, 2018; to define terms; to change provisions relating to use of a deadly weapon to commit a felony; to create the offense of use of a facsimile firearm to commit a felony; to harmonize provisions; and to repeal the
original sections.

**LEGISLATIVE BILL 199.** Introduced by Wishart, 27.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Supreme Court for court appointed special advocate state aid.

**LEGISLATIVE BILL 200.** Introduced by Wishart, 27.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-1,121, Reissue Revised Statutes of Nebraska; to change provisions relating to licensure under the Health Care Facility Licensure Act of alcoholism centers providing civil protective custody for intoxicated persons; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 201.** Introduced by McCollister, 20.

A BILL FOR AN ACT relating to weights and measures; to amend section 89-197, Revised Statutes Cumulative Supplement, 2018; to prohibit certain unlawful acts as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 202.** Introduced by Wishart, 27; Walz, 15.

A BILL FOR AN ACT relating to appropriations; to designate funds appropriated to the Department of Health and Human Services for state aid; and to declare an emergency.

**LEGISLATIVE BILL 203.** Introduced by Briese, 41.

A BILL FOR AN ACT relating to the Music Licensing Agency Act; to amend section 59-1402, Revised Statutes Cumulative Supplement, 2018; to redefine a term; and to repeal the original section.

**LEGISLATIVE BILL 204.** Introduced by Briese, 41.

A BILL FOR AN ACT relating to the Interlocal Cooperation Act; to amend section 13-808, Reissue Revised Statutes of Nebraska; to require approval by the voters for the issuance of bonds; and to repeal the original section.

**LEGISLATIVE BILL 205.** Introduced by Kolterman, 24; Erdman, 47; Geist, 25; Howard, 9; Linehan, 39; Williams, 36.

A BILL FOR AN ACT relating to medicine and surgery; to amend sections 38-2001 and 38-2025, Revised Statutes Cumulative Supplement, 2018; to adopt the Surgical Technologist Registration Act; to exclude certain persons from the restriction regarding the unauthorized practice of medicine; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 206.** Introduced by Morfeld, 46.
A BILL FOR AN ACT relating to journalism; to define terms; to provide protection for freedom of speech and freedom of the press for student journalists; to provide protection for student media advisers; to provide immunity for schools; and to provide exceptions.

LEGISLATIVE BILL 207. Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to the death penalty; to create the Death Penalty Defense Standards Advisory Council; to provide powers and duties for the council; and to require a report.

LEGISLATIVE BILL 208. Introduced by Walz, 15; Blood, 3; Bostelman, 23; Brandt, 32; Briese, 41; Cavanaugh, 6; DeBoer, 10; Kolowski, 31; McCollister, 20; Morfeld, 46.

A BILL FOR AN ACT relating to telecommunications and technology; to amend sections 86-577, 86-593, and 86-594, Reissue Revised Statutes of Nebraska; to provide an exception for leasing dark fiber or providing broadband, Internet, telecommunications, or video services by an agency or political subdivision of the state; to define terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 209. Introduced by Albrecht, 17; Arch, 14; Bostelman, 23; Brewer, 43; Briese, 41; Clements, 2; Erdman, 47; Geist, 25; Gragert, 40; Halloran, 33; Hansen, B., 16; Hilgers, 21; Kolterman, 24; La Grone, 49; Linehan, 39; Lowe, 37; McDonnell, 5; Murman, 38; Quick, 35; Scheer, 19; Slama, 1.

A BILL FOR AN ACT relating to abortion; to amend sections 28-327 and 28-327.01, Reissue Revised Statutes of Nebraska; to provide requirements for provision of information regarding reversal of the effects of medication abortion; and to repeal the original sections.

LEGISLATIVE BILL 210. Introduced by Crawford, 45; McCollister, 20; Quick, 35.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-1403, Reissue Revised Statutes of Nebraska, and sections 49-1401, 49-1463.01, 49-1467, and 49-1469, Revised Statutes Cumulative Supplement, 2018; to define a term; to change reporting requirements for independent expenditures; to require reporting regarding electioneering communication; to provide for late filing fees; to provide a penalty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 211. Introduced by Crawford, 45; Blood, 3; Hansen, M., 26; Hunt, 8; Kolterman, 24; McCollister, 20; Quick, 35; Vargas, 7; Walz, 15; Wayne, 13.
A BILL FOR AN ACT relating to county officers; to amend sections 32-517, 32-518, 32-519, 32-520, 32-521, 32-522, 32-523, 32-524, 32-525, 32-526, 32-528, 32-529, and 32-609, Reissue Revised Statutes of Nebraska; to provide for nomination and election of county officers on the nonpartisan ballot; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 212. Introduced by Government, Military and Veterans Affairs Committee: Brewer, 43, Chairperson; Blood, 3; Hansen, M., 26; La Grone, 49; Lowe, 37.

A BILL FOR AN ACT relating to the Open Meetings Act; to amend section 84-1411, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to videoconferences and telephone conferencing; and to repeal the original section.

LEGISLATIVE BILL 213. Introduced by McCollister, 20.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-2264 and 29-3005, Revised Statutes Cumulative Supplement, 2018; to provide a procedure for setting aside convictions as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 214. Introduced by La Grone, 49; Brewer, 43.

A BILL FOR AN ACT relating to state government; to authorize cession of certain lands to the United States.

LEGISLATIVE BILL 215. Introduced by Linehan, 39; Blood, 3; McDonnell, 5.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-301, 60-395, 60-3,104, and 60-3,130.04, Revised Statutes Cumulative Supplement, 2018; to provide for Prostate Cancer Awareness Plates; to harmonize provisions; and to repeal the original sections.


A BILL FOR AN ACT relating to jails and correctional facilities; to amend section 47-703, Revised Statutes Cumulative Supplement, 2018; to prohibit law enforcement releasing a person from custody to avoid the cost of medical services; and to repeal the original section.


A BILL FOR AN ACT relating to the Nebraska Wage Payment and Collection Act; to amend section 48-1228, Revised Statutes Cumulative Supplement, 2018; to prohibit retaliation against employees for communicating about wages as prescribed; to harmonize provisions; and to
repeal the original section.

LEGISLATIVE BILL 218. Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-105 and 77-2701.16, Reissue Revised Statutes of Nebraska; to redefine the terms tangible personal property and gross receipts as prescribed; to provide an operative date; to repeal the original sections; and to declare an emergency.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 4. Introduced by Gragert, 40.

WHEREAS, the Creighton Bulldogs football team won the 2018 Class D-1 State Football Championship; and
WHEREAS, the Creighton Bulldogs won the championship game at Memorial Stadium on November 19, 2018, over Burwell by a score of 32 to 30; and
WHEREAS, the Bulldogs overcame an extremely physical game; and
WHEREAS, the state championship capped a tremendous 13-0 perfect season and resulted in the first ever state football title for the Bulldogs; and
WHEREAS, throughout the season the members of the Creighton Bulldogs football team have demonstrated that hard work, dedication, and discipline produce remarkable results; and
WHEREAS, the team members are positive role models for young athletes in the community and throughout the region; and
WHEREAS, such a team achievement is made possible through the support of teachers, administrators, parents, and the community.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature recognizes and congratulates the Creighton Bulldogs football team and their coaches on winning the 2018 Class D-1 State Football Championship.
2. That a copy of this resolution be sent to the Creighton Bulldogs football team and Head Coach Zac Kliment.

Laid over.

LEGISLATIVE RESOLUTION 5CA. Introduced by Brewer, 43.

THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:
Section 1. At the general election in November 2020, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:
To amend Article VII, section 1:
VII-1 (1) The Legislature shall provide for the free instruction in the common schools of this state of all persons between the ages of five and twenty-one years. No more than thirty-three percent of the funding for such free instruction in the common schools shall come from property taxes.

(2) The Legislature may provide for the education of other persons in educational institutions owned and controlled by the state or a political subdivision thereof.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to require that no more than thirty-three percent of the funding for the free instruction in the common schools shall come from property taxes.

For
Against.

LEGISLATIVE RESOLUTION 6. Introduced by Geist, 25; Albrecht, 17; Blood, 3; Bolz, 29; Cavanaugh, 6; Crawford, 45; DeBoer, 10; Howard, 9; Hunt, 8; Linehan, 39; Pansing Brooks, 28; Slama, 1; Walz, 15; Wishart, 27.

WHEREAS, Ruth Raymond Thone served as Nebraska's first lady from 1979 to 1983; and
WHEREAS, Ruth was born November 21, 1931, in Scottsbluff to Jack L. and Ruth (Thaxter) Raymond; and
WHEREAS, Ruth met Charley Thone during an interview while she was the editor of the University of Nebraska's student newspaper in 1952. They were married on August 16, 1953; and
WHEREAS, Ruth was known as a lively spirit. She was named the National Organization for Women's Nebraska Woman of the Year in 1999 and honored as the Nebraska Press Women's Communicator of Achievement in 2014; and
WHEREAS, Ruth was the author of three books and countless articles for newspapers and magazines, a commentator on Nebraska Public Radio, a Nebraska Humanities Council scholar and speaker, and led classes on women and aging, women and appearance issues, self-esteem, values realization, negative criticism, and writing; and
WHEREAS, Ruth was active in a variety of community and social justice organizations. She co-founded the Gathering Place and the Friends of Loren Eiseley and participated in Alternatives to the Military - Lincoln, Nebraskans for Peace, the Palestine Solidarity Committee, anti-war coalitions, advocating for civil rights for lesbians and gays, Nebraskans Against the Death Penalty, the Center for Rural Affairs, alcohol and drug recovery organizations, the Lincoln Friends Meeting, the Central American Response Team, Common Cause (national board member), Nebraska Common Cause, the Junior League of Lincoln (treasurer), Delta Gamma, the Nebraska Society of Washington, D.C. (former president), and the Congressional Wives Prayer Group (leader); and
WHEREAS, Ruth and Charley had three daughters: Anna Salmeron, a nurse and photographer in Boston; Marie Thone, an editor in Vancouver;
and Amy Thone, an actor and Shakespeare teacher in Seattle. The couple was also blessed with two granddaughters, Charlotte and Stella; and
WHEREAS, Ruth’s husband, Governor Charley Thone, passed away on March 7, 2018; and
WHEREAS, Ruth Thone passed away on May 3, 2018, at the age of 86.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature honors Ruth Raymond Thone for her spirit and dedication.
2. That the Legislature extends deep sympathy to the family of Ruth Raymond Thone.
3. That a copy of this resolution be sent to the family of Ruth Raymond Thone.

Laid over.

ANNOUNCEMENT(S)

The Judiciary Committee elected Senator Pansing Brooks as Vice Chairperson.

The Banking, Commerce and Insurance Committee elected Senator Lindstrom as Vice Chairperson.

ANNOUNCEMENT(S)

Priority designation(s) received:

Wishart - LB110

VISITOR(S)

Visitors to the Chamber were Senator Albrecht’s sister-in-law and brother-in-law, Connie and Robert Albrecht, from Emerson.

The Doctor of the Day was Dr. Dale Michels from Walton.
ADJOURNMENT

At 11:30 a.m., on a motion by Senator Walz, the Legislature adjourned until 10:00 a.m., Monday, January 14, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
FOURTH DAY - JANUARY 14, 2019

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 14, 2019

PRAYER

The prayer was offered by Reverend Larry Moffet, First United Methodist Church, Lincoln.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Scheer presiding.

The roll was called and all members were present except Senator Stinner who was excused; and Senators Friesen, Linehan, Morfeld, and Vargas who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the third day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

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LB133  Judiciary
LB134  Natural Resources
LB135  Health and Human Services
LR1CA  Judiciary
LR2  Executive Board
LR3CA  Revenue

Appelt, Jason D. - Niobrara Council - Natural Resources
Arrowsmith, Bradley A. - Niobrara Council - Natural Resources
Arrowsmith, Lana S. - Niobrara Council - Natural Resources
Batie, Donald P. - Nebraska Natural Resources Commission - Natural Resources
Bird, Bradley B. - Nebraska Ethanol Board - Natural Resources
Boldt, Randy - Board of Emergency Medical Services - Health and Human Services
Bomberger, Jeffrey - Nebraska Commission on Problem Gambling - General Affairs
Bonta, John - Board of Emergency Medical Services - Health and Human Services
Bowlin, Karen - Board of Emergency Medical Services - Health and Human Services
Cantrell, Christopher - State Fire Marshal, Nebraska State Fire Marshal - Government, Military and Veterans Affairs
Czaplewski, Mark - Nebraska Natural Resources Commission - Natural Resources
Dodson, Dallas D. - Niobrara Council - Natural Resources
Eatherton, Shawn - Crime Victim's Reparations Committee - Judiciary
Fiala, Ann - Board of Emergency Medical Services - Health and Human Services
Haddad, Amy - Nebraska Arts Council - General Affairs
Hasselbalch, Joyce - Nebraska Arts Council - General Affairs
Heaston, John - Nebraska Natural Resources Commission - Natural Resources
Henson, Robert - Technical Advisory Committee for Statewide Assessment - Education
Hoefs, Dustin - Niobrara Council - Natural Resources
Hunsberger, Mike - State Electrical Board - General Affairs
Hunt, Cherlyn - Nebraska Rural Health Advisory Commission - Health and Human Services
Jackson, Jason - Director, Department of Administrative Services - Government, Military and Veterans Affairs
Klammer, Kyle - Nebraska Rural Health Advisory Commission - Health and Human Services
Kramer, Lynette - Nebraska Rural Health Advisory Commission - Health and Human Services
Kraus, Don - Nebraska Natural Resources Commission - Natural Resources
Leckband, Paul - Nebraska Commission on Problem Gambling - General Affairs
Mercure, Mary L. - Niobrara Council - Natural Resources
Mercure, Richard S. - Niobrara Council - Natural Resources
Miller, Michael - Board of Emergency Medical Services - Health and Human Services
Morrissey, George - State Electrical Board - General Affairs
Nasir, Laeth - Nebraska Rural Health Advisory Commission - Health and Human Services
Nellhaus, Jeffrey - Technical Advisory Committee for Statewide Assessment - Education
Parker, Thomas - Crime Victim's Reparations Committee - Judiciary
Peetz, Sarah - Nebraska Arts Council - General Affairs
Poole, Linda - Technical Advisory Committee for Statewide Assessment - Education
Rennerfeldt, Carl - Board of Emergency Medical Services - Health and Human Services
Schindler, Michelle - Crime Victim's Reparations Committee - Judiciary
Schroeder, Rebecca A. - Nebraska Rural Health Advisory Commission - Health and Human Services
Seiler, Walter - Nebraska Arts Council - General Affairs
Simpson, Allen - Public Employees Retirement Board - Nebraska Retirement Systems
Sitorius, Michael Allen - Nebraska Rural Health Advisory Commission - Health and Human Services
Smith, Lindsey - Nebraska Natural Resources Commission - Natural Resources
Strauch, Walter Dennis - Nebraska Natural Resources Commission - Natural Resources
Taylor, Loren - Nebraska Natural Resources Commission - Natural Resources
Thede, Michael S. - Nebraska Ethanol Board - Natural Resources
CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Bolz has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

ANNOUNCEMENT(S)

The Agriculture Committee elected Senator Brandt as Vice Chairperson.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 13, 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

Abboud, Chris - Public Affairs Group
  DraftKings Inc.
  FanDuel, Inc.
  MasterCard
Abraham, Christine K.
  League of Nebraska Municipalities
Acierno, Jenifer
  Jensen Rogert Associates, Inc.
Adair, Peggy
  League of Women Voters of Greater Omaha
Adams, Greg
  Nebraska Community College Association
Adams, John H.
  International Gamco, Inc.
Adler, Joseph
  Holland Children's Movement
Alston, Garth R.
Altria Client Services LLC and its Affiliates
Amack, Angela K.
Center for People in Need
Everytown for Gun Safety Action Fund
Grand Island Public Schools
International Brotherhood of Electrical Workers (IBEW)
Jensen Rogert Associates, Inc.
Nebraska Professional Fire Fighters Association (NPFFA)
Amdor, Diane
Nebraska Mediation Association
American Communications Group, Inc.
AARP Nebraska
Advanced Power Alliance
American Cancer Society Cancer Action Network
Association of Surgical Technologists
Autism Speaks
Center for Rural Affairs
EHPV Lottery Services LLC aka Big Red Keno
Empyrean Brewing Company
Friends of Public Health in Nebraska
Health Center Association of Nebraska
Legal Aid of Nebraska
Nebraska Association of Behavioral Health Organizations
Nebraska Association of Public Employees NAPE/AFSCME Local 61
Nebraska Board of Engineers and Architects
Nebraska Chapter of the American Physical Therapy Association
Nebraska Child Health and Education Alliance
Nebraska Investment Finance Authority
Nebraska Psychological Association
Nebraska Society for Respiratory Care
Nebraska Speech-Language-Hearing Association (NSLHA)
Nebraska State AFL-CIO
North Central States Regional Council of Carpenters
OneMain Holdings, Inc
Regions II and V
Research Nebraska!
UNO Chapter of the AAUP
Vigilnet America LLC
YMCA's of Nebraska
Antonello, Dustin
Lincoln Independent Business Association (LIBA)
Antonich, John
Nebraska Association of Public Employees NAPE/AFSCME Local 61
Baier, Richard J.
Nebraska Bankers Association
Baird Holm LLP
Allstate Insurance
American Institute of Architects, Nebraska Chapter (Withdrawn 01/10/2019)
BHE Renewables, LLC
Geronimo Energy, LLC
Great Plains Chapter of the American Society of Landscape Architects
Immanuel Retirement Communities
Moran's Liquor Works, LLC
Nebraska Craft Brewers Guild
Northeast Power
People United for Privacy
Sandhills Energy, LLC
SunVest Solar, Inc.
TSYS
Turner Park North, LLC
Westervelt Ecological Services

Baratta, Robert
Teladoc Inc.
Barrett, John R.
Great Plains Communications, Inc.
Baumfalk, Benjamin
First Five Nebraska
Becker, David
The Nebraska Geological Society
Becker, Jill
Black Hills Energy
Beermann, Allen J.
Nebraska Press Association
Behrens, Mark A.
Nationwide Mutual Insurance Company
Bell, David
Loup River Public Power District
Bell, Robert
Nebraska Insurance Federation
Benjamin, Melody
Nebraska Cattlemen, Inc.
Benson, Jenni
Nebraska State Education Association
Beyer, Nolan
Millard Public Schools
Bish, Jacob
Hemp Harvest Works
Blake, Jeremiah
Charter Communications, Inc.
Block, Kristi
Nebraska Grain and Feed Association
Bocour, Nicola
Giffords
Boddy, Heath
Licensed Practical Nurse Association of Nebraska (LPNAN)
Nebraska Health Care Association, Inc.
Bohrer, Bruce J.
Lincoln Chamber of Commerce
Bolen, Holley
Bruning Law Group
Nebraska Strategies
Borgeson, Robert A.
SMART-TD
Boschult, Mary
League of Women Voters of Lincoln and Lancaster County
Bottorf, Wesley
Farmers Mutual of Nebraska
Bowling, Karen
Nebraska Family Alliance
Brady, Justin J.
Radcliffe, Walter H. of Radcliffe and Associates
Brandt, Horan, Hallstrom and Stilmock
National Federation of Independent Business (NFIB)
Nebraska Bankers Association
Nebraska Bankers Insurance and Services Company (NBISCO)
Nebraska Fire Chiefs' Association
Nebraska Pharmacists Association
Nebraska State Volunteer Firefighters' Association
Nebraskans for Workers' Compensation Equity and Fairness
Bromm Nielsen & Mines
3M COMPANY
Aflac
AHIP - America's Health Insurance Plans
Cameco Resources
Cargill
Education Service Unit #3
Educational Service Unit Coordinating Council
Johnson & Johnson
LegalShield
National Association of Insurance and Financial Advisors (NAIFA)
Nebraska Agri-Business Association
Nebraska Corn Growers Association
Nebraska Council of School Administrators
Nebraska Hotel & Lodging Association, Inc.
Nebraska Insurance Information Service
Nebraska State Athletic Trainers Association
Neutron Holdings, Inc. dba Lime
Papio Valley Preservation Association, Inc.
Prime Therapeutics, LLC
State Farm Insurance Companies
Syngenta
Bruning Law Group
National Rifle Association
Bruning, Deonne
U.S. Cellular
Bruning, Jon
Bruning Law Group
Buettner, Jeffrey J.
  Central Nebraska Public Power and Irrigation
Cannon, Jonathan
  Nebraska Association of County Officials
Carstenson, Eric B.
  Nebraska Telecommunications Association
Carter, Jennifer
  FBLincoln
  Food Bank of the Heartland
Cartier, John
  Civic Nebraska
Catalyst Public Affairs
  Ash Grove Cement Company
  Charter Communications, Inc.
  Home Instead, Inc.
  Invenergy LLC
  Koch Companies Public Sector, LLC and Affiliates
  KVC Health Systems, Inc.
  Lutheran Family Services of Nebraska
  Nebraska Intergovernmental Risk Management Association
  Nebraska State Historical Society Foundation
  NextEra Energy Resources, LLC
  Papillion - La Vista School District
  PromiseShip
  Sarpy County Board of Commissioners
Cavanaugh & Associates, P.C., L.L.O.
  Independent Insurance Agents of Nebraska
  Nebraska Chapter of the Sierra Club
Cavanaugh, James P.
  Cavanaugh & Associates, P.C., L.L.O.
Cavanaugh, Matthew
  Nebraska Housing Developers Association
Chaffee, Meghan
  Nebraska Medical Association
Chaffin, Lash
  League of Nebraska Municipalities
Cheloha, John A.
  City of Omaha
Christensen, Graham
  GC Resolve, LLC
  GC ReVOLT, LLC
Christiansen, Kim E.
  Nebraska Rural Electric Association
Clark, John
  ACT, Inc.
Coash, Colby
  Nebraska Association of School Boards
Conrad, Danielle
ACLU Nebraska
Copich, Cindy
Nebraska State Education Association
Couture-Lovelady, Travis
National Rifle Association
Cover, Joni
Nebraska Pharmacists Association
CP Strategies LLC
Graduation Alliance, Inc.
Nebraska Petroleum Producers Association
Nebraska Total Care
PACE Sage Capital, LLC
T-Mobile
Creager, Jennifer
Greater Omaha Chamber
Curry Grubb, Andi
Planned Parenthood of the Heartland
Davidson Tribbs, Emma
Secure Democracy
Davis, Jeffrey N.
Burlington Northern Sante Fe (BNSF) Railway Company
Decamp, Suzan
AARP Nebraska
DeLong, Danny
AARP Nebraska
Dentlinger, Courtney
Nebraska Public Power District
Dibbern, Chris
Nebraska Municipal Power Pool
Dix, Larry J.
Nebraska Association of County Officials
Dobler, James B.
Professional Insurance Agents of Nebraska
Dubas, Annette
Nebraska Association of Behavioral Health Organizations
Dulaney, Michael S.
Nebraska Council of School Administrators
Dunning, Eric
Blue Cross and Blue Shield of Nebraska
Edson, Dean E.
Nebraska Association of Resources Districts
Edwards, Jon
Nowka & Edwards
Eickholt, Christopher/Spike
ACLU Nebraska
Nebraska Criminal Defense Attorneys Association
Erickson, Julie S.
American Communications, Inc.
Ernst, Dan E.
Nebraska Council of School Administrators
Everett, Elizabeth
Facemire, Liz
Facemire, Liz
Quicken Loans
Falk, W. Jarad
Charter Communications, Inc.
Faustman, Nicholas
American Cancer Society Cancer Action Network
Feldman, Michelle
Innocence Project, The
Fennell, Madaline
Nebraska State Education Association
Ferrell, Beth Bazyn
Nebraska Association of County Officials
Feser, Adam
First Five Nebraska
Field, Laura
Nebraska Cattlemen, Inc.
Fish, Ashlee
Nebraska Health Care Association, Inc.
Foster, Michelle
Financial Services Institute, Inc.
Fox, Nicole
Platte Institute for Economic Research
Fraizer, Theodore D. (Tad)/Fraizer & Fraizer
Mutual of Omaha
Frevert, Ashley
Community Action of Nebraska
Frickel, Cheryl
Nebraska Occupational Therapy Association
Frohman, Ann
Ameritas Life Insurance Corp.
National Association of Public Insurance Adjusters
Fry, Renee
OpenSky Policy Institute
Garcia, Lauren
Nebraska Catholic Conference
Gay, Tim
Catalyst Public Affairs
Geis, Gavin Lawrence
Common Cause National
George, Dee D
Novartis Services, Inc.
Gerloff, Jerianne
Pfizer Inc.
Gerrard, Eric
American Communications, Inc.
City of Lincoln
Gilbert, Randall
Gilbertson, Korby M.
  Radcliffe, Walter H. of Radcliffe and Associates
Giles, Jo
  Coalition for a Strong Nebraska
Godinez, Rosangela
  ACLU Nebraska
Gokie, Mark T.
  Farmers Mutual of Nebraska
Gottschalk, Kristen
  Nebraska Rural Electric Association
Grasz, Nate
  Nebraska Family Alliance
Grisham, Kent
  Nebraska Trucking Association
Hack, Mace A.
  Nature Conservancy, The
Hale, Andy
  Nebraska Hospital Association
Hallman, J. Eric
  Nebraska Independent Community Bankers
Hallstrom, Robert
  Brandt, Horan, Hallstrom and Stilmock
Hansen, John K.
  Nebraska Farmers Union
Hapgood, Wade
  United Healthcare Services, Inc.
Harding, Mariel
  United Way of the Midlands
Harrold, Michael D.
  Express Scripts Holding Co.
Harvey, William F.
  EHPV Lottery Services LLC aka Big Red Keno
    Vigilnet America LLC
Hassebrook, Kristen
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Hayes, Jason W.
  Nebraska State Education Association
Heartland Strategy Group, LLC
  Consumer Technology Association
    Omaha Professional Firefighters Association
    TransCanada
Hebb, Jeff
  Nebraska Realtors Association
Heidemann, Lavon L
  NioCorp
Herrmann, Jessica
  Nebraska Cattlemen, Inc.
Higgins, Kersten  
    Mutual of Omaha
Higgins, Shirley  
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Hladik, Johnathan  
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    AARP Nebraska
Honan, Scott  
    NioCorp
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    ABATE of Nebraska, Inc.
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    Associated Builders and Contractors, Inc.
    Civics Proficiency Institute
    Eli Lilly and Company
    LeadingAge Nebraska
    Learning Community of Douglas and Sarpy Counties
    MM Finance, LLC
Mosaic
Nebraska Association of Nurse Anesthetists
Nebraska Dental Hygienists' Association
Nebraska Financial Services Association
Nebraska Intellectual Disabilities Services Providers
Nebraska Optometric Association
Nebraska Podiatric Medical Association
Ponca Tribe of Nebraska
Radcliffe, Walter H. of Radcliffe and Associates
Statewide Property Owners' Association
Trilogy Integrated Resources, LLC
Joekel, Tiffany
Women's Fund of Greater Omaha, Inc.
Jones, Benjamin
Union Pacific Railroad
Juhnke, Alan R.
Nebraska Pork Producers Association
Karges, Casey
Nebraska Mediation Association
Karl, Jamie
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Karnes, David K.
EHPV Lottery Services LLC aka Big Red Keno
Nebraska Investment Finance Authority
Vigilnet America LLC
Kay, Sara
American Institute of Architects, Nebraska Chapter
Nebraska County Attorneys Association
Keigher & Associates, LLC
Central Nebraska Public Power and Irrigation
Credit Management Services
I AM PET FRIENDLY
Iowa-Nebraska Equipment Dealers Association
MillerCoors, LLC
Nebraska AirBoat Association
Nebraska Auctioneers Association
Nebraska Aviation Trade Association
Nebraska Community College Association
Nebraska Land Improvement Contractors Association
Professional Towers Association of Nebraska
Radcliffe, Walter H. of Radcliffe and Associates
Keigher, Timothy P.
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Kelley Governmental Relations, LLC
Metro Area Transit (O-Metro)
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Advantage Capital
American Society of Interior Designers
Bennington Public Schools
Bird Rides, Inc.
Cigar Association of America, Inc.
Community Alliance, Inc.
Community Lottery System, Inc.
Creighton University
CVS Health
Daily Record, The
Douglas County, Nebraska
Eastern Nebraska Human Services Agency
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Guardian Tax Partners
Johnson Brothers of Nebraska
Lamar Outdoor Advertising Company
Nebraska Cable Communications Association
Nebraska Coalition of Agricultural Manufacturers
Nebraska Collectors Association
Nebraska Credit Union League
Nebraska School Activities Association
Nebraska State Lodge of the Fraternal Order of Police
Omaha Airport Authority
Omaha Police Officers Association
WellCare Health Plans, Inc.
Westside Community Schools
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Kelley Governmental Relations, LLC
Kelley Plucker, LLC
Kelley, Sean
Kelley Governmental Relations, LLC
Kelley Plucker, LLC
Kenny, Timothy R.
Nebraska Investment Finance Authority
Kilgarin, Karen
Nebraska State Education Association
Kingery, Shannon L.
RAI Services Co. (Reynolds American Inc.)
Kissel Kohout ES Associates, LLC
American Petroleum Institute
Associated Beverage Distributors of Nebraska
Burlington Northern Sante Fe (BNSF) Railway Company
CenturyLink
Citizens for Responsible Pet Ownership
Enbridge (U.S.) Inc. (Formerly Spectra Energy)
Lancaster County Board of Commissioners
Metropolitan Area Planning Agency
Nebraska Association of Regional Administrators
Nebraska CASA Association
Nebraska Cooperative Council
Nebraska Golf Alliance
Nebraska Medicine
Nebraska Municipal Power Pool
Nebraska Regional Officials Council
Professional Engineers Coalition
Ralston Public School District
Telecare Corporation
United Cities of Sarpy County
Klute, Anne M. N.
Associated Builders and Contractors, Inc.
Knoche, Connie
OpenSky Policy Institute
Kohout, Joseph D.
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Kohout, Victoria
Research Nebraska!
Kolterman, Jessica A.
Lincoln Premium Poultry
Koops, Berend
Merck Sharp and Dohme Corp.
Kopacki, Christopher
National Rifle Association
Krannawitter, Brian
American Heart Association
Kruse Company
Nebraska Alliance for Family and Child Service Providers
RAI Services Co. (Reynolds American Inc.)
Kubat, Rick
Metropolitan Utilities District
Kurowski, Robert
Tesla, Inc.
Landwehr, Susan M.
Eli Lilly and Company
Lassen, Robert
AARP Nebraska
Lautenbaugh, Scott
K12, Inc.
Leahy, Ed
Adapt Pharma, Inc.
Lee, Rachel
Prime Therapeutics, LLC
Levy, David C.
Baird Holm LLP
Likes, Steven C.
Nebraska Investment Finance Authority
Lindsay, John C.
O'Hara Lindsay & Associates, Inc.
Loeffler, Michael T.
Northern Natural Gas
Logsdon, Robert R.
    Cox Communications
Lombardi, Richard A.
    American Communications, Inc.
Loontjer, Pat
    Gambling with the Good Life
Lostroh, David L.
    Nebraska Christian Home Educators Association
Ludwig, David M.
    Educational Service Unit Coordinating Council
Luebbe, Lori
    Nebraska Soybean Association
Luetkenhaus, Brandon
    Nebraska Credit Union League
MacDonald, Blair E.
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Mach, Coby
    Lincoln Independent Business Association (LIBA)
MacTaggart, Christon
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McBride, David S.
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    CTIA - The Wireless Association
McClure, Jeanne
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McClure, John C.
    Nebraska Public Power District
McClymont, Pete
    Nebraska Cattlemen, Inc.
McDonald, Vickie
    Nebraska Association of Former State Legislators
McGowan, Kyle
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McIntosh, Ryan
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McKee, Nancy
    Sunovion Pharmaceuticals Inc.
Mello, Heath
University of Nebraska
Melotz, Shawn
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Menzel, Elaine
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Meradith, Steve
Windstream Communications
Meredith, Candace
Nebraska Association of County Officials
Meurrens, Bradley
Disability Rights Nebraska
Meyer, Les
Nebraska Winery and Grape Growers Association (NWGGA)
Mick, Ansley
Nebraska Farm Bureau Federation
Mikkelsen, Brian
Nebraska State Education Association
Mikolajczyk, Megan N.
Planned Parenthood of the Heartland
Miller, Amy A.
ACLU Nebraska
Miller, Brennen
Kissel Kohout ES Associates, LLC
Miller, Westin
Civic Nebraska
Milone, Tiffany
OpenSky Policy Institute
Miner, Marion
Nebraska Catholic Conference
Mines, Mick
Bromm Nielsen & Mines
Moles, Jack
Nebraska Rural Community Schools Association
Morris, Winston
Nationwide Mutual Insurance Company
Mueller Robak
American College of Surgeons, Nebraska Chapter
American Express Travel Related Services, Inc.
Associated General Contractors of America, Nebraska Chapter
AT&T, Inc.
Chief Industries, Inc.
Children and Family Coalition of Nebraska
COPIC Insurance Company
Duncan Aviation, Inc.
Eastern Nebraska Development Council
First Data Corporation
GlaxoSmithKline
Greenwich Biosciences, Inc.
Innocence Project, The
Integrated Life Choices
Iowa-Nebraska Rental Dealers Association
Lincoln Airport Authority
Madonna Rehabilitation Hospital
Millard Public Schools
Millard Roofing and Gutter Company
Nationwide Mutual Insurance Company
Nebraska Academy of Eye Physicians and Surgeons
Nebraska Association of Airport Officials
Nebraska Association of Commercial Property Owners
Nebraska Court Reporters Association
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Uber Technologies, Inc.
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  Mueller Robak, LLC
Nathan, Robbie
  AARP Nebraska
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  Lincoln Premium Poultry
  Mark Anthony Brands
  Nebraska Licensed Beverage Association
  Tesla, Inc.
Neilan Strategy Group
  Cavanaugh & Associates, P.C., L.L.O.
  Tenaska
Neilan, Perre S.
  Neilan Strategy Group
Nelson, Stephen D.
  Nebraska Farm Bureau Federation
Neville, Brennan S.
  National Indemnity Company
Nickerson, Jocelyn S.
Humane Society of the United States, The
Nielsen, Katherine
American Association of University Women
Nolan, James
Mutual of Omaha
Nowka & Edwards
Adams Central Public Schools
Anheuser-Busch Companies
Bryan Health
Deloitte Consulting LLP
Elkhorn Public Schools
Grand Island Northwest Public Schools
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Nebraska Academy of Family Physicians
Nebraska Association of Area Agencies on Aging
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Nebraska State College System
Nebraska State Dairy Association
Nebraska Water Coalition
NET Foundation for Television
Pfizer Inc.
Southern Power District
Union Pacific Railroad
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Alter Trading Corporation
Black Hills Energy
Blue Cross and Blue Shield of Nebraska
Center Pivot Manufacturers Association
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City of Lexington
City of Lincoln
Council of Independent Nebraska Colleges
First National of Nebraska, Inc.
Greater Nebraska Cities
Institute of Scrap Recycling Industries, Inc., Northwest Chapter
National Association of Housing and Redevelopment Officials, Nebraska Chapter
Nebraska Association of Independent Ambulatory Centers
Nebraska Association of Trial Attorneys
Nebraska Beverage Association
Nebraska County Judges Association
Nebraska Nurses Association
Nebraska Rural Broadband Coalition
Nebraskans for Rate Equity
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Omaha Public Schools
Parkinson's Nebraska
Western Union
Winnebago Tribe of Nebraska
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   Cavanaugh & Associates, P.C., L.L.O.
Omey, Samantha
   Exxon Mobil Corporation
Orr, Scott
   FMR LLC
Orton, Leroy W.
   Nebraska Onsite Waste Water Association
   Nebraska State Irrigation Association
   Nebraska Well Drillers Association
Ostrow, Sean
   DraftKings Inc.
   FanDuel, Inc.
Othmer, Mark F.
   Iowa-Nebraska Equipment Dealers Association
Otto, James A.
   American Communications, Inc.
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Otto, Richard J.
   Nebraska Grocery Industry Association
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Pack, Mary M.
   Radcliffe, Walter H. of Radcliffe and Associates
Paden, Nicholas K.
   Rembolt Ludtke, LLP
Parr, Ann L.
   Farmers Mutual of Nebraska
Partington, Jim
   Nebraska Restaurant Association
Peetz & Company
   Advocates for Behavioral Health
   CHI Health
   Children's Hospital & Medical Center
   Cox Communications
Durham Museum
Enel Green Power North America, Inc.
First Five Nebraska
Kiewit Corporation
Metropolitan Entertainment & Convention Authority
Microsoft Corporation
Nebraska Nurse Practitioners
Nebraska Trucking Association
Oath and Other Various Subsidiaries
Omaha Zoological Society
Quality Living, Inc.
School Employees' Retirement System of Douglas County School District 1
Tenaska
TradeWind Energy
University of Nebraska
Peetz, Jack
   Peetz & Company
Peetz, Natalie
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Peterson, Chris
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   Nebraska Investment Finance Authority
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Pitts, Kathleen
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Pollock, Andy
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Potter, Cara E.
   WellCare Health Plans, Inc.
Potter, Tim
   AARP Nebraska
Prockish, Ann
   CenturyLink
Prokop, Matthew
   American Cancer Society Cancer Action Network
Quick, Kim A.
   Nebraska Labor Unity Council c/o Teamsters Local 554
Radcliffe, Walter H. of Radcliffe and Associates
   Advance America c/o MultiState Associates, Inc.
Altria Client Services LLC and its Affiliates
Bellevue Public Schools
Enterprise Rent-A-Car
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<td>Father Flanagan's Boys' Home dba Boys Town National Research Hospital</td>
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<td>Friends of Nebraska Parks</td>
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<td>Ho-Chunk, Inc.</td>
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<td>Housing Policy Network</td>
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<td>Hy-Vee</td>
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<td>League of Nebraska Municipalities</td>
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<td>Lincoln Public Schools</td>
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<td>Nebraska Liquor Wholesalers</td>
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<td>Nebraska Society of Certified Public Accountants</td>
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<td>Nebraska State Cemetery Association</td>
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<td>Nebraska State Fair Board</td>
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<td>Nebraska Telecommunications Association</td>
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<td>Pinnacle Bank</td>
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<td>Property Casualty Insurers Association of America</td>
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<td>Speedway Motors, Inc.</td>
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<td>Tyson Foods, Inc.</td>
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<td>Woodmen of the World Life Insurance Society and Subordinate Entities</td>
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<td>Ragland, Jina</td>
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<td>Rasmussen, Jordan</td>
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<td>Redoutey, Laura J.</td>
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<td>Nebraska Hospital Association</td>
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<td>Reece, Kaitlin</td>
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<td>Catalyst Public Affairs</td>
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<td>Rembolt Ludtke, LLP</td>
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<td>DISH Network LLC</td>
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<td>Nebraska Rural Telecommunications Coalition</td>
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<td>Nebraska Travel Association (NETA)</td>
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NorthWestern Energy
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Sedlacek, Ronald J.
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Seelhoff, Janet
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Brandt, Horan, Hallstrom and Stilmock
Streetman, Terrance
Alzheimer's Association Nebraska Chapter
Stupar, Robert
Enel Green Power North America, Inc.
Sullivan, J. Scott  
Nebraska Credit Union League

Summers, Juliet  
Voices for Children in Nebraska

Sundquist, Joni  
Nebraska Society of Certified Public Accountants

Swanson, Heather  
Nebraska Affiliate of the American College of Nurse-Midwives

Tabor, Noah  
Medica

Tang, Cathy  
Everytown for Gun Safety Action Fund

Taylor, Bruce  
Dexcom, Inc.

Thielen, Nicholas  
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Thompson, Brian  
Consolidated Companies, Inc.

Todd, A. Loy, Jr.  
Nebraska New Car & Truck Dealers Association

Torpy, Katie  
Nature Conservancy, The

Tse, Julia  
Voices for Children in Nebraska

Vaughan, Dustin  
Husch Blackwell Strategies LLC

Venzor, Tom  
Nebraska Catholic Conference

Voigt, Molly  
Giffords

Vokal, James D., Jr.  
Platte Institute for Economic Research

Voyles, Seth  
Omaha Public Power District

Wagner, Chris  
Project Extra Mile

Wang, Jennifer Rae  
Cox Communications

Ward, Kathryn  
AARP Nebraska

Watson, James S.  
Nebraska Association of Medicaid Health Plans

Weber, Michelle  
Zulkoski Weber LLC

Weber, Rocky  
Nebraska Cooperative Council

Wellman, Sarah  
Werner Enterprises, Inc. and Subsidiaries
Wesely, Don
   O’Hara Lindsay & Associates, Inc.
Westerhold, Russell
   Nowka & Edwards
Wetzel, Jason
   General Motors LLC
White, Rosemary
   AAA Nebraska and The Auto Club Group
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   Nebraska Association of Former State Legislators
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Young, Hannah
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Zalenski, Susan D.
   Johnson & Johnson
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   Archer Daniels Midland Company
   Bio Nebraska Life Sciences Association
   Cedars Youth Services
   Consortia Consulting
   Ducks Unlimited, Inc.
   Kum & Go
   Merck Sharp and Dohme Corp.
   Nebraska Academy of Physician Assistants
   Nebraska Association of Resources Districts
   Nebraska Broadband Coalition
   Nebraska County Attorneys Association
   Nebraska Domestic Violence Sexual Assault Coalition
   Nebraska Economic Developers Association
   Nebraska Emergency Medical Services Association
   Nebraska Hospital Association
   Nebraska Independent Community Bankers
   Nebraska Veterinary Medical Association
   Nelnet, Inc.
Renewable Fuels Nebraska
Visiting Nurse Association
Women's Fund of Greater Omaha, Inc.
Zulkoski, Katie W.
Zulkoski Weber LLC
Zych, Michelle
Women's Fund of Greater Omaha, Inc.

COMMITTEE ON COMMITTEES FINAL REPORT

Senator Hilkemann moved to approve the final Committee on Committees report found on page 105.

The Committee on Committees report was approved with 32 ayes, 2 nays, 10 present and not voting, and 5 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 219. Introduced by Wishart, 27.

A BILL FOR AN ACT relating to children; to amend sections 43-1311.03 and 43-4708, Reissue Revised Statutes of Nebraska, and section 43-4704, Revised Statutes Cumulative Supplement, 2018; to provide requirements for foster care transition proposals and provision of materials relating to acquiring a driver's license; to provide for a child in foster care to obtain a driver's license and provide immunity from liability for caregivers; and to repeal the original sections.

LEGISLATIVE BILL 220. Introduced by Wishart, 27.

A BILL FOR AN ACT relating to the Commission for the Blind and Visually Impaired Act; to amend sections 71-8607 and 71-8611, Reissue Revised Statutes of Nebraska; to adopt changes to federal law regarding vending facility programs; to change provisions relating to priority status for blind persons operating vending facilities on state property; and to repeal the original sections.

LEGISLATIVE BILL 221. Introduced by La Grone, 49.

A BILL FOR AN ACT relating to the Title Insurers Act; to amend section 44-1984, Reissue Revised Statutes of Nebraska; to change provisions relating to limitations on powers; and to repeal the original section.

LEGISLATIVE BILL 222. Introduced by Albrecht, 17.

A BILL FOR AN ACT relating to the Volunteer Emergency Responders Incentive Act; to amend sections 77-3104 and 77-3105, Reissue Revised
Statutes of Nebraska; to change and eliminate provisions relating to notice, reporting, the approval and certification of volunteer members who are eligible for a tax credit, and the claiming of the tax credit; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 223.** Introduced by Albrecht, 17.

A BILL FOR AN ACT relating to the Nebraska National Guard; to provide for a state-sponsored insurance program for guard members; to define a term; and to provide powers and duties for the Adjutant General.

**LEGISLATIVE BILL 224.** Introduced by Albrecht, 17.


**LEGISLATIVE BILL 225.** Introduced by Quick, 35.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Nebraska State Historical Society.

**LEGISLATIVE BILL 226.** Introduced by Quick, 35.

A BILL FOR AN ACT relating to appropriations; to state intent relating to appropriations for the Youth Rehabilitation and Treatment Center-Kearney and the Youth Rehabilitation and Treatment Center-Geneva.

**LEGISLATIVE BILL 227.** Introduced by Hughes, 44.

A BILL FOR AN ACT relating to the Nebraska Right to Farm Act; to amend sections 2-4402 and 2-4403, Reissue Revised Statutes of Nebraska; to redefine terms; to change provisions relating to a determination of a public or private nuisance; and to repeal the original sections.

**LEGISLATIVE BILL 228.** Introduced by Hughes, 44.

A BILL FOR AN ACT relating to insurance; to prohibit certain insurance practices relating to a person's status as a living organ donor.

**LEGISLATIVE BILL 229.** Introduced by Groene, 42.

A BILL FOR AN ACT relating to weights and measures; to amend section
89-197, Revised Statutes Cumulative Supplement, 2018; to prohibit certain unlawful acts as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 230.** Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to juvenile facilities; to amend section 83-4,134.01, Revised Statutes Cumulative Supplement, 2018; to change provisions and provide requirements for room confinement for juveniles as prescribed; to define a term; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 231.** Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to juveniles; to amend sections 29-2709, 43-272, and 43-3102, Reissue Revised Statutes of Nebraska; to create a fund; to provide for grants to offset the cost to counties of providing legal counsel for indigent juveniles; to require reports; to require a juvenile indigent defense filing fee; to change provisions relating to appointment of counsel for juveniles and standards for guardians ad litem and attorneys in juvenile court; to provide for rescission of a waiver of counsel by a juvenile; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 232.** Introduced by Slama, 1.

A BILL FOR AN ACT relating to counties; to amend section 81-8,236, Revised Statutes Cumulative Supplement, 2018; to reduce the threshold amount for claims against the state for prosecution costs; and to repeal the original section.

**LEGISLATIVE BILL 233.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to treatment and corrections; to amend section 28-913, Reissue Revised Statutes of Nebraska; to prohibit introduction of mobile or cellular telephones into a detention facility; to define terms; to provide for approval of mobile or cellular telephones by the Director of Correctional Services as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 234.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to cities and villages; to amend sections 14-804, 15-840, and 16-726, Reissue Revised Statutes of Nebraska, and section 17-714, Revised Statutes Cumulative Supplement, 2018; to provide requirements for payment of certain claims; and to repeal the original sections.

**LEGISLATIVE BILL 235.** Introduced by Crawford, 45.
A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-168.06, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to prohibited acts; to change exceptions for making and serving certain types of alcoholic liquor by nonlicensed persons as prescribed; and to repeal the original section.

LEGISLATIVE BILL 236. Introduced by Crawford, 45; Blood, 3; Clements, 2.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2711, Reissue Revised Statutes of Nebraska; to change provisions relating to access to sales and use tax information by municipalities; and to repeal the original section.

LEGISLATIVE BILL 237. Introduced by Crawford, 45; Blood, 3.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2703, Reissue Revised Statutes of Nebraska; to change provisions relating to sales and use tax collection fees; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 238. Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to executions; to amend sections 83-969 and 83-970, Revised Statutes Cumulative Supplement, 2018; to require two members of the Legislature to be present for executions as prescribed; to change provisions relating to witnessing executions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 239. Introduced by Dorn, 30.

A BILL FOR AN ACT relating to the County Budget Act of 1937; to amend section 23-906, Reissue Revised Statutes of Nebraska; to change provisions relating to notices of hearing on county budgets; and to repeal the original section.

LEGISLATIVE BILL 240. Introduced by Hansen, M., 26; Bolz, 29.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-1823, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to competency to stand trial; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 241. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to education; to amend sections 79-761 and 79-1035, Revised Statutes Cumulative Supplement, 2018; to state findings; to change mentor teacher program guidelines; to authorize the awarding of grants for teacher mentoring programs as prescribed; to change the use of
income from solar and wind agreements on school lands; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 242.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to public utilities; to adopt the Infrastructure Improvement and Replacement Assistance Act; and to declare an emergency.

**LEGISLATIVE BILL 243.** Introduced by Gragert, 40; Brandt, 32; Dorn, 30; McCollister, 20; Pansing Brooks, 28; Walz, 15.

A BILL FOR AN ACT relating to soil; to create the Healthy Soils Task Force; to provide powers and duties; and to require reports.

**LEGISLATIVE BILL 244.** Introduced by Erdman, 47; Clements, 2.

A BILL FOR AN ACT relating to the Massage Therapy Practice Act; to amend sections 38-1701, 38-1702, 38-1707, and 38-1715, Reissue Revised Statutes of Nebraska; to provide for mobile massage therapy establishments; to define and redefine terms; to provide for licensure; to change powers and duties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 245.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-954, Reissue Revised Statutes of Nebraska; to remove an exception from the preferred drug list for certain prescription drugs; and to repeal the original section.

**LEGISLATIVE BILL 246.** Introduced by Brewer, 43.

A BILL FOR AN ACT relating to elections; to amend sections 23-202, 23-293, 31-787, 31-793, 32-116, 32-202, 32-552, 32-631, 32-803, 32-952, 32-956, 32-1002, 32-1008, 32-1121, 32-1306, 32-1309, 32-1405, 32-1407, 32-1409, Reissue Revised Statutes of Nebraska, and sections 18-2713, 32-330, 32-1007, and 32-1303, Revised Statutes Cumulative Supplement, 2018; to redefine a term; to change provisions relating to township organization, ballot questions, recall petitions and elections, voter registration records, petition signature verification, publication of sample ballots, special elections by mail, recounts, and initiative and referendum measures; to eliminate duties of the Secretary of State; to require the provision of an approved map to the election commissioner or county clerk for purposes of adjusting boundaries; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 247.** Introduced by Bolz, 29; Linehan, 39.

A BILL FOR AN ACT relating to advance health care directives; to adopt
the Advance Mental Health Care Directives Act.

**LEGISLATIVE BILL 248.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to deaf or hard of hearing persons; to amend sections 20-126, 20-128, 20-131.01, 20-131.04, 28-1009.01, 71-4720, and 83-101.14, Reissue Revised Statutes of Nebraska; to change terminology relating to hearing-impaired persons; to remove obsolete provisions; and to repeal the original sections.

**LEGISLATIVE BILL 249.** Introduced by Howard, 9; Cavanaugh, 6; Hansen, M., 26; Hunt, 8; Morfeld, 46; Pansing Brooks, 28; Wishart, 27.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-228, Revised Statutes Cumulative Supplement, 2018; to change statutes of limitations on civil actions arising from sexual assault and sexual assault of a child; to clarify requirements for bringing such civil actions; to provide a duty for the Revisor of Statutes; to provide severability; and to repeal the original section.

**LEGISLATIVE BILL 250.** Introduced by Walz, 15; Albrecht, 17; Briese, 41; Crawford, 45; Friesen, 34; Lindstrom, 18.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1344 and 77-1347, Reissue Revised Statutes of Nebraska; to change provisions relating to agricultural or horticultural land receiving special valuation; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 251.** Introduced by Walz, 15; Crawford, 45; Howard, 9; Hunt, 8; Kolowski, 31; Lathrop, 12; Quick, 35; Vargas, 7; Wishart, 27.

A BILL FOR AN ACT relating to schools; to adopt the Child Hunger and Workforce Readiness Act.

**LEGISLATIVE BILL 252.** Introduced by Geist, 25; Arch, 14; Briese, 41; Lowe, 37; Pansing Brooks, 28; Walz, 15.

A BILL FOR AN ACT relating to the state lottery; to amend section 9-823, Reissue Revised Statutes of Nebraska; to provide a condition relating to advertisements; and to repeal the original section.

**LEGISLATIVE BILL 253.** Introduced by McCollister, 20.

A BILL FOR AN ACT relating to redistricting; to amend section 49-1499.03, Reissue Revised Statutes of Nebraska, and section 49-1493, Revised Statutes Cumulative Supplement, 2018; to adopt the Redistricting Act; to require statements of financial interest and conflict of interest statements as prescribed; to harmonize provisions; to provide severability;
and to repeal the original sections.

**LEGISLATIVE BILL 254.** Introduced by McCollister, 20; Blood, 3; Chambers, 11; Howard, 9; Hunt, 8; Kolowski, 31; Pansing Brooks, 28; Quick, 35; Walz, 15; Wishart, 27.

A BILL FOR AN ACT relating to labor; to amend section 48-202, Revised Statutes Cumulative Supplement, 2018; to adopt the Fair Chance Hiring Act; to prohibit public and private employers and employment agencies from asking for criminal history as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 255.** Introduced by McCollister, 20; Blood, 3; Chambers, 11; Howard, 9; Hunt, 8; Kolowski, 31; Pansing Brooks, 28; Quick, 35; Walz, 15; Wishart, 27.

A BILL FOR AN ACT relating to public assistance; to amend section 68-1017.02, Reissue Revised Statutes of Nebraska; to state intent and change provisions relating to federal Supplemental Nutrition Assistance Program benefits; and to repeal the original section.

**LEGISLATIVE BILL 256.** Introduced by Arch, 14.

A BILL FOR AN ACT relating to community colleges; to amend section 85-1509, Reissue Revised Statutes of Nebraska; to authorize insurance coverage for community college boards of governors members as prescribed; to repeal the original section; and to declare an emergency.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 7.** Introduced by Halloran, 33; Bostelman, 23; Brewer, 43; Briese, 41; Clements, 2; Erdman, 47; Groene, 42; Hilgers, 21; Kolterman, 24; Lindstrom, 18; Linehan, 39; Lowe, 37; McDonnell, 5; Murman, 38; Slama, 1; Wayne, 13; Williams, 36.

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

1. The Legislature of the State of Nebraska hereby applies to Congress, under the provisions of Article V of the Constitution of the United States, for the calling of a convention of the states limited to proposing amendments to the Constitution of the United States that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress.

2. The Clerk of the Legislature shall transmit copies of this application to the President and Secretary of the United States Senate, to the Speaker and Clerk of the United States House of Representatives, to the members of the Senate and House of Representatives from this state, and to the presiding
officers of each of the legislative houses in the several states, requesting
their cooperation.
3. This application constitutes a continuing application in accordance with
Article V of the Constitution of the United States until the legislatures of at
least two-thirds of the several states have made applications on the same
subject.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Gragert name added to LB5.
Senator Gragert name added to LB6.
Senator Linehan name added to LB6.
Senator Gragert name added to LB12.
Senator Linehan name added to LB12.
Senator Linehan name added to LB14.
Senator Walz name added to LB14.
Senator Briese name added to LB14.
Senator McDonnell name added to LB17.
Senator Brandt name added to LB28.
Senator Morfeld name added to LB38.
Senator Gragert name added to LB115.
Senator Linehan name added to LB138.
Senator Lowe name added to LB139.
Senator Lowe name added to LB156.
Senator Wishart name added to LB187.
Senator Wishart name added to LB188.
Senator Wishart name added to LB205.
Senator Briese name added to LR3CA.

ADJOURNMENT

At 11:04 a.m., on a motion by Senator Bostelman, the Legislature adjourned
until 9:00 a.m., Tuesday, January 15, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
FIFTH DAY - JANUARY 15, 2019

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 15, 2019

PRAYER

The prayer was offered by Senator Hilkemann.

ROLL CALL

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

The roll was called and all members were present except Senator Kolowski who was excused; and Senators Chambers, Linehan, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fourth day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

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LB212 Government, Military and Veterans Affairs
LB213 Judiciary
LB214 Government, Military and Veterans Affairs
LB215 Transportation and Telecommunications
LB216 Judiciary
LB217 Business and Labor
LB218 Revenue
LR5CA Education

(Signed) Mike Hilgers, Chairperson
Executive Board

NOTICE OF COMMITTEE HEARING(S)
Agriculture
Room 1524

Tuesday, January 22, 2019 1:30 p.m.
Bryan Tuma - Climate Assessment Response Committee
LB61

(Signed) Steve Halloran, Chairperson
Nebraska Retirement Systems
Room 1507

Tuesday, January 22, 2019 12:30 p.m.
LB33

(Signed) Mark Koltermann, Chairperson
ANNOUNCEMENT(S)

The Urban Affairs Committee elected Senator Hunt as Vice Chairperson.

The General Affairs Committee elected Senator Lowe as Vice Chairperson.

The Nebraska Retirement Systems Committee elected Senator Lindstrom as Vice Chairperson.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 257. Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to insurance; to change provisions relating to loss payouts and to provide for the addition of certain parties on loss payout checks as prescribed.

LEGISLATIVE BILL 258. Introduced by Williams, 36.

A BILL FOR AN ACT relating to finance; to amend sections 8-209, 8-218, 8-346, 44-915, and 76-2,121, Reissue Revised Statutes of Nebraska, sections 8-135, 8-143.01, 8-157.01, 8-167.01, 8-183.04, 8-1,140, 8-318, 8-355, 8-602, 21-17,115, 45-702, and 81-885.01, Revised Statutes Cumulative Supplement, 2018, and section 4A-108, Uniform Commercial Code, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to the Nebraska Banking Act, the Nebraska Trust Company Act, building and loan associations, the Credit Union Act, the Privacy of Insurance Consumer Information Act, the Residential Mortgage Licensing Act, real estate closing agents, the Nebraska Real Estate License Act, and the Uniform Commercial Code, funds transfers; to update references to certain federal provisions; to revise powers of state-chartered banks, building and loan associations, and credit unions; to change executive officer's and loan officer's license fees; to eliminate and replace obsolete references to the Office of Thrift Supervision; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 259. Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to consumer protection; to amend sections 8-1704, 8-1707, 8-1726, 69-2103, 69-2104, 69-2112, and 69-2117, Reissue Revised Statutes of Nebraska, and sections 8-1101, 8-1101.01, 8-1103, 8-1108.02, and 8-1111, Revised Statutes Cumulative Supplement, 2018; to redefine terms; to change provisions relating to the Securities Act of Nebraska, the Commodity Code, and the Consumer Rental Purchase Agreement Act; to change or eliminate obsolete provisions; to adopt certain federal provisions; to restate Securities Act Cash Fund provisions; to repeal the original sections; and to declare an emergency.
LEGISLATIVE BILL 260. Introduced by Hansen, B., 16.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-974, Reissue Revised Statutes of Nebraska; to change provisions relating to recovery audit contractors; and to repeal the original section.

LEGISLATIVE BILL 261. Introduced by DeBoer, 10; Blood, 3; Cavanaugh, 6; Crawford, 45; Dorn, 30; Gragert, 40; Hunt, 8; Kolowski, 31; McCollister, 20; McDonnell, 5; Quick, 35; Vargas, 7; Walz, 15; Wishart, 27.

A BILL FOR AN ACT relating to redistricting; to require the use of maps drawn using state-issued computer software.

LEGISLATIVE BILL 262. Introduced by DeBoer, 10; Lathrop, 12; Pansing Brooks, 28.

A BILL FOR AN ACT relating to treatment and corrections; to amend section 83-4,114, Revised Statutes Cumulative Supplement, 2018; to change membership and duties of the long-term restrictive housing work group; to provide a duty for the Director of Correctional Services; and to repeal the original section.

LEGISLATIVE BILL 263. Introduced by Clements, 2; Bostelman, 23; Brewer, 43; Briese, 41; Gragert, 40; Lowe, 37.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Reissue Revised Statutes of Nebraska; to change provisions relating to the taxation of military retirement benefits; and to repeal the original section.

LEGISLATIVE BILL 264. Introduced by La Grone, 49.

A BILL FOR AN ACT relating to the Disposition of Personal Property Landlord and Tenant Act; to amend section 69-2302, Reissue Revised Statutes of Nebraska; to redefine the term premises; and to repeal the original section.

LEGISLATIVE BILL 265. Introduced by La Grone, 49.

A BILL FOR AN ACT relating to finance; to amend sections 45-901 and 45-1001, Revised Statutes Cumulative Supplement, 2018; to adopt the Unsecured Consumer Loan Licensing Act; to provide penalties; to create a fund; to clarify licensing provisions under the Delayed Deposit Services Licensing Act and the Nebraska Installment Loan Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 266. Introduced by Lindstrom, 18.
A BILL FOR AN ACT relating to the School Readiness Tax Credit Act; to amend sections 71-1962, 77-3603, and 77-3604, Reissue Revised Statutes of Nebraska; to redefine a term; to change provisions relating to a tax credit for child care and education providers; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 267. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to county government; to amend section 23-120, Reissue Revised Statutes of Nebraska; to provide a duty for the county board relating to deficient bridges and authorize a tax levy; and to repeal the original section.

LEGISLATIVE BILL 268. Introduced by Friesen, 34.

A BILL FOR AN ACT relating to the Nebraska Telecommunications Regulation Act; to amend section 86-136, Reissue Revised Statutes of Nebraska; to change a provision relating to the filing of an application for a certificate of convenience and necessity; and to repeal the original section.

LEGISLATIVE BILL 269. Introduced by Friesen, 34.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-4,124, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to school permits; and to repeal the original section.

LEGISLATIVE BILL 270. Introduced by Friesen, 34.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 37-1214, 37-1292, 60-3,162, 60-482, 60-4,146.01, and 60-4,155, Reissue Revised Statutes of Nebraska, and sections 37-1278, 37-1280, 37-1293, 60-119.01, 60-144, 60-149, 60-151, 60-171, 60-173, 60-174, 60-336.01, 60-386, 60-3,104.01, 60-3,122, 60-3,122.02, 60-3,122.04, 60-3,123, 60-3,124, 60-3,125, 60-3,126, 60-3,128, 60-3,187, 60-3,221, 60-3,224, 60-3,227, 60-3,231, 60-3,233, 60-3,235, 60-495, 60-4,118, 60-4,122, 60-4,158, 60-4,182, 60-501, 60-628.01, and 60-6,209, Revised Statutes Cumulative Supplement, 2018; to authorize the update of electronic certificate of title records as prescribed; to change and eliminate provisions relating to applications for certificates of title, applications for registration, salvaged motorboats and vehicles, low-speed vehicles, improperly registered certificates of registration, towing of trailers, renewal of state identification cards, the point system for traffic violations, and rules and regulations; to authorize temporary license stickers as prescribed; to define and redefine terms; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 271. Introduced by Morfeld, 46.
A BILL FOR AN ACT relating to civil procedure; to amend section 25-21,185.11, Reissue Revised Statutes of Nebraska; to change provisions relating to the effect of releases, covenants not to sue, or similar agreements on joint and several liability; and to repeal the original section.

LEGISLATIVE BILL 272. Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.07, 77-2717, and 77-2734.03, Reissue Revised Statutes of Nebraska; to adopt the Apprenticeship Training Program Tax Credit Act; to harmonize provisions; and to repeal the original sections.


A BILL FOR AN ACT relating to political subdivisions; to amend section 13-520, Revised Statutes Cumulative Supplement, 2018; to provide a restricted funds budget limitation exception as prescribed; and to repeal the original section.

LEGISLATIVE BILL 274. Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to the Uninsured and Underinsured Motorist Insurance Coverage Act; to amend sections 44-6410 and 44-6411, Reissue Revised Statutes of Nebraska; to change provisions relating to stacking of coverage; to harmonize provisions; and to repeal the original sections.


A BILL FOR AN ACT relating to firearms; to amend sections 69-2402, 69-2404, 69-2405, 69-2409, 69-2409.01, 69-2410, 69-2411, 69-2412, 69-2414, 69-2421, 69-2422, 69-2424, 69-2425, 69-2427, 69-2429, 69-2430, 69-2436, and 69-2439, Reissue Revised Statutes of Nebraska; to define terms; to require notification when a person prohibited by state or federal law attempts to purchase, lease, rent, or receive transfer of a handgun, apply for a permit or renew a permit to carry a concealed handgun under the Concealed Handgun Permit Act, or has such a permit revoked; to eliminate an obsolete provision; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 276. Introduced by McCollister, 20.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2716 and 77-2734.01, Reissue Revised Statutes of Nebraska; to change provisions relating to the taxation of income from certain small business corporations and limited liability companies; and to repeal the original sections.

LEGISLATIVE BILL 277. Introduced by McCollister, 20; DeBoer, 10;
Kolowski, 31; Lathrop, 12; Pansing Brooks, 28.

A BILL FOR AN ACT relating to the Board of Parole; to amend sections 83-189 and 83-190, Reissue Revised Statutes of Nebraska; to change membership provisions; and to repeal the original sections.

LEGISLATIVE BILL 278. Introduced by Bostelman, 23.

A BILL FOR AN ACT relating to motor vehicle operators' licenses; to amend section 60-4,189, Revised Statutes Cumulative Supplement, 2018; to provide a veteran notation for certain members of the United States Public Health Service or National Oceanic and Atmospheric Administration; and to repeal the original section.

LEGISLATIVE BILL 279. Introduced by Bostelman, 23; Brewer, 43; Gragert, 40.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.10, Reissue Revised Statutes of Nebraska; to exempt food sold by veterans service organizations from sales and use tax as prescribed; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 280. Introduced by Brewer, 43; Blood, 3.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-14,126, Revised Statutes Cumulative Supplement, 2018; to change a civil penalty for violations under the act; and to repeal the original section.

LEGISLATIVE BILL 281. Introduced by McCollister, 20.

A BILL FOR AN ACT relating to schools; to provide for posting a child abuse or neglect statewide toll-free number as prescribed; and to provide for creation of a poster.

LEGISLATIVE BILL 282. Introduced by Hansen, M., 26; Cavanaugh, 6.

A BILL FOR AN ACT relating to bail; to amend section 29-901, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to granting of bail in cases involving certain misdemeanors or violations of city or county ordinances; to require appointment of counsel; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 283. Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to climate; to provide duties for the University of Nebraska; to transfer funds; to require reports.

LEGISLATIVE BILL 284. Introduced by McCollister, 20.
A BILL FOR AN ACT relating to revenue and taxation; to adopt the Remote Seller and Marketplace Facilitator Act; to provide an operative date; to provide severability; and to declare an emergency.

**LEGISLATIVE BILL 285.** Introduced by McCollister, 20.

A BILL FOR AN ACT relating to appropriations; to state intent to appropriate additional funds to the Nebraska Power Review Board for a study; to state public policy; and to declare an emergency.

**LEGISLATIVE BILL 286.** Introduced by McCollister, 20.

A BILL FOR AN ACT relating to criminal justice; to create the Coordinated Reentry Council; to provide powers and duties for the council; and to provide a termination date.

**LEGISLATIVE BILL 287.** Introduced by Quick, 35.

A BILL FOR AN ACT relating to game and parks; to amend sections 37-202, 37-317, 37-407, 37-409, 37-415, 37-426, 37-438, 37-447, 37-449, 37-450, 37-4,111, 37-527, 37-1214, 37-1215, and 37-1219, Reissue Revised Statutes of Nebraska, and section 37-201, Revised Statutes Cumulative Supplement, 2018; to define terms; to change and provide duties for the Game and Parks Commission relating to dissemination of promotional items, reduced rate permits and stamps, replacement permit fees, and adoption and promulgation of rules and regulations and issuance of orders; to change provisions relating to lifetime, multiple-year, and annual stamps and fees; to change annual permit fees and temporary permit fee minimums; to provide for resident and nonresident fees for preference points or bonus points in lieu of applying for certain permits for random drawings; to change provisions relating to hunter orange display requirements; to change motorboat registration fees as prescribed; to change provisions relating to fees for the Aquatic Invasive Species Program; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 288.** Introduced by Linehan, 39.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.03, 77-2716, and 77-2734.02, Reissue Revised Statutes of Nebraska; to change income tax rates; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 289.** Introduced by Linehan, 39.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1311.03, Reissue Revised Statutes of Nebraska; to change provisions relating to county assessor inspections of real property for property tax purposes; and to repeal the original section.
LEGISLATIVE BILL 290. Introduced by Linehan, 39.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701.02 and 77-27,132, Reissue Revised Statutes of Nebraska; to change the sales and use tax rate; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 291. Introduced by Linehan, 39.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701.13, 77-2701.16, 77-2701.32, 77-2705, and 77-2708, Reissue Revised Statutes of Nebraska; to redefine terms relating to sales and use taxes; to change provisions relating to sales and use tax permits and collection; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 292. Introduced by Vargas, 7; McDonnell, 5; Stinner, 48.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the State Department of Education.

MOTION - Escort Governor

Senator Friesen moved that a committee of five be appointed to escort the Governor of the State of Nebraska to the Legislative Chamber to deliver his State of the State Address.

The motion prevailed.

The Chair appointed Senators Crawford, McDonnell, Geist, Bostelman, and Hughes to serve on said committee.

STATE OF THE STATE ADDRESS

"Our republic works best when we find areas of collaboration where we can put Nebraskans first."

"Over the past four years, we have strengthened Nebraska's place in the world with our four pillars for growth."

"Property tax relief is the number one priority Nebraskans want as I travel the state."

President Foley, Speaker Scheer, Members of the Legislature, Distinguished Guests, Friends, Fellow Nebraskans, and of course, our First Lady, my lovely wife, Susanne—good morning!
Once again, congratulations on the commencement of the 106th Nebraska Legislature. And congratulations to Speaker Scheer on your reelection. I look forward to working with you.

The unicameral is a unique institution among legislative bodies in our nation. Each of you has a solemn responsibility as one of forty-nine citizen legislators to represent the best interests of your constituents.

As I begin, I want to take a moment to welcome the newest members of the body. Each of you brings significant experiences and perspectives. Senator Arch has a background in healthcare administration. Senators Brandt, Murman, and Dorn will be voices for agriculture as we work to grow our number one industry. Senators Cavanaugh and DeBoer have experience in higher education. Senator Gragert is a 40-year veteran of the Air Force and Nebraska National Guard. Senators Hansen, Hunt, La Grone, and Slama bring important perspectives as entrepreneurs, small business owners, and young professionals. Senator Lathrop returns as a seasoned legislator. And Senator Moser is a small business owner and a former local public servant as Mayor of Columbus.

Let’s recognize this new class and welcome them again.

In the coming weeks and months, each of us will use our experience as we shape public policy and work together. Our republic works best when we find areas of collaboration where we can put Nebraskans first.

As we begin our work this year, I am happy to report to you that the state of the state is strong and growing.

Last week, I relayed in my inaugural address that Nebraska has achieved high marks over the past year. We are the number one state for fiscal condition; number two for cost of doing business and regulatory environment; we have the third highest wage growth since 2014; we have the fourth best workforce participation rate; Forbes says we are the fifth best state for business; and we have the sixth lowest unemployment rate in the country.

Over the past four years, we have strengthened Nebraska’s place in the world with our four pillars for growth, which include developing our people; cutting the regulatory red tape; controlling spending so we can deliver tax relief; and promoting Nebraska both nationally and internationally.

This has led us to back-to-back awards for the most economic development projects per capita of any state in the nation.

In our work this year, it is important to remember that even as the state is employing record numbers of Nebraskans, our number one industry, agriculture, is grappling with low commodity prices. Since 2013, farm income in Nebraska has been cut by over 60 percent. Think about that for a
moment: When a family’s income falls by over half, you are forced to make
tough decisions that have a significant impact on your way of life. During
this session and throughout the year, we must work to expand opportunities
for our farm and ranch families.

We are doing that in the area of value-added agriculture, so more families
can bring the next generation home to the family farm. Last year, we
welcomed six new counties into the state’s Livestock Friendly County
program for a total of 49.

Layering livestock into the family operation is a game-changer for many
families. Take for example the Schulz family of Seward County. Three
generations of Schulzes have joined us today under the north balcony. They
recently received approval to build a barn to raise chickens for Costco.
Their new poultry operation will allow Joe, the third generation and a recent
University of Nebraska graduate, to return to the family farm. Please help
me welcome and congratulate Joe and the Schulz family.

As I worked on this two-year budget, I had one thing in mind: the people of
Nebraska. We have a responsibility to the people we care for and the people
who pay the bills, the taxpayers. Let’s put Nebraskans first as we work on
this budget.

In all my budgets, I have worked to keep the rate of growth at about 3
percent or less. The budget I am presenting to you today is no different, and
keeps the rate of spending growth to 3.1 percent. A significant portion of
this spending increase is attributable to Medicaid expansion and state aid to
public schools. In my budget, state agencies continue to control spending
growth with an average two-year operations increase of just 2.3 percent.

Even while controlling spending, we have prioritized new initiatives to help
grow Nebraska, recognize the dignity of human life, and protect public
safety.

With this budget, we can do more to help grow Nebraska in three ways.

First, we are doing more to help Nebraskans take great-paying jobs. Job
creators across the state name workforce as a top priority. We have a low
unemployment rate, a high labor force participation rate, and lots of great
jobs.

With the right opportunities, the next generation of Nebraskans can find a
pathway that gives them the career they need to stay in Nebraska and enjoy
the Good Life. Take for example the story of Chris Nightser. Chris started
high school with industrial arts classes. After graduation, he took a job in a
fabrication shop, which then led to a career with Miller Electric starting as
an apprentice. He has earned his Associate’s Degree, Bachelor’s Degree,
and Master’s in Business Administration while working thanks to tuition
reimbursement programs and scholarships. This gave him over $100,000

worth of education with relatively little debt. Today, he is the Pre-Fabrications Operations Manager at Miller Electric.

Chris’ story is important because he was exposed to opportunities in this field at an early age, and he was able to take advantage of them because of an apprenticeship, scholarships, and tuition reimbursement. Please help me welcome Chris, who is in the north balcony.

To help more Nebraskans like Chris find great careers, I am making two new proposals. As previously announced, I am recommending the creation of the Nebraska Talent Scholarships program to help our community colleges, state colleges, and the university system attract even more students in targeted programs from engineering to healthcare with over 2,100 new scholarships.

Additionally, I am recommending the expansion of the Developing Youth Talent Initiative to connect more middle school students to opportunities in manufacturing and IT with an additional $1.25 million annually. This program has already impacted 7,000 students, and this expansion will help reach even more.

Working together to create more pathways, we can help connect more Nebraskans with the countless great opportunities available in communities statewide.

Second, my budget also takes new steps to make state government more effective, more efficient, and more customer-focused. Over the past two years, we have worked together to successfully create a Department of Transportation and a unified veterans’ agency. This year, Senator Hughes and I are proposing to bring together the Department of Environmental Quality and the Energy Office. Creating a Department of Environment and Energy that will allow the state to form a more unified vision and strategic plan for our work in these related areas.

Senator Lowe and I are also recommending moving three key safety inspection programs from the Department of Labor to the State Fire Marshal’s Office to better align with its purpose of protecting public safety.

The third priority we are working on in this budget is tax relief. Thanks to our work on controlling spending over the last few years, we have been able to build new tax relief into this budget.

Property tax relief is the number one priority Nebraskans want as I travel the state. And many of you have shared similar stories with me from your districts.

I have three property tax relief proposals.

First, my budget provides $51 million in new, direct property tax relief
through the Property Tax Credit Relief Fund each year. This is a 23 percent increase in property tax relief from this fund to all Nebraska property owners.

Second, Senator Lindstrom and I are recommending that we establish a statutory floor of $275 million for the Property Tax Credit Relief Fund. This will give taxpayers more certainty about future relief.

Third, Senator Linehan and I are proposing to establish a three percent cap on property taxes levied by local governments. Over the past decade, local property taxes have risen over 57 percent. To deliver long-term, structural relief, it is important that we limit the growth of property taxes. Our proposal comes in the form of a constitutional amendment, which must be approved by the people after receiving your consideration.

These proposals, together, will help deliver immediate relief and structural reform.

Furthermore, I stand ready to work with all of you on additional property tax relief proposals, such as Senator Erdman’s income potential valuation bill, which would help deliver much-needed reform to our property tax system. I know there will be many proposals introduced this year. As we work on property tax relief, any proposal should help control spending, fit in the budget, and cannot raise taxes on one group of people to reduce taxes on another group.

My last proposal in the area of tax policy delivers relief for Nebraska’s veterans. Thank you to Senators Brewer, Blood, Bostelman, Clements, Crawford, Gragert, Linehan, and Lowe for your work on this initiative to help make Nebraska a better place to retire as a veteran. Our proposal is a 50 percent tax cut for all veterans receiving military retirement benefits. Five of our six surrounding states do not tax veterans’ retirement benefits. This proposal is a step forward, which makes Nebraska more tax competitive, so we can keep more of our veterans and their families here after retirement.

Numerous veterans and representatives from the Nebraska National Guard have joined us here today and are sitting in the north balcony. Please help me recognize them!

Another important area that will be addressed this session is incentives. You all have already started an important conversation about the future of Nebraska Advantage and what the state’s tax incentives should look like. Across the nation, incentives are an important tool for attracting new investments and jobs. As you work to reform incentives, I encourage you to keep in mind these goals. Nebraskans want tax policy that is simple; transparent; accountable; and attracts higher-paying jobs.

Finally, there are a few more items that I want to highlight in my budget.
My budget implements Initiative 427, fully funds state aid to K-12 public schools, recognizes the dignity of human life, and protects the public safety.

In November, voters approved Medicaid expansion, and my budget recommendation reflects the vote of the people of Nebraska. Right now, the Medicaid team is working to fulfill the direction of the initiative to file a state plan with the federal government by April 1st.

My budget provides new aid to K-12 public schools by fully funding the $103.8 million TEEOSA increase. This means the formula will provide a record $1.1 billion in annual school aid.

As I have noted before, Nebraska is a pro-life state.

My budget contains the pro-life budget language approved by the body last year. Furthermore, I want to commend Senator Albrecht for her continued work to protect the dignity of unborn life. I look forward to working with all of you this session as we represent pro-life Nebraska, and look for new ways to support expecting mothers and our unborn children.

We must also continue to protect public safety and Nebraska’s communities. Each year, we have collaborated to bring about important change in our Corrections system. Together, we have completed sentencing reforms for non-violent offenders. We have invested in our prisons, and are upgrading the physical plant of our facilities to help deliver the programming we need to reduce the recidivism rate. We are assessing inmates more quickly to connect them to the right programming. And we have invested in additional staff and staff retention initiatives.

As you know, there is more work to be done. While the sentencing reforms helped to control population growth in our prisons, new felony admissions mean our population has not decreased at the rate expected. My budget recommends an additional 384 high security beds, which will help assist in bringing our prison population below the emergency level set by the Legislature.

I look forward to working with Chairman Stinner, the Appropriations Committee, and the entire body to pass this budget.

As we work together this session, many challenges and opportunities lie ahead. Let’s roll up our sleeves to connect Nebraskans to great jobs, to control spending, to make government more effective, to deliver tax relief for our veterans, and to cut property taxes.

This session and this budget present an opportunity to put the priorities of the taxpayers and people of Nebraska first.

I ask for your help in enacting this vision to grow Nebraska.
God bless you all and God bless the great State of Nebraska.

The committee escorted Governor Pete Ricketts from the Chamber.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 293. Introduced by Speaker Scheer, 19; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2018, LB944, sections 27, 43, 53, 66, and 109; and section 48-1,116, Revised Statutes Cumulative Supplement, 2018; to define terms; to provide, change, and eliminate appropriations for operation of state government; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 294. Introduced by Speaker Scheer, 19; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to state intent; to define terms; to make appropriations for the expenses of Nebraska State Government for the biennium ending June 30, 2021; to transfer funds; to provide duties; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 295. Introduced by Speaker Scheer, 19; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of salaries of members of the Nebraska Legislature and payments to be made as provided by Chapter 68, article 6, for FY2019-20 and FY2020-21; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 296. Introduced by Speaker Scheer, 19; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of the salaries and benefits of certain state officers for FY2019-20 and FY2020-21; to define terms; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 297. Introduced by Speaker Scheer, 19; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to define terms; to appropriate funds for capital construction and property acquisition as prescribed; to state intent; to require program statements and a request for funding; to provide an operative date; and to declare an emergency.
LEGISLATIVE BILL 298. Introduced by Speaker Scheer, 19; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to amend sections 61-218, 71-7611, and 86-563, Reissue Revised Statutes of Nebraska, and sections 45-621, 81-15.175, and 84-1227, Revised Statutes Cumulative Supplement, 2018; to authorize, provide, change, and eliminate fund transfer provisions; to repeal funds; to harmonize provisions; to repeal the original sections; to outright repeal sections 81-1327 and 86-566, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 299. Introduced by Speaker Scheer, 19; at the request of the Governor.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 84-612, Revised Statutes Cumulative Supplement, 2018; to authorize a transfer; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 300. Introduced by Lathrop, 12; at the request of the Governor.

A BILL FOR AN ACT relating to judges' salaries; to amend section 24-201.01, Revised Statutes Cumulative Supplement, 2018; to change judges' salaries; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 301. Introduced by Lowe, 37; at the request of the Governor.

A BILL FOR AN ACT relating to state government; to amend sections 11-201, 48-719, 48-720, 48-722, 48-723, 48-724, 48-725, 48-726, 48-727, 48-728, 48-729, 48-730, 48-731, 48-732, 48-733, 48-736, 48-737, 48-738, 48-739, 48-740, 48-741, 48-742, 48-743, 48-1801, 48-1802, 48-1803, 48-1804, 48-1804.01, 48-1805, 48-1806, 48-1807, 48-1808, 48-1809, 48-1811, 48-1812, 48-1813, 48-1814, 48-1815, 48-1816, 48-1817, 48-1818, 48-1819, 48-2501, 48-2502, 48-2503, 48-2504, 48-2506, 48-2507, 48-2508, 48-2509, 48-2510, 48-2511, 48-2512, 48-2512.01, 48-2513, 48-2514, 48-2515, 48-2516, 48-2517, 48-2518, 48-2519, 48-2520, 48-2521, 48-2522, 48-2523, 48-2524, 48-2525, 48-2526, 48-2527, 48-2528, 48-2529, 48-2530, 48-2531, 48-2532, and 48-2533, Reissue Revised Statutes of Nebraska, and sections 48-721, 48-735.01, 81-401, and 81-405, Revised Statutes Cumulative Supplement, 2018; to transfer duties under the Boiler Inspection Act, the Nebraska Amusement Ride Act, and the Conveyance Safety Act from the Department of Labor to the State Fire Marshal; to change provisions of such acts; to eliminate obsolete provisions; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide an operative date; to repeal the original sections; to outright repeal section 48-1820, Reissue Revised Statutes of Nebraska; and to declare an emergency.
LEGISLATIVE BILL 302. Introduced by Hughes, 44; at the request of the Governor.


LEGISLATIVE BILL 303. Introduced by Lindstrom, 18; at the request of the Governor.

A BILL FOR AN ACT relating to the Property Tax Credit Act; to amend section 77-4212, Reissue Revised Statutes of Nebraska; to change provisions relating to the amount of relief granted under the act; and to repeal the original section.

LEGISLATIVE BILL 304. Introduced by Crawford, 45.
A BILL FOR AN ACT relating to the Nebraska Pure Food Act; to amend section 81-2,245.01, Revised Statutes Cumulative Supplement, 2018; to exempt certain operations from the definition of a food establishment as prescribed; and to repeal the original section.

LEGISLATIVE BILL 305. Introduced by Crawford, 45; Cavanaugh, 6; Quick, 35.

A BILL FOR AN ACT relating to labor; to adopt the Healthy and Safe Families and Workplaces Act; and to provide severability.

LEGISLATIVE BILL 306. Introduced by Crawford, 45.

A BILL FOR AN ACT relating to the Employment Security Law; to amend sections 48-628.13 and 48-652, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to good cause for voluntarily leaving employment; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 307. Introduced by Albrecht, 17.

A BILL FOR AN ACT relating to water; to amend sections 71-5316, 71-5318, 71-5325, and 71-5327, Reissue Revised Statutes of Nebraska, and section 81-15,151, Revised Statutes Cumulative Supplement, 2018; to update a reference to federal law; to provide for transfers between funds by the Director of Environmental Quality; to change authorized terms of loans; to eliminate a termination provision; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 308. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-217 and 25-516.01, Reissue Revised Statutes of Nebraska; to change provisions relating to commencement of actions, voluntary appearances, and waivers of defenses as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 309. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to courts; to amend section 24-301.02, Revised Statutes Cumulative Supplement, 2018; to increase the number of district judges in the fourth judicial district; and to repeal the original section.

LEGISLATIVE BILL 310. Introduced by Vargas, 7; Howard, 9; Lindstrom, 18.

A BILL FOR AN ACT relating to the Nebraska Job Creation and Mainstreet Revitalization Act; to amend section 77-2906, Reissue Revised Statutes of Nebraska; to provide a deadline for the determination of the amount of tax credits; to change provisions relating to appeals; and to repeal the original
LEGISLATIVE BILL 311. Introduced by Crawford, 45; Blood, 3; Cavanaugh, 6; Hansen, M., 26; Hilkemann, 4; Howard, 9; Hunt, 8; Lathrop, 12; McDonnell, 5; Morfeld, 46; Pansing Brooks, 28; Quick, 35; Walz, 15; Wishart, 27.

A BILL FOR AN ACT relating to employment; to amend section 48-652, Revised Statutes Cumulative Supplement, 2018; to adopt the Paid Family and Medical Leave Insurance Act; to change provisions relating to experience accounts under the Employment Security Law; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 312. Introduced by Hansen, B., 16.

A BILL FOR AN ACT relating to the Dentistry Practice Act; to amend section 38-1130, Revised Statutes Cumulative Supplement, 2018; to define a term; to change and eliminate provisions related to functions authorized for dental hygienists as prescribed; to eliminate obsolete provisions; and to repeal the original section.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 8CA. Introduced by Linehan, 39; at the request of the Governor.

THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2020, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To add a new section 14 to Article VIII:

VIII-14 (1) Notwithstanding Article VIII, section 1 or 5, of this Constitution or any other provision of this Constitution to the contrary, the total amount of property tax revenue raised by a political subdivision in any fiscal year shall not be more than three percent greater than the amount raised in the prior fiscal year, except as provided in subsections (2) and (3) of this section.

(2) The total amount of property tax revenue raised by a political subdivision in a fiscal year may exceed the limitation in subsection (1) of this section by an amount approved by a majority of legal voters voting on the issue at an election called for such purpose upon the recommendation of a majority of the governing body of the political subdivision. Such recommendation shall include the amount by which the property tax revenue would exceed the limitation in subsection (1) of this section for the fiscal year. All costs of the election shall be paid by the political subdivision seeking to exceed such limitation.
(3) The limitation in subsection (1) of this section shall not apply to the amount of property tax revenue needed to pay the principal and interest on bonded indebtedness that has been approved according to law.

(4) For purposes of this section, property tax revenue means revenue raised from a tax that is assessed annually upon the value of real and personal property.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to provide that the total amount of property tax revenue raised by a political subdivision in any fiscal year shall not be more than three percent greater than the amount raised in the prior fiscal year, except for amounts approved by voters and amounts needed to pay bonded indebtedness.

For
Against.

NOTICE OF COMMITTEE HEARING(S)
Banking, Commerce and Insurance
Room 1507
Tuesday, January 22, 2019 1:30 p.m.

LB12
LB26
LB49
LB77

(Signed) Matt Williams, Chairperson

Transportation and Telecommunications
Warner Chamber

Tuesday, January 22, 2019 1:30 p.m.

LB79
LB82
LB117
LB190

(Signed) Curt Friesen, Chairperson
UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Hunt name added to LB5.
Senator Hilkemann name added to LB7.
Senator Hunt name added to LB12.
Senator Hunt name added to LB13.
Senator Williams name added to LB14.
Senator Brandt name added to LB14.
Senator Hilkemann name added to LB15.
Senator Hunt name added to LB43.
Senator Kolowski name added to LB212.
Senator Briese name added to LR5CA.

ANNOUNCEMENT

The Chair announced the birthday of Senator McDonnell.
ADJOURNMENT

At 10:33 a.m., on a motion by Senator Crawford, the Legislature adjourned until 10:00 a.m., Wednesday, January 16, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
SIXTH DAY - JANUARY 16, 2019

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 16, 2019

PRAYER

The prayer was offered by Father Mark Seiker, St. Elizabeth Ann Seton Church, North Platte.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Scheer presiding.

The roll was called and all members were present except Senator Lowe who was excused; and Senator Hughes who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifth day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

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ANNOUNCEMENT(S)

The Education Committee elected Senator Walz as Vice Chairperson.

The Health and Human Services Committee elected Senator Arch as Vice Chairperson.

NOTICE OF COMMITTEE HEARING(S)

Health and Human Services

Room 1510

Wednesday, January 23, 2019 1:30 p.m.
Wednesday, January 23, 2019 1:00 p.m.

Credentialing Review (407) Program Briefing

(Signed) Sara Howard, Chairperson
Revenue
Room 1524

Wednesday, January 23, 2019 1:30 p.m.

LB5
LB50
LB69
LB84
LB88

(Signed) Lou Ann Linehan, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

**LEGISLATIVE BILL 313.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to treatment and corrections; to amend sections 47-901, 47-902, 47-903, 47-904, 47-905, 47-907, 47-908, 47-911, 47-912, 47-913, 47-914, 47-915, 47-916, 47-917, 47-918, 47-920, 81-8,241, 81-8,244, 81-8,245, and 83-1,135.04, Revised Statutes Cumulative Supplement, 2018; to rename the Office of Inspector General of the Nebraska Correctional System Act; to restate intent; to define and redefine terms; to provide the Office of Inspector General of the Nebraska Correctional System with authority to investigate regional centers; to provide duties for the Division of Behavioral Health; to change provisions relating to qualifications of the Inspector General; to require a report; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 314.** Introduced by Briese, 41; Friesen, 34.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 76-901, 76-903, 77-202, 77-382, 77-693, 77-801, 77-1116, 77-1238, 77-1248, 77-1327, 77-2602, 77-2701, 77-2701.02, 77-2701.16, 77-2704.24, 77-2715, 77-2715.07, 77-2715.09, 77-2716, 77-2716.01, 77-2717, 77-2734.01, 77-27,132, 77-4001, 77-4002, 77-4007, 77-4025, 79-1142, 79-1145, 81-3706, and 81-3722, Reissue Revised Statutes of Nebraska, and sections 44-1095, 53-160, 53-187, 79-1005.01, and 79-1144, Revised Statutes Cumulative Supplement, 2018; to adopt the Remote Seller Sales Tax Collection Act; to remove a property tax exemption for fraternal benefit
societies; to increase taxes on alcohol; to increase the documentary stamp tax and the cigarette tax; to provide sunset dates for the Personal Property Tax Relief Act and the New Markets Job Growth Investment Act; to impose a surtax on certain individuals; to increase the sales tax rate; to impose sales and use taxes on certain services; to eliminate certain sales and use tax exemptions; to change provisions relating to the alternative minimum tax, the earned income tax credit, the tax on certain extraordinary dividends and capital gains, the tax on certain small business corporation and limited liability company income, and itemized deductions; to provide an income tax credit for certain renters; to change the distribution of certain revenue; to tax vapor products under the Tobacco Products Tax Act; to change provisions relating to allocated income tax funds and special education; to create the School Financing Review Commission and provide duties; to change provisions of the Nebraska Visitors Development Act; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 77-2704.65 and 77-2704.67, Reissue Revised Statutes of Nebraska; and to declare an emergency.


A BILL FOR AN ACT relating to taxation; to amend sections 77-2002 and 77-2018.02, Reissue Revised Statutes of Nebraska; to provide an exemption relating to life insurance proceeds; to change provisions relating to certain inheritance tax proceedings; and to repeal the original sections.

LEGISLATIVE BILL 316. Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to pharmacy; to adopt the Pharmacy Benefit Fairness and Transparency Act.


A BILL FOR AN ACT relating to modular housing and manufactured homes; to amend sections 14-402, 15-902, 19-902, 23-114, 71-1559, 71-1566, 71-1569, 71-4601, 71-4602, 71-4603, 71-4604, 71-4604.01, 71-4605, 71-4606, 71-4608, 71-4609, 71-4610, 71-4611, 71-4614, 71-4615, 71-4616, 71-4617, 71-4618, 71-4619, 71-4620, 71-4620.01, 71-4621, 71-6405, 75-109.01, 75-156, 75-159, 76-1463, 81-5,138, and 81-1615, Reissue Revised Statutes of Nebraska, and section 60-1901, Revised Statutes Cumulative Supplement, 2018; to eliminate inspection authority of the Public Service Commission under the Nebraska Uniform Standards for Modular Housing Units Act; to eliminate applicability and references to manufactured homes under the Uniform Standard Code for Manufactured Homes and Recreational Vehicles and to rename the code; to redefine terms under the Uniform Standard Code for Mobile Home Parks; to change provisions relating to applicability of the Building Construction Act; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to outright repeal section 71-4613, Reissue Revised Statutes of Nebraska.
LEGISLATIVE BILL 318. Introduced by McCollister, 20.

A BILL FOR AN ACT relating to liens; to amend section 52-903, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to petroleum products liens; and to repeal the original section.

LEGISLATIVE BILL 319. Introduced by Moser, 22.

A BILL FOR AN ACT relating to the Department of Natural Resources; to amend sections 31-1017 and 61-206, Reissue Revised Statutes of Nebraska, and section 46-753, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to notice and rules and regulations; and to repeal the original sections.

LEGISLATIVE BILL 320. Introduced by Albrecht, 17.

A BILL FOR AN ACT relating to the Pesticide Act; to amend sections 2-2628, 2-2630, 2-2632, 2-2637, 2-2640, 2-2643, 2-2643.02, 2-2645, and 2-2653, Reissue Revised Statutes of Nebraska, and sections 2-2624, 2-2626, 2-2629, 2-2635, 2-2636, 2-2638, 2-2639, 2-2641, 2-2642, 2-2646, and 2-2656, Revised Statutes Cumulative Supplement, 2018; to redefine terms; to update federal references; to change Department of Agriculture powers and duties; to change provisions relating to registration requirements and applications, service of process, labeling requirements, application fees, pesticide applicator and restricted-use pesticide provisions, commercial, noncommercial, and private applicator licenses, noncertified applicator restrictions, records requirements, license holder duties, violations, claims of damages, inspections, and prohibited acts; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 321. Introduced by Hansen, B., 16.

A BILL FOR AN ACT relating to the Weights and Measures Act; to amend sections 89-186 and 89-187.01, Reissue Revised Statutes of Nebraska, and sections 89-187 and 89-187.02, Revised Statutes Cumulative Supplement, 2018; to update certain standards and regulations; to change provisions relating to Director of Agriculture duties and Department of Agriculture device inspection fees; to remove obsolete provisions; to eliminate a signature requirement on a permit application; and to repeal the original sections.

LEGISLATIVE BILL 322. Introduced by Crawford, 45; Blood, 3.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-1419 and 28-1427, Reissue Revised Statutes of Nebraska; to change provisions relating to enforcement of certain tobacco restriction provisions relating to possession by minors; and to repeal the original sections.
LEGISLATIVE BILL 323. Introduced by Crawford, 45; Linehan, 39.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-915, Revised Statutes Cumulative Supplement, 2016, as amended by section 3, Initiative Law 2018, No. 427; to change eligibility requirements for certain disabled persons; and to repeal the original section.

LEGISLATIVE BILL 324. Introduced by La Grone, 49; Hilgers, 21.

A BILL FOR AN ACT relating to the 911 Service System Act; to amend section 86-1029.02, Revised Statutes Cumulative Supplement, 2018; to change a provision relating to immunity from liability as prescribed; and to repeal the original section.

LEGISLATIVE BILL 325. Introduced by Bostelman, 23.

A BILL FOR AN ACT relating to the Motor Vehicle Registration Act; to amend sections 60-3,107 and 60-3,108, Reissue Revised Statutes of Nebraska, and sections 60-3,185 and 60-3,189, Revised Statutes Cumulative Supplement, 2018; to provide motor vehicle tax exemptions for one hundred percent service-connected disability compensation rated veterans and dependency and indemnity compensation recipients; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 326. Introduced by Quick, 35; Bolz, 29; Cavanaugh, 6; Crawford, 45; DeBoer, 10; Hansen, M., 26; Howard, 9; Hunt, 8; McCollister, 20; McDonnell, 5; Morfeld, 46; Pansing Brooks, 28; Vargas, 7; Walz, 15; Wishart, 27.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Health and Human Services.

LEGISLATIVE BILL 327. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to appropriations; to state intent to appropriate funds to increase rates paid for certain behavioral health services; and to earmark appropriations as prescribed.

LEGISLATIVE BILL 328. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to children and families; to amend sections 28-710, 28-713, 28-720, 28-728, 28-729, 43-1301, 43-2201, 43-2203, 43-2204, 43-2205, 43-2209, 68-1207, and 68-1212, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Family First Act; to define and redefine terms; to create, change, and eliminate provisions relating non-court-involved responses to reports of child abuse or neglect, the central registry of child protection cases, and foster care placement; to create the kinship navigator program and the family finding services project; to repeal the original sections; and to outright repeal sections 43-2206, 43-2208, and
81-3136, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 329.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to child care; to amend sections 68-1206 and 71-1912, Reissue Revised Statutes of Nebraska; to change provisions relating to child care assistance provided as part of the provision of social services; to change provisions relating to licensure under the Child Care Licensing Act; and to repeal the original sections.

**LEGISLATIVE BILL 330.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to the Nebraska Children's Commission; to amend sections 43-4201, 43-4202, 43-4204, 43-4206, 43-4216, 43-4217, and 68-1212, Reissue Revised Statutes of Nebraska, and sections 43-4203, 43-4207, 43-4218, 43-4513, and 43-4701, Revised Statutes Cumulative Supplement, 2018; to provide, change, and eliminate administration, membership, and duties of the commission; to change and eliminate reporting requirements; to harmonize provisions; to eliminate obsolete provisions; to provide an operative date; to repeal the original sections; to outright repeal sections 43-4205, 43-4208, 43-4209, 43-4210, 43-4211, 43-4213, and 43-4214, Reissue Revised Statutes of Nebraska; and to declare an emergency.

**LEGISLATIVE BILL 331.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to treatment and corrections; to amend section 83-901, Reissue Revised Statutes of Nebraska, and sections 83-1,107, 83-903, and 83-904, Revised Statutes Cumulative Supplement, 2018; to require reports from the Board of Parole and the Office of Probation Administration; to change provisions relating to release or reentry plans and obtaining state identification cards or renewing motor vehicle operator's licenses for inmates; to transfer responsibility for the reentry program and the Vocational and Life Skills Program from the Department of Correctional Services to the Board of Parole; to state intent regarding appropriations; to require the Department of Correctional Services and the Board of Parole to develop a plan to transition responsibility for community corrections from the department to the board; to require the Board of Parole to develop a plan to transition responsibility for post-release supervision from the Office of Probation Administration to the board; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 332.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to juveniles; to amend sections 43-1311.03, 43-4504, 43-4505, 43-4508, 43-4511.01, and 43-4514, Reissue Revised Statutes of Nebraska, and sections 43-285 and 43-4513, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to independence hearings; to change eligibility requirements for participation
in the bridge to independence program and to receive foster care maintenance payments under the Young Adult Bridge to Independence Act; to change provisions relating to permanency review hearings; to provide duties for the Department of Health and Human Services; to change provisions relating to the Bridge to Independence Advisory Committee; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 333. Introduced by Slama, 1.

A BILL FOR AN ACT relating to the Nebraska Milk Act; to amend sections 2-3965, 2-3966, and 2-3982, Revised Statutes Cumulative Supplement, 2018; to update federal references; to redefine a term; and to repeal the original sections.

LEGISLATIVE BILL 334. Introduced by Stinner, 48.

A BILL FOR AN ACT relating to economic development; to amend section 77-6306, Reissue Revised Statutes of Nebraska, and sections 13-1907, 13-2103, 13-2112, 81-12,152, 81-12,163, and 81-12,166, Revised Statutes Cumulative Supplement, 2018; to change and eliminate provisions relating to rules and regulations of the Department of Economic Development; to stop granting tax credits under the Angel Investment Tax Credit Act; to eliminate a termination date, state appropriation intent language, require evaluations of programs, and provide a duty for the Appropriations Committee of the Legislature under the Business Innovation Act; to harmonize provisions; to repeal the original sections; and to outright repeal section 81-12,167, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 335. Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to bail; to amend sections 29-901, 60-480, 60-498.01, 60-4,115, 60-6,197.05, 60-6,197.06, and 60-6,211.11, Revised Statutes Cumulative Supplement, 2018; to adopt the 24/7 Sobriety Program Act; to authorize a 24/7 sobriety program permit for operating a motor vehicle as a condition of bond as prescribed; to provide penalties; to harmonize provisions; and to repeal the original sections.


A BILL FOR AN ACT relating to budget limitations; to amend section 77-3446, Reissue Revised Statutes of Nebraska, and section 13-519, Revised Statutes Cumulative Supplement, 2018; to change the vote required to exceed certain budget limitations; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 337. Introduced by Stinner, 48.

A BILL FOR AN ACT relating to state government; to require submission of a compilation of the federal receipts of state agencies as prescribed.

A BILL FOR AN ACT relating to the motor vehicle fuel tax; to amend sections 66-489.02 and 66-4,101, Reissue Revised Statutes of Nebraska; to change the calculation of the tax on the average wholesale price of gasoline as prescribed; to provide restrictions on use of tax proceeds as prescribed; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 339. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to judges; to amend section 24-803, Reissue Revised Statutes of Nebraska; to change provisions relating to judicial nominating commissions; to eliminate obsolete provisions; and to repeal the original section.

LEGISLATIVE BILL 340. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to incarceration work camps; to amend section 83-4,144, Reissue Revised Statutes of Nebraska, and section 83-4,143, Revised Statutes Cumulative Supplement, 2018; to exclude female offenders from placement in incarceration work camps; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 341. Introduced by Arch, 14.

A BILL FOR AN ACT relating to social services; to amend sections 68-1206 and 68-1724, Reissue Revised Statutes of Nebraska; to change provisions relating to transitional child care assistance; and to repeal the original sections.

LEGISLATIVE BILL 342. Introduced by La Grone, 49.

A BILL FOR AN ACT relating to metropolitan utilities districts; to amend sections 14-2103 and 32-607, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to election of the board of directors; and to repeal the original sections.

LEGISLATIVE BILL 343. Introduced by Halloran, 33.

A BILL FOR AN ACT relating to firearms; to amend section 69-2441, Reissue Revised Statutes of Nebraska, and section 28-1204.04, Revised Statutes Cumulative Supplement, 2018; to adopt the School Safety Rapid Response Option Act; to authorize schools to allow school employees to carry concealed handguns at school as prescribed; to harmonize provisions; and to repeal the original sections.
LEGISLATIVE BILL 344. Introduced by Agriculture Committee: Halloran, 33, Chairperson; Brandt, 32; Hansen, B., 16; Lathrop, 12; Moser, 22; Slama, 1.

A BILL FOR AN ACT relating to agriculture; to amend sections 37-478, 37-479, 37-505, 37-524, 37-1402, 54-706.12, 54-797, 54-2293, 54-2304, 54-2314, 54-2757, and 81-202, Reissue Revised Statutes of Nebraska, and sections 2-3812, 54-626, 54-645, 54-7,105.01, 54-7,107, 54-7,108, 54-1158, and 54-1371, Revised Statutes Cumulative Supplement, 2018; to adopt the Animal Health and Disease Control Act; to eliminate and provide general powers and duties of and for the Department of Agriculture; to eliminate the Nebraska Poultry Disease Control Act, the Bovine Tuberculosis Act, the Anthrax Control Act, the Animal Importation Act, the Nebraska Swine Brucellosis Act, the Nebraska Bovine Brucellosis Act, the Pseudorabies Control and Eradication Act, the Scrapie Control and Eradication Act, and the Bureau of Animal Industry; to terminate the Bovine Tuberculosis Cash Fund, the Anthrax Control Act Cash Fund, the Brucellosis Control Cash Fund, the Pseudorabies Control Cash Fund, and the Scrapie Control Cash Fund and make fund transfers to and create the Animal Health and Disease Control Cash Fund; to provide for criminal and administrative penalties; to harmonize provisions; to provide a duty for the Revisor of Statutes; to repeal the original sections; and to outright repeal sections 2-3001, 2-3002, 2-3003, 2-3004, 2-3005, 2-3006, 2-3007, 2-3008, 54-701, 54-701.01, 54-701.02, 54-702, 54-702.01, 54-706.01, 54-706.02, 54-706.03, 54-706.04, 54-706.05, 54-706.06, 54-706.07, 54-706.08, 54-706.09, 54-706.10, 54-706.11, 54-706.12, 54-706.13, 54-706.14, 54-706.15, 54-706.16, 54-706.17, 54-743, 54-744, 54-744.01, 54-745, 54-746, 54-747, 54-764, 54-765, 54-766, 54-767, 54-768, 54-769, 54-770, 54-771, 54-772, 54-773, 54-774, 54-775, 54-776, 54-777, 54-779, 54-780, 54-781, 54-785, 54-786, 54-787, 54-788, 54-790, 54-791, 54-791, 54-793, 54-794, 54-795, 54-796, 54-1348, 54-1349, 54-1350, 54-1351, 54-1352, 54-1353, 54-1354, 54-1355, 54-1356, 54-1357, 54-1358, 54-1359, 54-1360, 54-1361, 54-1362, 54-1363, 54-1364, 54-1365, 54-1366, 54-1367, 54-1368, 54-1369, 54-1370, 54-1372, 54-1373, 54-1374, 54-1375, 54-1376, 54-1377, 54-1378, 54-1379, 54-1380, 54-1381, 54-1382, 54-1383, 54-1384, 54-2235, 54-2236, 54-2237, 54-2238, 54-2239, 54-2240, 54-2241, 54-2242, 54-2243, 54-2244, 54-2245, 54-2246, 54-2247, 54-2248, 54-2249, 54-2250, 54-2251, 54-2252, 54-2253, 54-2254, 54-2255, 54-2256, 54-2257, 54-2258, 54-2259, 54-2260, 54-2261, 54-2262, 54-2262.01, 54-2263, 54-2264, 54-2265, 54-2266, 54-2267, 54-2268, 54-2269, 54-2270, 54-2271, 54-2276, 54-2277, 54-2278, 54-2279, 54-2280, 54-2281, 54-2283, 54-2286, 54-2287, 54-2288, 54-2289, 54-2290, 54-2291, 54-2292, 54-2294, 54-2295, 54-2296, 54-2297, 54-2298, 54-2299, 54-22,100, 54-2701, 54-2702, 54-2703, 54-2704, 54-2705, 54-2706, 54-2707, 54-2708, 54-2709, 54-2710, 54-2711, 54-2712, 54-2713, 54-2714, 54-2715, 54-2716, 54-2717, 54-2718, 54-2719, 54-2720, 54-2721, 54-2722, 54-2733, 54-2734, 54-2735, 54-2736, 54-2737, 54-2738, 54-2739, 54-2740, 54-2741, 54-2742, 54-2743, 54-2744, 54-2745, 54-2746, 54-2747, 54-2748, 54-2749, 54-2750, 54-2751, 54-2752, 54-2753, 54-2754,
LEGISLATIVE BILL 345. Introduced by Wishart, 27.

A BILL FOR AN ACT relating to state employees; to prohibit mandatory overtime for certain employees as prescribed.

LEGISLATIVE BILL 346. Introduced by Wishart, 27.

A BILL FOR AN ACT relating to the Special Education Act; to amend sections 79-1142 and 79-1145, Reissue Revised Statutes of Nebraska; to change provisions relating to reimbursements; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 347. Introduced by Murman, 38; Briese, 41; Erdman, 47; Friesen, 34; Geist, 25; Halloran, 33; Hansen, B., 16; Lindstrom, 18; Slama, 1.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend section 38-1708, Reissue Revised Statutes of Nebraska; to exempt the practice of reflexology from licensure under the Massage Therapy Practice Act; and to repeal the original section.

LEGISLATIVE BILL 348. Introduced by Quick, 35.

A BILL FOR AN ACT relating to the Building Construction Act; to amend sections 71-6403 and 71-6406, Reissue Revised Statutes of Nebraska; to adopt changes to the state building code; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 349. Introduced by Friesen, 34.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2703 and 77-2708, Reissue Revised Statutes of Nebraska; to provide sales and use tax collection duties for certain peer-to-peer rentals of vehicles; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 350. Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1028.01, Revised Statutes Cumulative Supplement, 2018; to provide a budget exception for expanded learning opportunity programs; and to repeal the original section.
LEGISLATIVE BILL 351. Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to school finance; to amend section 79-10,110.02, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to school district levy and bonding authority for certain projects; to authorize school district levy and bonding authority for violence prevention and cybersecurity as prescribed; to define and redefine terms; and to repeal the original section.

LEGISLATIVE BILL 352. Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-1912, Reissue Revised Statutes of Nebraska; to adopt requirements relating to testimony by jailhouse informants; to state intent; to define terms; to create duties for prosecutors and provide for court orders for failure to comply with such duties; to provide for a hearing to determine reliability; to provide for a jury instruction; to change provisions relating to requests for discovery by criminal defendants; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 353. Introduced by Pansing Brooks, 28; Morfeld, 46.

A BILL FOR AN ACT relating to law enforcement; to amend sections 25-21,303, 28-109, 28-359, 28-710, 28-1008, 29-4103, 49-801, 53-1,121, 60-646, 60-683, 69-2429, 71-507, 71-910, and 86-802, Reissue Revised Statutes of Nebraska, and sections 20-502, 20-504, 28-470, 42-903, 48-202, 54-902, 81-1401, 81-1452, 81-1455, and 85-2602, Revised Statutes Cumulative Supplement, 2018; to provide powers and duties for University of Nebraska police departments and police officers as prescribed; to redefine terms; and to repeal the original sections.


A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend sections 43-260.04, 43-2,108.01, 43-2,108.02, 43-2,108.03, 43-2,108.04, and 43-2,108.05, Reissue Revised Statutes of Nebraska, and section 43-2,108, Revised Statutes Cumulative Supplement, 2018; to protect confidential information in juvenile court case files; to change provisions relating to the sealing of juvenile records; to provide for retroactivity; to increase a penalty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 355. Introduced by La Grone, 49.

A BILL FOR AN ACT relating to finance; to amend sections 45-340 and 45-705, Reissue Revised Statutes of Nebraska, and sections 8-2737, 45-335, 45-346, 45-346.01, 45-348, 45-727, 45-734, and 45-737, Revised Statutes
Cumulative Supplement, 2018; to change provisions relating to licensee and authorized delegate examinations under the Nebraska Money Transmitters Act; to define a term, update a reference to salespersons, and change certain license and fee provisions under the Nebraska Installment Sales Act; to change mortgage banker license application provisions, provide for temporary powers as a mortgage loan originator licensee as prescribed, change inactive mortgage loan originator licensee provisions, and change certain mortgage banker licensee recordkeeping duties under the Residential Mortgage Licensing Act; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 356. Introduced by Scheer, 19.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-3,104.01, Revised Statutes Cumulative Supplement, 2018; to change the fee distribution for certain specialty license plates as prescribed; and to repeal the original section.

LEGISLATIVE BILL 357. Introduced by Walz, 15; Cavanaugh, 6; McDonnell, 5; Quick, 35.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Reissue Revised Statutes of Nebraska; to adopt the Direct Support Professional Tax Credit Act; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 358. Introduced by Walz, 15; Cavanaugh, 6; Quick, 35.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1001, 79-1003, 79-1007.11, and 79-1017.01, Revised Statutes Cumulative Supplement, 2018; to change provisions related to early childhood education aid; to provide a new allowance; to provide aid; to harmonize provisions; and to repeal the original sections.


A BILL FOR AN ACT relating to labor; to amend sections 48-618, 48-619, 48-621, 48-622.03, 48-649.03, 48-652, 48-1234, and 48-2213, Revised Statutes Cumulative Supplement, 2018; to change provisions under the Employment Security Law relating to administration of funds, unclaimed benefits, reports, and the employer's combined tax rate; to change provisions relating to service of citations for violations of the Nebraska Wage Payment and Collection Act and the appointment of the meatpacking industry worker rights coordinator; to harmonize provisions; and to repeal the original sections.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-122, Revised Statutes Cumulative Supplement, 2018; to provide for settlement of claims of alien dependents; to provide for applicability of changes; and to repeal the original section.

**LEGISLATIVE BILL 361.** Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to employment; to amend sections 48-1205, 48-1206, 48-1207, 48-1208, and 48-1209, Reissue Revised Statutes of Nebraska, and section 48-1228, Revised Statutes Cumulative Supplement, 2018; to prohibit retaliation under the Nebraska Wage Payment and Collection Act and the Wage and Hour Act as prescribed; to provide for a private right of action; to provide powers for the Commissioner of Labor; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 362.** Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to the Nebraska Wage Payment and Collection Act; to amend section 48-1234, Revised Statutes Cumulative Supplement, 2018; to require payment of unpaid wages as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 363.** Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to benefits for individuals providing public safety services; to amend sections 81-8,297, 81-8,299, 81-8,300.01, and 81-8,301, Reissue Revised Statutes of Nebraska; to adopt the In the Line of Duty Compensation Act; to change the State Miscellaneous Claims Act as prescribed; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 364.** Introduced by Quick, 35; McDonnell, 5.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-120, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to a limit on certain fees; and to repeal the original section.

**LEGISLATIVE BILL 365.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to public health and welfare; to amend section 20-409, Reissue Revised Statutes of Nebraska; to adopt the Health Care Directives Registry Act; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 366.** Introduced by Bostelman, 23.

A BILL FOR AN ACT relating to the Motor Vehicle Registration Act; to amend section 60-3,191, Revised Statutes Cumulative Supplement, 2018; to
change the registration fee for alternative fuel-powered motor vehicles; and to repeal the original section.

LEGISLATIVE BILL 367. Introduced by Hughes, 44.

A BILL FOR AN ACT relating to the Nebraska Litter Reduction and Recycling Act; to amend section 81-1566, Reissue Revised Statutes of Nebraska, and section 81-1558, Revised Statutes Cumulative Supplement, 2018; to eliminate provisions relating to transfers; to extend a termination date; and to repeal the original sections.

LEGISLATIVE BILL 368. Introduced by Hughes, 44.

A BILL FOR AN ACT relating to water; to amend sections 2-32,115, 46-229.04, 46-703, 46-706, 46-713, 46-714, 46-716, 46-718, 46-720, 46-740, 61-218, and 77-3442, Reissue Revised Statutes of Nebraska, and sections 2-969, 2-3225, 46-290, 46-294, 46-715, 46-753, 46-755, and 81-15,175, Revised Statutes Cumulative Supplement, 2018; to eliminate overappropriated river basins, subbasins, and reaches as prescribed; to change provisions relating to integrated management plans; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 369. Introduced by Vargas, 7; Hunt, 8; Williams, 36.

A BILL FOR AN ACT relating to immigration; to require law enforcement agencies, jails, and the Nebraska State Patrol to provide notice prior to entering into agreements to enforce federal immigration law; to require law enforcement agencies and jails to provide information to the Nebraska Commission on Law Enforcement and Criminal Justice; to provide the Auditor of Public Accounts with authority to conduct audits of noncomplying law enforcement agencies, jails, political subdivisions, and the patrol.

LEGISLATIVE BILL 370. Introduced by McCollister, 20; Kolterman, 24.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 44-6408, 60-346, 60-509, 60-534, and 60-549, Reissue Revised Statutes of Nebraska, and sections 60-310 and 60-501, Revised Statutes Cumulative Supplement, 2018; to change liability insurance and financial responsibility requirements; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 371. Introduced by Erdman, 47; Groene, 42.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-6,360, Reissue Revised Statutes of Nebraska, and sections 60-305, 60-358.01, 60-6,355, and 60-6,356, Revised Statutes Cumulative Supplement, 2018; to change and eliminate provisions relating to all-terrain
vehicles and utility-type vehicles; to repeal the original sections; and to
outright repeal sections 60-6,357 and 60-6,358, Reissue Revised Statutes of
Nebraska.

LEGISLATIVE BILL 372. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to revenue and taxation; to amend section
77-1363, Reissue Revised Statutes of Nebraska; to change provisions
relating to classes and subclasses of agricultural land and horticultural land;
and to repeal the original section.

LEGISLATIVE BILL 373. Introduced by Brewer, 43.

A BILL FOR AN ACT relating to zoning restrictions; to amend sections
23-114.01, 66-914, and 72-272, Reissue Revised Statutes of Nebraska; to
define a term; to require zoning provisions prior to construction of wind
energy projects as prescribed; to provide for fees as prescribed; to eliminate
provisions relating to variances or exceptions from zoning regulations; to
provide limitations on agreements relating to school lands; to repeal the
original sections; and to declare an emergency.

LEGISLATIVE BILL 374. Introduced by Brewer, 43.

A BILL FOR AN ACT relating to the Game Law; to amend sections
37-202, 37-497, and 37-498, Reissue Revised Statutes of Nebraska, and
section 37-201, Revised Statutes Cumulative Supplement, 2018; to define a
term; to provide for raptor permits for wildlife abatement; to harmonize
provisions; and to repeal the original sections.

LEGISLATIVE BILL 375. Introduced by Brewer, 43.

A BILL FOR AN ACT relating to public records; to amend section
84-712.05, Revised Statutes Cumulative Supplement, 2018; to change
provisions relating to documents which may be withheld from the public;
and to repeal the original section.

LEGISLATIVE BILL 376. Introduced by Friesen, 34.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections
28-106, 29-1001, and 83-176, Reissue Revised Statutes of Nebraska, and
sections 28-105 and 83-171, Revised Statutes Cumulative Supplement,
2018; to provide for the safekeeping of prisoners as prescribed; to
harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 377. Introduced by DeBoer, 10.

A BILL FOR AN ACT relating to contracts; to provide for the voidability of
certain releases from liability; and to provide a duty for the Revisor of
Statutes.
RESOLUTION(S)


WHEREAS, the framers of the Constitution of the United States of America intended that Congress be "dependent on the people alone" (The Federalist No. 52, Alexander Hamilton or James Madison); and

WHEREAS, what was a dependency on the people alone has transformed into a dependency on powerful special interests, through campaigns or third-party groups, which has created a fundamental imbalance in our representative democracy; and

WHEREAS, Americans across the political spectrum agree that elections in the United States of America should be free from the disproportionate influence of special interests and fair enough that any citizen can be elected into office; and

WHEREAS, overreaching decisions such as Citizens United v. Federal Election Commission, 558 U.S. 310 (2010) and its progeny have frustrated or prevented reasonable campaign laws. This includes decisions such as American Tradition Partnership, Inc. v. Bullock, 567 U.S. 516 (2012), which summarily overturned the Montana Supreme Court without oral argument, throwing out a century of effective campaign laws in that state, and McCutcheon v. Federal Election Commission, 572 U.S. 185 (2014), which removed the individual spending limit, allowing for the unprecedented funneling of campaign contributions from all over the nation; and

WHEREAS, the Constitution of Nebraska states that "governments are instituted among people, deriving their just powers from the consent of the governed." (Article I, section 1); and

WHEREAS, Article V of the Constitution of the United States requires Congress to call a convention for proposing amendments to the Constitution on the application of two-thirds of the legislatures of the several states; and

WHEREAS, in order to restore balance and integrity to our nation's elections, the Nebraska Unicameral Legislature perceives the need for an Article V convention limited to proposing an amendment to the Constitution of the United States that would permanently protect free and fair elections in America; and

WHEREAS, the State of Nebraska desires that delegates to the convention be comprised equally of individuals currently elected to state and local office or that such delegates be selected by election in each congressional district for the purpose of serving as delegates, and further desires that all individuals elected or appointed to federal office, now or in the past, be prohibited from serving as delegates to the convention; and

WHEREAS, the State of Nebraska intends this resolution to be a continuing application for an Article V convention to be considered together with the applications calling for a convention passed in the 2013-2014 Vermont General Assembly as J.R.S. 27 (Act R-454), the 2013-2014 California State Legislature as AJR 1 (res. ch. 77), the 2013-2014 Illinois General Assembly as SJR 42, the 2014-2015 New Jersey Legislature as
SCR 132, and the 2016 Rhode Island General Assembly as HR 7670 and SR 2589, and with all other passed, pending, and future applications until such time as two-thirds of the several states have applied for a convention for a similar purpose and such convention is convened by Congress.

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

1. That the people of the State of Nebraska, speaking through their Nebraska Unicameral Legislature, and pursuant to Article V of the Constitution of the United States, hereby apply to the United States Congress to call a convention for the exclusive purpose of proposing an amendment to the Constitution of the United States that would restore free and fair elections as described in this resolution, as soon as two-thirds of the several states have applied for a convention for a similar purpose.

2. That the Nebraska delegates to such convention shall have no discretion beyond that granted by the Nebraska Unicameral Legislature and that the Legislature retains its authority to restrict or expand the power of Nebraska's delegates within the limits expressed in this resolution.

3. That the Nebraska Unicameral Legislature shall not ratify and the Nebraska delegates to a convention authorized by this resolution shall not vote to propose any amendment unless it allows each state to determine the campaign finance laws that will apply to its local and federal officials.

4. That the Clerk of the Legislature transmit copies of this resolution to the President of the United States, the Vice President of the United States in his capacity as presiding officer of the United States Senate, the Speaker of the United States House of Representatives, the minority leader of the United States House of Representatives, the president pro tempore of the United States Senate, the members of the Senate and House of Representatives from this state, the Archivist of the United States, and the respective clerks of the United States House of Representatives and the United States Senate, with the respectful request that the full and complete text of this resolution be printed in the Congressional Record and recorded in the published tally of state applications for an Article V convention.

5. That the Clerk of the Legislature transmit copies of this resolution to the presiding officers of each legislative body of each of the several states, requesting the cooperation of the states in issuing an application compelling Congress to call an Article V convention to propose an amendment to the Constitution of the United States to restore free and fair elections as described in this resolution.

ANNOUNCEMENT(S)

The Natural Resources Committee elected Senator Bostelman as Vice Chairperson.
NOTICE OF COMMITTEE HEARING(S)
Government, Military and Veterans Affairs

Room 1507

Wednesday, January 23, 2019 1:30 p.m.

Christopher Cantrell - Nebraska State Fire Marshal
Jason Jackson - Department of Administrative Services

(Signed) Tom Brewer, Chairperson

Revenue
Room 1524

Thursday, January 24, 2019 1:30 p.m.

LB63
LB103
LB158
LB183

Friday, January 25, 2019 1:30 p.m.

LB86
LB13
LB170

(Signed) Lou Ann Linehan, Chairperson

Judiciary
Warner Chamber

Wednesday, January 23, 2019 1:30 p.m.

LB7
LB71
LB141
LB143
LR1CA

(Signed) Steve Lathrop, Chairperson
Natural Resources
Room 1525

Wednesday, January 23, 2019 2:00 p.m.

LB126
LB127

(Signed) Dan Hughes, Chairperson

ANNOUNCEMENT(S)

The Business and Labor Committee elected Senator B. Hansen as Vice Chairperson.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Arch name added to LB12.
Senator Blood name added to LB59.
Senator Blood name added to LB60.
Senator Pansing Brooks name added to LB153.
Senator Arch name added to LB153.
Senator Blood name added to LB163.
Senator Blood name added to LB170.
Senator Hunt name added to LB205.
Senator Blood name added to LB235.
Senator Hunt name added to LB282.
Senator Blood name added to LB304.

ADJOURNMENT

At 11:12 a.m., on a motion by Senator Blood, the Legislature adjourned until 9:00 a.m., Thursday, January 17, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
SEVENTH DAY - JANUARY 17, 2019

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 17, 2019

PRAYER

The prayer was offered by Pastor Mike Wing, Grace Community Bible Church, North Platte.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Scheer presiding.

The roll was called and all members were present except Senator Wayne who was excused; and Senators Linehan, McCollister, Morfeld, Stinner, Vargas, and Williams who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixth day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

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LB311  Business and Labor
LB312  Health and Human Services
LR8CA  Revenue

(Signed) Mike Hilgers, Chairperson
Executive Board
NOTICE OF COMMITTEE HEARING(S)
Health and Human Services
Room 1510

Thursday, January 24, 2019 1:30 p.m.
LB200
LB60
LB119

Friday, January 25, 2019 1:00 p.m.
Medicaid Financing Briefing

Friday, January 25, 2019 1:30 p.m.
LB140

(Signed) Sara Howard, Chairperson
Nebraska Retirement Systems
Room 1507

Tuesday, January 29, 2019 12:00 p.m.
LB32
Allen Simpson - Public Employees Retirement Board
Gail Werner-Robertson - Nebraska Investment Council

(Signed) Mark Kolterman, Chairperson

ANNOUNCEMENT(S)
The Appropriations Committee elected Senator Bolz as Vice Chairperson.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 378. Introduced by Hansen, B., 16; Albrecht, 17; Brewer, 43; Clements, 2; Dorn, 30; Erdman, 47; Friesen, 34; Gragert, 40; Groene, 42; Halloran, 33; Lowe, 37; Murman, 38; Slama, 1; Wishart, 27.

A BILL FOR AN ACT relating to autocycles, motorcycles, and mopeds; to amend section 60-6,279, Revised Statutes Cumulative Supplement, 2018; to change helmet provisions; to require eye protection; and to repeal the original section.

A BILL FOR AN ACT relating to finance; to amend section 45-915, Reissue Revised Statutes of Nebraska, and sections 45-901, 45-902, and 45-1001, Revised Statutes Cumulative Supplement, 2018; to change licensing and operating provisions, provide powers and duties for the Department of Banking and Finance and Director of Banking and Finance, and define a term under the Delayed Deposit Services Licensing Act; to clarify a licensing provision under the Nebraska Installment Loan Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 380. Introduced by La Grone, 49.

A BILL FOR AN ACT relating to the Nebraska Property and Liability Insurance Guaranty Association Act; to amend sections 44-2403, 44-2406, 44-2407, 44-2409, and 44-2411, Reissue Revised Statutes of Nebraska; to redefine terms; to change obligations for covered claims; to change association duties and authorizations as prescribed; to change provisions relating to the exhaustion of remedies by claimants; to provide for a stay in proceedings; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 381. Introduced by Hansen, B., 16.

Revised Statutes of Nebraska.

LEGISLATIVE BILL 382. Introduced by Geist, 25.

A BILL FOR AN ACT relating to the Dog and Cat Purchase Protection Act; to amend section 54-644, Reissue Revised Statutes of Nebraska, and sections 54-645 and 54-646, Revised Statutes Cumulative Supplement, 2018; to define a term; to change a provision relating to a written disclosure statement; to provide a records requirement; to prohibit sales of inbred dogs as prescribed; to provide for preemption of local law; to harmonize provisions; and to repeal the original sections.

SENATOR WILLIAMS PRESIDING

ANNOUNCEMENT

The Chair announced the birthday of Senator Cavanaugh.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 383. Introduced by Quick, 35; Bolz, 29; Cavanaugh, 6; Crawford, 45; DeBoer, 10; Howard, 9; Hunt, 8; McDonnell, 5; Morfeld, 46; Pansing Brooks, 28; Vargas, 7; Wishart, 27.

A BILL FOR AN ACT relating to the Wage and Hour Act; to amend section 48-1203, Revised Statutes Cumulative Supplement, 2018; to provide for an annual adjustment to the minimum wage; to provide duties for the State Treasurer and Department of Labor; to define a term; and to repeal the original section.

LEGISLATIVE BILL 384. Introduced by Walz, 15.

A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to amend section 81-885.13, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to education requirements; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 385. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to the Nebraska State Historical Society; to amend section 82-101.01, Reissue Revised Statutes of Nebraska; to change provisions relating to the election of the board of trustees; and to repeal the original section.

LEGISLATIVE BILL 386. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to the Nebraska Budget Act; to amend
section 13-504, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to cash reserves; to provide an operative date; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 387.** Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to juries; to amend sections 25-412.04, 25-1107.01, 25-1108, 25-1313, 25-1601, 25-1601.03, 25-1602, 25-1603, 25-1606, 25-1607, 25-1611, 25-1612, 25-1625, 25-1626, 25-1627, 25-1628, 25-1629, 25-1629.01, 25-1629.02, 25-1630, 25-1631, 25-1631.03, 25-1632, 25-1632.01, 25-1633, 25-1634, 25-1634.01, 25-1634.02, 25-1636, 25-1637, 25-1639, 25-1640, 25-1641, 28-916, 29-1201, 29-2003, 29-2011, 29-2017, and 33-13, Reissue Revised Statutes of Nebraska, and sections 25-1635 and 29-2023, Revised Statutes Cumulative Supplement, 2018; to name the Jury Selection Act; to define terms; to change terminology relating to juries; to transfer, change, and eliminate provisions relating to jury commissioners, juror qualifications, exemptions and excuses from jury service, jury lists and summoning juries, initial and subsequent jury panels, excess jurors, special jury panels in criminal cases, extra jurors, tales jurors, grand juries, jurors' notes, jurors viewing property or a place material to litigation, and compensation for jurors; to provide duties for clerk magistrates; to change terminology relating to verdicts and court proceedings; to change penalty provisions; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 25-1609, 25-1626.02, 25-1627.01, 25-1629.03, 25-1633.01, 25-1634.03, 25-1642, and 25-1643, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 388.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to children and families; to amend sections 43-292.03, 43-533, 43-1311.01, 43-1312, 43-1312.01, and 43-1313, Reissue Revised Statutes of Nebraska, and sections 43-285, 43-292.02, and 43-1318, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to placement plans; to provide a duty for the Department of Health and Human Services; to require review of certain determinations relating to parental rights termination proceedings as prescribed; to change provisions relating to family policy; to clarify legislative intent; to change and provide procedures and requirements relating to placement of children in guardianships and termination of guardianships; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 389.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend sections 43-292 and 43-292.01, Reissue Revised Statutes of Nebraska, and sections 43-283.01 and 43-292.02, Revised Statutes Cumulative Supplement, 2018; to change and provide grounds for termination of parental rights; to change provisions relating to when reasonable efforts at reunification are required; to change provisions relating to petitions for
termination of parental rights; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 390. Introduced by Pansing Brooks, 28; Hansen, M., 26; Linehan, 39; Walz, 15.

A BILL FOR AN ACT relating to public safety; to state findings; to define terms; and to provide duties for the Nebraska Commission on Law Enforcement and Criminal Justice, law enforcement agencies, security agencies, and school districts relating to school resource officers and security guards as prescribed.

LEGISLATIVE BILL 391. Introduced by Hansen, M., 26; Pansing Brooks, 28.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend sections 29-401, 43-248.01, and 43-249, Reissue Revised Statutes of Nebraska, and sections 43-250 and 43-2,129, Revised Statutes Cumulative Supplement, 2018; to require notification of a juvenile's parent, guardian, custodian, or relative when a juvenile is taken into custody as prescribed; to require an advisement of a juvenile's rights to be given when a juvenile is taken into custody; to require that a juvenile's parent, guardian, custodian, or relative be present when requested; to prohibit the use of certain statements in court proceedings as prescribed; to define a term; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 392. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to the Nebraska Evidence Rules; to amend section 27-801, Reissue Revised Statutes of Nebraska; to change provisions relating to hearsay; and to repeal the original section.

LEGISLATIVE BILL 393. Introduced by Groene, 42.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 76-901, 76-903, and 77-1327, Reissue Revised Statutes of Nebraska; to increase the documentary stamp tax; to distribute certain revenue to the Property Tax Credit Cash Fund; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 394. Introduced by Wishart, 27.

A BILL FOR AN ACT relating to appropriations; to state intent relating to an appropriation to the Department of Transportation; and to declare an emergency.


A BILL FOR AN ACT relating to the Uniform Residential Landlord and
Tenant Act; to amend section 76-1431, Reissue Revised Statutes of Nebraska; to change provisions relating to power of possession by a landlord as a result of criminal activity on the premises by a tenant; to provide an exception in cases of domestic assault as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 396.** Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to the Uniform Residential Landlord and Tenant Act; to eliminate continuance provisions that allow for continuances only for extraordinary causes and require deposits of rental payments; and to outright repeal section 76-1443, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 397.** Introduced by Briese, 41.

A BILL FOR AN ACT relating to tobacco; to amend sections 28-1418, 28-1418.01, 28-1419, 28-1420, 28-1421, 28-1423, 28-1424, 28-1425, 28-1427, 28-1429.02, and 28-1429.03, 69-2705, 69-2706, 69-2707, 69-2707.01, 69-2709, 69-2710, 69-2710.01, 69-2710.03, 77-2601, and 77-2603, Reissue Revised Statutes of Nebraska; to change provisions relating to tobacco, electronic nicotine delivery systems, or alternative nicotine products; to define and redefine terms; to change escrow fund provisions for tobacco product manufacturers; to change provisions relating to nonparticipating manufacturers; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 398.** Introduced by DeBoer, 10.

A BILL FOR AN ACT relating to learning communities; to amend sections 77-3442 and 79-2118, Reissue Revised Statutes of Nebraska, and sections 79-2104 and 79-2104.02, Revised Statutes Cumulative Supplement, 2018; to remove a limitation on the use of a levy; to change a reporting deadline; to change provisions relating to diversity plans; to harmonize provisions; and to repeal the original sections.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 10.** Introduced by Scheer, 19; Briese, 41; Erdman, 47; Gragert, 40; Hughes, 44; Kolterman, 24; Murman, 38; Stinner, 48; Vargas, 7; Wayne, 13.

WHEREAS, seventeen hundred locally elected Nebraska citizens currently volunteer their time to serve on local public school boards throughout the state, representing two hundred and forty-four school districts, seventeen educational service units, and three hundred and twenty-three thousand students; and

WHEREAS, members of various ages, races, and backgrounds represent one Nebraska, which encourages and strengthens school districts,
WHEREAS, the local public school board is a uniquely American institution that has made public schools flexible, responsible, and accountable to the needs of our communities, our state, and our nation while furthering the American ideal of representative government; and
WHEREAS, school board members serve first and foremost as trustees for our children; and
WHEREAS, all Nebraskans should recognize and acknowledge the significant contributions made by our locally elected school board members, who work to ensure the delivery of quality education for our children.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature appreciates the hard work of school board members across the state.
2. That the Legislature encourages Nebraskans to acknowledge and thank school board members for their work and dedication.

Laid over.

LEGISLATIVE RESOLUTION 11CA. Introduced by Hansen, M., 26; Hunt, 8; La Grone, 49; Slama, 1.

THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2020, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 8:

III-8 No person shall be eligible to the office of member of the Legislature unless on the date of the general election at which he or she is elected, or on the date of his or her appointment, the person he is a registered voter, has attained the age of nineteenth years, and has resided within the district from which he is elected for the term of one year next before his or her election, unless the person has been absent on the public business of the United States or of this State. No Person elected as a member of the Legislature aforesaid shall hold such his office after he or she shall have removed from such district.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to change the age of eligibility for the office of member of the Legislature to nineteen years of age.

For
Against.
NOTICE OF COMMITTEE HEARING(S)
Natural Resources

Room 1525

Thursday, January 24, 2019 1:30 p.m.

LB287

(Signed) Dan Hughes, Chairperson

Judiciary

Warner Chamber

Thursday, January 24, 2019 1:30 p.m.

LB28
LB55
LB146
LB154
LB264

Friday, January 25, 2019 1:30 p.m.

LB47
LB110
LB125
LB213

(Signed) Steve Lathrop, Chairperson

Revenue

Room 1524

Friday, January 25, 2019 1:30 p.m.

LB4

(Signed) Lou Ann Linehan, Chairperson

Government, Military and Veterans Affairs

Room 1507

Thursday, January 24, 2019 1:30 p.m.

LB20
(Signed)  Tom Brewer, Chairperson

ANNOUNCEMENT(S)

The Revenue Committee elected Senator Friesen as Vice Chairperson.

MOTION(S) - Print in Journal

Senator M. Hansen filed the following motion to LB72:

MO1
Withdraw bill.

SPEAKER SCHEER PRESIDING

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 399. Introduced by Slama, 1; Albrecht, 17; Arch, 14; Bostelman, 23; Brandt, 32; Brewer, 43; Briese, 41; Clements, 2; Dorn, 30; Erdman, 47; Geist, 25; Gragert, 40; Groene, 42; Halloran, 33; Hansen, B., 16; Hilgers, 21; Lindstrom, 18; Linehan, 39; Lowe, 37; McDonnell, 5; Moser, 22; Murman, 38.

A BILL FOR AN ACT relating to schools; to amend sections 79-724 and 79-727, Reissue Revised Statutes of Nebraska; to change the name and provisions relating to the committee on Americanism; to eliminate a penalty; to provide duties for the State Board of Education and the State Department of Education; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 400. Introduced by Hunt, 8; Blood, 3; Bolz, 29; Cavanaugh, 6; Chambers, 11; Crawford, 45; DeBoer, 10; Hansen, M., 26; Howard, 9; Kolowski, 31; Lathrop, 12; McCollister, 20; McDonnell, 5; Pansing Brooks, 28; Quick, 35; Walz, 15; Wishart, 27.

A BILL FOR AN ACT relating to the Wage and Hour Act; to amend section 48-1205, Reissue Revised Statutes of Nebraska, and section 48-1203, Revised Statutes Cumulative Supplement, 2018; to change the minimum wage for persons compensated by way of gratuities; to change provisions
relating to the posting of information; and to repeal the original sections.

**LEGISLATIVE BILL 401.** Introduced by Quick, 35; Bolz, 29; Cavanaugh, 6; Hansen, M., 26; Howard, 9; Hunt, 8; McDonnell, 5; Morfeld, 46; Pansing Brooks, 28; Walz, 15; Wishart, 27.

A BILL FOR AN ACT relating to railroads; to adopt the Midwest Interstate Passenger Rail Compact; to provide an operative date; and to declare an emergency.

**LEGISLATIVE BILL 402.** Introduced by Hilkemann, 4; McCollister, 20; Pansing Brooks, 28; Walz, 15.

A BILL FOR AN ACT relating to public assistance; to amend section 68-1017.02, Reissue Revised Statutes of Nebraska; to eliminate a provision relating to eligibility for Supplemental Nutrition Assistance Program benefits as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 403.** Introduced by Stinner, 48.

A BILL FOR AN ACT relating to appropriations; to provide a duty for the Department of Health and Human Services.

**LEGISLATIVE BILL 404.** Introduced by Stinner, 48.

A BILL FOR AN ACT relating to appropriations; to state intent relating to medicaid budgeting.

**LEGISLATIVE BILL 405.** Introduced by Hunt, 8.

A BILL FOR AN ACT relating to buildings; to amend sections 71-6403, 71-6406, 72-804, 72-805, 72-806, 81-1608, 81-1609, 81-1611, 81-1614, 81-1618, and 81-1622, Reissue Revised Statutes of Nebraska; to change provisions relating to building and energy codes; to adopt updates to building and energy codes; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**MOTION - Escort Chief Justice**

Senator Bolz moved that a committee of five be appointed to escort the Chief Justice of the Supreme Court and members of the Supreme Court to the Legislative Chamber for the purpose of delivering the State of the Judiciary Address.

The motion prevailed.

The Chair appointed Senators Lathrop, Pansing Brooks, Groene, Slama, and McCollister to serve on said committee.
The committee escorted Chief Justice Michael G. Heavican to the rostrum where he delivered the following message:

Mr. President, Mr. Speaker, Members of the Legislature, fellow Justices of the Nebraska Supreme Court, and fellow Nebraskans. Thanks to you, the members of this legislative body, and especially Speaker Scheer, for inviting me to address you again this morning. As always, it is an honor for me to report on Judicial Branch accomplishments and to discuss the future of the courts and probation.

First, I will introduce my fellow Justices. To my immediate right is Justice Lindsey Miller-Lerman of Omaha; to Justice Miller-Lerman’s right is Justice Stephanie Stacy of Lincoln; and to Justice Stacy’s right is Justice Jonathan Papik of Omaha.

To my immediate left is Justice William Cassel of O’Neill; to his left is Justice Jeff Funke of Nebraska City; and to Justice Funke’s left is Justice John Freudenberg of Rushville.

I would like to take this opportunity to welcome the newest members of our court: Jonathan Papik joined the Court this past March; John Freudenberg joined us in July.

Introduction

I will speak with you today about justice reinvestment, the pivotal role the courts play in that process, and the dynamic initiatives this Court has implemented to increase access to our courts and to justice.

I will begin with justice reinvestment. In 2015, this Legislature passed LB 605, launching Nebraska’s justice reinvestment efforts. All three branches of government have been involved with this effort, which seeks generally to channel most low-grade felons to community corrections rather than incarceration in our medium or maximum detention facilities.

In Nebraska, community corrections means ‘Probation.’ And in Nebraska, Probation -- both adult and juvenile -- has always been part of the judiciary.

In Nebraska, therefore, Probation and the judiciary have an essential role in justice reinvestment. We are the front door to Nebraska’s correctional institutions; and in our role with reentry supervision, we are also the back door of those correctional institutions.

Problem-Solving Courts

First, the front door.

I have spoken to you in the past about our judge-initiated problem-solving courts. Problem-solving courts are intensive, judge-supervised treatment courts for criminal defendants who would otherwise be incarcerated.

Most of Nebraska’s problem-solving courts are drug courts. Drug courts include substance abuse treatment, drug testing, job training, support group meetings, and other appropriate rehabilitative efforts, coupled with frequent judicial oversight hearings.

In 2018, our problem-solving courts served 1,397 individuals. That represents a 247% increase in the number of participants served since 2008, a 200% growth in the total number of such courts, and a 156% growth in the
number of judges participating in problem-solving courts. These courts now exist in all of Nebraska’s 12 judicial districts.

Many, if not most, of the 1,397 individuals served in our problem-solving courts in 2018 would otherwise be in Nebraska’s prison system. It costs approximately $38,627 taxpayer dollars per year to warehouse a prisoner in our State’s prison system. It costs $2,865 taxpayer dollars per year to fund a defendant’s participation in our problem-solving courts. Hence, problem-solving courts are a key part of justice reinvestment in Nebraska.

Thanks to all of our trial court judges who volunteer with no extra pay or, in some cases, no relief from their existing assigned caseload for such service.

Both our trial court judges and members of the Supreme Court work diligently to ensure that our problem-solving courts are of the highest quality, use appropriate and uniform standards, and are accountable for their performance. This Court’s Problem-Solving Courts Committee plays a key role in ensuring the success of problem-solving courts, and has developed best practice standards for all existing courts.

Much thanks goes to District Court Judge Jim Doyle of Lexington for his leadership with the Supreme Court’s Problem-Solving Courts Committee.

The Committee has developed best-practice standards for all our problem-solving courts and also works to confirm that our problem-solving court judges have proper training and access to the latest research available to ensure successful outcomes for problem-solving court participants. A new, upgraded training program will be implemented in 2019.

Last year in this address I spoke to you about our State’s two newly-implemented Veterans Treatment Courts. I can report to you today that both of those courts are functioning efficiently and professionally in conjunction with veteran mentors, the assistance of the Veteran’s Administration, and dozens of other supporters. Their goal is to give Nebraska’s military veterans, who may have committed a nonviolent felony, a chance to participate in a problem-solving court and therefore a chance at rehabilitation rather than incarceration. The first Veterans Treatment Court graduation was held June 27, 2018; the next graduation will be held in Douglas County later this month.

Thanks especially to District Court Judge John Colborn, and the late District Court Judge Mark Ashford, for their pioneering work in this area.

In a moment I will speak to you about our efforts with re-entry courts. But first, a reality check in regard to problem-solving courts as part of justice reinvestment in Nebraska.

During this past budget year, we completely exhausted our allocated resources for problem-solving courts and had to move some Probation dollars to fund those initiatives. Testimony to this body’s Judiciary Committee has indicated that Nebraska’s jails are heavily impacted by incarcerated individuals who have mental illnesses that greatly influenced their criminal behavior.

Our local partners in county government are interested in establishing mental health courts to help alleviate that problem. We have stopped all efforts to expand problem-solving courts into the area of mental health courts, however, because we have no extra resources. Nor do we have the
necessary number of judges available in Douglas County and our other urban counties for further problem-solving court expansion. That said, I wish to thank this body, particularly Senators McCollister, Geist, and Williams, for their past support of problem-solving courts.

**Adult Probation**

The second check on entry to Nebraska’s prison system is, of course, adult probation. There are 15,649 adults on probation in Nebraska as I speak.

It is Probation that diverts most offenders otherwise bound for incarceration; it is Probation that most releases pressure on the correctional system; it is Probation that is the lynchpin to justice reinvestment in Nebraska; and it is Probation that fostered the necessary culture to implement LB 605.

Further, it is Probation that has consistently achieved all of the expansion needed to meet Nebraska’s justice reinvestment goals; it is Probation that has devised innovative programs for offender rehabilitation; it is Probation that consistently measures offender recidivism rates so that quality programs can be replicated and less productive programs can be reformed; and it is Probation that has successfully reduced offender recidivism.

Adult probation has experienced significant changes since the passage of LB 605 in 2015. At the end of fiscal year 2018, the number of individuals placed on felony probation, including post-release supervision, was up by 39%. This is 12% above the Council of State Government’s 2015 prediction of where Probation would be 3 years into justice reinvestment.

**Post-Release Supervision**

Earlier in this speech, I suggested that Probation was not only the front door to Nebraska’s prison system, but also the back door.

We are the back door because adult probation implements post-release supervision, sometimes called re-entry supervision. Low-grade felons released from our prisons and jails are supervised by adult probation.

The average number of individuals released from prison and local jails under Probation supervision in fiscal year 2016 was 23 per month. That number reached 87 per month in fiscal year 2017, and grew to 139 per month during the 2018 fiscal year. In the 2019 fiscal year, the number of individuals released to Probation’s supervision is projected to be 153 per month.

To handle that large increase in participants, Probation set up re-entry teams to work with incarcerated felons before release. Our adult probation system has expanded and sharpened the programs available for re-entering felons, including transitional housing and drug treatment programs.

We have utilized our day and evening reporting centers across the State in that process, and measure the recidivism rates of reentering felons using the University of Nebraska-Lincoln’s Law and Psychology program.

In 2018, we established two re-entry courts in Nebraska. Those courts apply the same intensive supervision programs used in other problem-solving courts. The goal of re-entry courts is to assure that felons leaving the
prison system have a successful transition to become productive members of their local communities. Thanks to District Court Judge Stefanie Martinez of Sarpy County and Retired District Court Judge Teresa Luther of Hall County for being re-entry court leaders.

**Juvenile Justice**

I will now address juvenile justice.

A comprehensive justice reinvestment project must include a juvenile justice component, the philosophy, culture, and goals of which are compatible with -- and supportive of -- adult justice reinvestment. In Nebraska, every young person who has successfully completed juvenile justice supervision is potentially one less person incarcerated in our adult prison system.

Like adult supervision, Nebraska’s juvenile justice supervision is tasked to the Administrative Office of Probation. Juvenile justice in Nebraska shares the same philosophy, culture, and rehabilitative goals of adult justice reinvestment.

Juvenile justice is also sharing in the positive trends and successes of adult justice reinvestment. And I remind you that we can track every dollar we spend on every young person in the juvenile justice system, resulting in significant budget savings in this most recent biennium.

This past year we launched a special effort to address the lack of juvenile justice options available in greater Nebraska. Three priorities were established: 1) more local foster care; 2) more in-home services; and 3) more alternatives to detention, including timely access to therapists and evaluations. We have expedited family or kinship placement assessments and payment to those family providers, we have established and recruited emergency foster care homes, and we have continued expansion efforts related to in-home services.

Probation is working with the Department of Health and Human Services, private providers, the Department of Education, and other interested community members to increase those service options. I would especially like to thank County Court Judge Randin Roland of Sidney for taking a leadership role in this effort.

We have also established a statewide juvenile detention alternatives working group. This working group is completing a detailed analysis of alternatives to detention for mentally ill juveniles. A special thanks goes to Senator Tony Vargas and State Court Administrator Corey Steel for co-chairing this important state-wide work.

This summer, other members of the Supreme Court and I hosted a Tristate Juvenile Justice Conference in South Sioux City. Since a number of juvenile justice cases in the South Sioux City area overlap state boundaries, we met with members of the Iowa and South Dakota Supreme Courts to discuss improving resources and the process utilized for youth involved in our juvenile justice systems.

As a result of this tri-state meeting, representatives from each state proposed an easier process for tracking and providing supervision for probationers that live across state lines. Important changes were made in the
way all three states share information and transfer custody in such cases. Both processes have been expedited.

Juvenile Probation continually seeks to improve supervision and services for youth and families by embracing the strategies of national research, evidence-based practices, and adolescent development. This past year, the Robert F. Kennedy National Resource Center for Juvenile Justice completed a comprehensive review of the juvenile probation system’s operations. The final report articulated the strong foundation Probation is working from and offered a set of recommendations centered on collaborative leadership opportunities to further strengthen that work.

I now call your attention to two other promising initiatives in the juvenile justice area.

First, this year the Administrative Office of Probation and the Department of Health and Human Services rolled out a cooperative policy related to serving youth who are involved in both child welfare and juvenile justice. Nearly 900 Health and Human Services and Probation employees were trained on how to better serve those young people.

**Restorative Justice**

Second, I also call your attention to our restorative justice efforts for juvenile offenders. These efforts are being offered in conjunction with the Judicial Branch’s Office of Dispute Resolution and Nebraska’s 6 regional mediation centers. This model is called Victim Youth Conferencing.

Victim Youth Conferencing involves the convening of a meeting, conducted by a trained professional, between low-risk delinquents and the victim(s) of their wrong-doing. During this process, emphasis is placed on reparations for the victim(s), and appropriate rehabilitation for juvenile offenders.

Use of the Victim Youth Conferencing program considerably reduces the odds of recidivism of juveniles and the odds of future involvement in the adult criminal system. We received a grant of over $1 million for a 3-year period to expand juvenile restorative justice services to interested counties statewide. Some of the early participating counties include Buffalo, Dodge, Douglas, Lancaster, Pawnee, Red Willow, Sarpy, and Scotts Bluff.

The Victim Youth Conferencing program has been evaluated by outside academics. These academics noted the successful rate of reparations to victims and the positive responses of both victims and juvenile participants.

**New State Probation Administrator**

Before I address other topics, this is an appropriate time in my presentation to introduce Deb Minardi. I am pleased to welcome Deb as Nebraska’s newest Probation Administrator.

Deb Minardi has worked for Nebraska’s Probation system for 39 years. She is a leader in the movement to transform Nebraska Probation into the era of pro-active programming and evidence-based practices. Deb now has supervisory responsibility for both adult and juvenile probation services.
Community Engagement Grant For
Native American Population

I now turn to various access to justice, civic education, and outreach programs this Court actively promotes. I will begin with our new outreach efforts with Nebraska’s four recognized Native American Tribes. 

This past summer, the Judicial Branch hosted a roundtable discussion in South Sioux City. Participants included representatives from the four Nebraska-based Tribes, our federal courts, the U.S. Attorney’s Office, both Federal and State Departments of Health and Human Services, the Nebraska Department of Education, the Nebraska Commission on Indian Affairs, and other interested parties, including Senators Joni Albrecht and Tom Brewer. The purpose of this roundtable was to discuss disparities for Native American populations in our courts and to improve the relationships of tribal, state, and federal courts.

In an effort to build on the discussions from this meeting, we were selected by the National Center for State Courts as one of 6 sites nationally to participate in a project involving Community Engagement in the State Courts. To effectuate this participation, the Consortium of Tribal, State, and Federal Courts was created and is co-chaired by District Court Judge Andrea Miller of Scotts Bluff County and Chief Judge Patrick Runge of the Winnebago Tribal Court and Ponca Tribal Court. The Consortium is housed within the Nebraska Supreme Court’s Access to Justice Commission.

During this project, the Consortium will work with the National Center for State Courts using public engagement models to:
1. Improve Native Americans’ public trust and confidence in the State and Federal courts;
2. Identify ways to address disparate treatment of Native Americans in the State court system;
3. Improve judicial awareness and training as to the special problems faced by Native American populations in Nebraska; and
4. Improve the state and federal courts’ confidence in, and understanding of, the tribal court system.

Office of Public Guardian

I turn now to the work of the Office of Public Guardian and access to the courts for court-protected wards.

Since its inception in 2015, the Office of Public Guardian, housed in the Judicial Branch, has served 574 incapacitated persons. As of November 1, 2018, that office had 259 open cases. These 259 individuals collectively have over 700 identified categories of need involving complex issues such as cognitive impairment, mental health diagnoses, developmental disabilities, substance and alcohol abuse, medical conditions, history of criminal justice involvement, and/or history of Mental Health Board commitments.

The Public Guardianship Act also requires the Office of Public Guardian to maintain training programs for private guardians, successor guardians, and interested parties to ensure the success of all guardians and conservators. Therefore, in January of 2016 the Office of Public Guardian
began providing the education and certification required for newly-appointed private guardians and conservators.

Between December 1, 2017, and October 31, 2018, 102 guardian and conservator education classes were held at 25 sites throughout the State. These classes trained 1,294 new guardians and conservators.

I invite each of you to go over the recently released annual report of the Office of Public Guardian. The statistics cited and human-interest stories told make for a sobering read.

An editorial in the January 13, 2019, edition of the *Omaha World Herald* points out that the need for the Office of Public Guardian is likely to increase in the next 10 years as the population of Nebraska’s citizens over the age of 65 increases by 250,000 people. I quote from that editorial:

The Office of Public Guardian is to be commended for the services it’s providing to such Nebraskans – the need is great. This initiative deserves continued support, buttressed by a strengthening of Nebraska’s medical and behavioral health communities.

**Access to Justice – Language Access**

Annually, I also report to you on our courts’ access to justice language program. This year, the Judicial Branch utilized 117 independent interpreters, collectively speaking 30 different languages, to translate court proceedings. Some of the languages interpreted include Sudanese, Arabic, Somali, Hmong, Tagalog, Karen, Nepali, and Nuer. Spanish is, of course, the most frequently translated language in the courts. We have permanent Spanish language supervisors available throughout the State.

**Technology**

Each year I also speak to you about implementation of the Court’s strategic plan for technology. Technology advancements continue to allow Nebraskans to access their courts from anywhere, at any time.

In 2018, 770,000 documents were filed electronically in county and district courts, while another 4,800 were filed electronically in the appellate courts. Online trial court records were searched nearly 7.5 million times, while online appellate records were searched approximately 10,000 times.

The judicial branch electronically collected over $9 million in citation payments, $9.5 million in payments for civil and criminal judgments, and $4.7 million for eFiled pleadings. While many other state judiciaries have found it necessary to purchase new, multi-million dollar systems in order to offer the kinds of tools necessary for modern case management and service to the public, we built our case management system the Nebraska way: in-house, on budget, and on time.

Our technology remains focused on creating new and better online services to modernize access to the courts and meet the needs of today’s judges, attorneys, and the public. Today, nearly one-half of all court transactions take place online.

Our new and better online services include increased interaction of probation case management with judicial case management. Probation case management is getting a new mobile interface that will allow probation officers to record interactions with probationers from any location. This will
reduce time spent by officers performing data entry tasks and thus free up more time to engage with clients.

The Judicial Branch has also invested in a powerful set of reporting tools that facilitate the best allocation of probation resources and the best outcomes for clients. For example, dashboards help probation chiefs manage caseloads and provide administration with a clear window into probation population trends across the state. Technological innovations are essential tools, allowing us to clearly measure the impact of justice reinvestment in our adult and juvenile justice reform efforts.

The Judicial Branch is also a partner to other State government entities, including the Department of Motor Vehicles and the State Patrol, in bringing better broadband connectivity to local county courthouses and criminal justice centers around the State. A recent investment in this partnership will increase connectivity in over 30 different counties. These investments ensure the ability of the trial courts to take advantage of modern technology, such as video-conferencing, to keep other costs down and bring faster service to the public.

Court Outreach

This Court believes that access to justice includes outreach to Nebraska’s schools. The Supreme Court continues to hold oral arguments each spring at Nebraska’s two law colleges. In addition to and in conjunction with its arguments at Creighton University School of Law, the Supreme Court also holds oral arguments at an Omaha area high school each year. In 2018, oral arguments were held at Millard North; in 2019, the Supreme Court is scheduled to hear oral arguments at Boys Town.

We also hold oral arguments at various Nebraska high schools in connection with Law Day, celebrated each year on May 1. In 2018, the Court held oral arguments at Grand Island Central High School, and in 2019, the Court has scheduled Law Day oral arguments at Scottsbluff High School. In November of 2018, the Supreme Court held oral arguments at Schuyler High School with special guest Judge John Gerrard, Chief Judge of the United States District Court for the District of Nebraska, offering commentary.

We also commend the Nebraska Court of Appeals for holding oral arguments at Nebraska college campuses in connection with Constitution Day, which is celebrated annually on September 17. In 2018, the Court of Appeals went to York College; in 2019, the Court of Appeals will hold oral arguments at Concordia University in Seward as part of that school’s 125th anniversary celebration.

I would be remiss if I did not take this opportunity to thank the many trial court judges and Judicial Branch employees who regularly take time out of their schedules to provide law-related education programs to students within their communities. Many of our judges and clerks participate in County Government Day, High School Mock Trials, We the People Competitions, Law Day Job Shadow projects, and other local efforts. The Court is encouraged by these dedicated judges and employees who are active participants in their communities.
Pandemic Conference

The Judicial Branch believes not only in being responsive to current needs and wants, but also in being prepared for what we may encounter in the future.

Through the assistance of the State Justice Institute, in May of 2019 the Nebraska Judicial Branch will host a conference that will coincide with the opening of the University of Nebraska Medical Center’s Federal Quarantine Center in Omaha. This conference will bring together health officials, judges, and members of the legislative and executive branches of government from around the country to discuss how government can effectively meet the needs of citizens during a time of public health crisis.

Through our partnering with the University of Nebraska Medical Center in this project, we are able to focus on how a public health crisis may impact Nebraska courts and draw on UNMC’s unique knowledge base of pandemic threats.

Conclusion

In conclusion, as we have invited these various community, State, and national partners to engage with the courts, I invite each of you to visit your local trial courts, probation offices, and problem-solving courts.

Likewise, we welcome you to visit the Supreme Court’s oral arguments or watch live-streaming of those arguments on the Court’s website or on Nebraska Public Television’s website.

You will find there are no better-spent tax dollars than the tax dollars you allocate to the Courts and Probation.

Thank you for your past and continuing support for Nebraska’s courts.

The committee escorted the Chief Justice from the Chamber.

ANNOUNCEMENT(S)

The Transportation and Telecommunications Committee elected Senator Geist as Vice Chairperson.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Dorn name added to LB14.
Senator Dorn name added to LB28.
Senator Linehan name added to LB115.
Senator Kolterman name added to LB188.
Senator Dorn name added to LB225.
Senator Blood name added to LB248.
Senator Blood name added to LB249.
VISITOR(S)

Visitors to the Chamber were J. Scott Paul and Liz Neeley from the Nebraska Bar Association and Steve Guenzel and Steve Seglin from the Nebraska Bar Foundation; and members of the State Chamber's Leadership Nebraska Class XI.

The Doctor of the Day was Dr. David Hoelting from Pender.

ADJOURNMENT

At 10:40 a.m., on a motion by Senator Geist, the Legislature adjourned until 9:00 a.m., Friday, January 18, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
EIGHTH DAY - JANUARY 18, 2019

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 18, 2019

PRAYER

The prayer was offered by Pastor Ben Meyer, Freedom Baptist Church, Stamford.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Lindstrom presiding.

The roll was called and all members were present except Senator Linehan who was excused; and Senators Brewer, La Grone, McCollister, Morfeld, and Vargas who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventh day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

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LB351 Education
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LB356 Transportation and Telecommunications
LB357 Revenue
LB358 Education
LB359 Business and Labor
LB360 Business and Labor
LB361 Business and Labor
LB362 Business and Labor
LB363 Business and Labor
LB364 Business and Labor
LB365 Judiciary
LB366 Transportation and Telecommunications
LB367 Natural Resources
LB368 Natural Resources
LB369 Judiciary
LB370 Banking, Commerce and Insurance
LB371 Transportation and Telecommunications
LB372 Revenue
PROPOSED RULES CHANGES

The Rules Committee offered the following proposed rules changes:

**Proposed Rule Change 1 - Amend Rule 5, Sec. 5, add sec. 5(d) and renumber the following sections:**

**Rule 5**

**Sec. 5. Scheduling of Bills, Priority Bills.** (a) Each senator may designate one bill as a priority bill. Such priority bill need not be the designator’s bill, but the principal introducer must concur with the designation as a priority bill and with the withdrawal of the designation once made.

(b) Each chairperson of those committees which are authorized to hold public hearings on bills may designate as priority bills two of the bills referenced to that committee and on which the committee has held a public hearing, but the principal introducer must concur with the designation as a priority bill and with the withdrawal of the designation once made.

(c) The Legislative Performance Audit Committee may designate as priority bills two bills resulting from a performance audit or involving the performance audit process, but the principal introducer must concur with the designation as a priority bill and with the withdrawal of the designation once made.

(d) The Legislature’s Planning Committee may designate one bill consistent with the committee’s jurisdiction as a priority bill but the principal introducer must concur with the designation as a priority bill and with the withdrawal of the designation once made.

(e) The State-Tribal Relations Committee may designate one bill consistent with the committee’s jurisdiction as a priority bill but the principal introducer must concur with the designation as a priority bill and with the withdrawal of the designation once made.
The Speaker may designate up to 25 additional priority bills.

Priority bill designations may be made at any time prior to the annual designation deadline which shall be set each year by the Speaker. The designation deadline shall be prior to the 45th legislative day in the ninety-day session and prior to the 30th legislative day in the sixty-day session.

A senator or committee may withdraw a priority designation at any time, but will not be allowed to designate another bill as a priority bill in its place. The Speaker may withdraw a priority designation made by the Speaker.

All committees shall schedule priority bills for public hearing ahead of all unscheduled, nonpriority bills unless the person or committee making the priority designation shall otherwise agree.

All bills not designated as priority bills shall be heard on General File in the order in which they are reported to the floor by the committees, unless the introducer of the bill and the Speaker agree to delay the hearing of a particular bill. This provision shall not be construed to prevent the Speaker from placing bills reported out of committee with no dissenting votes on a consent calendar.

Priority bills shall generally be considered ahead of all other bills at each stage of debate, except as provided for in Rule 1, Section 17. Priority bills requiring the expenditure of appropriated funds shall be held on Final Reading until such time as the annual appropriations bills have been passed. A priority bill which fails to advance after two votes on General File, or after one vote on Select File, shall return to nonpriority status.

No priority bill designated under this rule shall have priority over appropriations bills.

Proposed Rule Change 2 - Amend Rule 7, Sec. 10

Rule 7
Sec. 10. Cloture. At any stage of consideration the principal introducer of the bill under consideration, a coin introducer with the consent of the principal introducer, or the chairperson of the committee, if the bill is introduced by that committee, may move for cloture to the presiding officer; however, the presiding officer may rule such motion for cloture out of order if, in the presiding officer's opinion, a full and fair debate has not been afforded. For purposes of this rule, full and fair debate shall mean not less than six hours on the General File stage of consideration, not less than 3 hours on the
Select File stage of consideration and not less than one and a half hours on the Final Reading stage of consideration. Such ruling by the presiding officer shall not be subject to challenge. Whenever a motion for cloture is offered, the presiding officer shall immediately recognize such introducer or chairperson and shall then order debate on the pending amendment or motion to cease. A vote on the cloture motion shall be taken immediately. A two-thirds majority of the elected members shall be required for the cloture motion to be successful. A motion for cloture shall be in order except while a member is speaking, and a motion for cloture is not debatable. If the motion for cloture is successful, a vote on the pending matter shall be taken immediately, without debate. If the pending matter is an amendment to an amendment, following a vote on the amendment to the amendment, a vote shall be taken on the original amendment. If the original amendment has been divided, then the vote shall be on the original undivided amendment being considered. Finally, a vote on the advancement of the bill shall be taken.

A motion for cloture shall have precedence over all other motions except a motion to recess or adjourn.

A motion for cloture which fails for lack of sufficient votes shall result in the debate on the bill ending for the day. When the Speaker chooses to resume debate on the bill, successive motions for cloture shall not be in order until two additional hours of debate on the bill has occurred. If the presiding officer rejects a motion for cloture on a bill due to lack of full and fair debate, successive motions for cloture on the bill may be offered at any time.

Proposed Rule Change 3 - Amend Rule 6, Sec. 2 and Sec. 3

Rule 6

Sec. 2. Objection to Reference of Bills. (a) Any member may object to the reference of any bill or other proposition, and correction in case of error in reference may be made by the Legislature by unanimous consent when offered by the primary introducer, or by the vote of a majority of the elected members.

(b) Those bills and resolutions placed on General File by the Reference Committee will be bracketed for five calendar days, and if one senator requests a public hearing on one or more of these matters, they will then be referred to a committee. Bills on General File for which public hearings have not been requested will be handled as all bills on General File.
Sec. 3. General File.
(e) At any stage of consideration of a bill, a motion to bracket or to unbracket shall, if made by the primary introducer of the bill, require a majority of those voting. If made by other than the primary introducer, there shall then be required a majority vote of the elected members. A unanimous consent motion to bracket or to unbracket to a date certain may only be offered by the primary introducer or, if a committee bill, by the committee chairperson. In any event, such motions shall alternatively be passed by unanimous consent of the body.

NOTICE OF COMMITTEE HEARING(S)
General Affairs

Room 1510

Monday, January 28, 2019 1:30 p.m.
Joyce Hasselbalch - Nebraska Arts Council
Mike Hunsberger - State Electrical Board
Jeffrey Bomberger - Nebraska Commission on Problem Gambling
Sarah Peetz - Nebraska Arts Council
LB56
LB75
LB65

(Signed) Tom Briese, Chairperson

Transportation and Telecommunications

Warner Chamber

Monday, January 28, 2019 1:30 p.m.
LB8
LB10
LB80
LB81

Tuesday, January 29, 2019 1:30 p.m.
LB111
LB142
LB156
LB192

(Signed) Curt Friesen, Chairperson
Banking, Commerce and Insurance

Room 1507

Monday, January 28, 2019 1:30 p.m.

LB221
LB42
LB78
LB70

(Signed) Matt Williams, Chairperson

ANNOUNCEMENT(S)

The Government, Military and Veterans Affairs Committee elected Senator La Grone as Vice Chairperson.

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Lowe has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 17, 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

Almy, Jessica
The Good Food Institute, Inc.
American Communications Group, Inc.
Teamsters Local Union 554
Baird Holm LLP
The Energy Studio, Inc.
Benson, Brandon
Convention of States Action
Carter, Jennifer
FBLincoln (Withdrawn 01/14/2019)
Food Bank of the Heartland (Withdrawn 01/14/2019)
Dukesherer, James
Nebraska Rural Electric Association
Gould, John 'Jack'
Common Cause Nebraska
Husch Blackwell Strategies
   American Suntanning Association
   JUUL Labs
Kruse Company
   Neilan Strategy Group
Manu, Nicole
   The Good Food Institute, Inc.
Nartowicz, Nikolas
   Americans United for Separation of Church and State
Neal, John P.
   Lincoln Public Schools
Neilan Strategy Group
   Wireless Infrastructure Association c/o MultiState Associates Inc.
O'Hara Lindsay & Associates, Inc.
   21st Century Agricultural Opportunities Coalition
Potter, Tim
   AARP Nebraska (Withdrawn 01/15/2019)
Radcliffe, Walter H. of Radcliffe and Associates
   ACLU Nebraska
   Nebraska New Car & Truck Dealers Association
Sanford, Robert A.
   Nebraska Domestic Violence Sexual Assault Coalition
Swatsworth, Abby
   Outline
Zulkoski Weber LLC
   Nebraska Fuel Retailers

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

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 406. Introduced by Gragert, 40.

A BILL FOR AN ACT relating to the Uniform Disposition of Unclaimed Property Act; to amend sections 24-345, 25-2717, 69-1310, 69-1311, 69-1317, and 69-1321, Reissue Revised Statutes of Nebraska; to change provisions relating to abandoned property reports, abandoned property notices, disposition of funds, transfers of funds, and duties of the State Treasurer; to harmonize provisions; and to repeal the original sections.


A BILL FOR AN ACT relating to the Credit Union Act; to amend sections
21-1701 and 21-1725.01, Revised Statutes Cumulative Supplement, 2018; to grant powers of out-of-state credit unions to in-state credit unions as prescribed; to provide powers and duties to the Director of Banking and Finance and the Department of Banking and Finance; to define terms; to eliminate a hearing requirement; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 408.** Introduced by Quick, 35.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-122.01, Reissue Revised Statutes of Nebraska; to change provisions relating to compensation paid upon the death of an employee; and to repeal the original section.

**LEGISLATIVE BILL 409.** Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to the Health Care Facility Licensure Act; to amend section 71-439, Reissue Revised Statutes of Nebraska; to adopt design standards for health care facilities; and to repeal the original section.

**LEGISLATIVE BILL 410.** Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701, 77-2701.04, 77-2701.41, 77-2711, 77-2713, and 77-27,223, Reissue Revised Statutes of Nebraska; to exempt certain sales of clothing and footwear from sales and use taxes as prescribed; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 411.** Introduced by Scheer, 19.

A BILL FOR AN ACT relating to county boards; to amend section 23-149, Reissue Revised Statutes of Nebraska, and section 23-148, Revised Statutes Cumulative Supplement, 2018; to provide an additional method of changing the number of commissioners; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 412.** Introduced by Geist, 25; Lowe, 37; Slama, 1.

A BILL FOR AN ACT relating to the Joint Public Agency Act; to amend sections 13-2501, 13-2504, 13-2509, 13-2510, and 13-2513, Reissue Revised Statutes of Nebraska; to require an election to approve creation of a joint public agency as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 413.** Introduced by Brandt, 32; Blood, 3; Brewer, 43; Briese, 41; Chambers, 11; Dorn, 30; Erdman, 47; Friesen, 34; Gragert, 40; Groene, 42; Halloran, 33; Hunt, 8; Pansing Brooks, 28.
A BILL FOR AN ACT relating to the Nebraska Advantage Act; to amend section 77-5725, Reissue Revised Statutes of Nebraska; to change application submission deadlines as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 414.** Introduced by Brandt, 32; Erdman, 47.

A BILL FOR AN ACT relating to county highway superintendents; to amend section 39-1508, Reissue Revised Statutes of Nebraska; to change duties as prescribed; to eliminate an annual report requirement; to repeal the original section; and to outright repeal section 39-1512, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 415.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to recall elections; to amend sections 32-571, 32-628, 32-1206, 49-1405, and 49-1409, Reissue Revised Statutes of Nebraska; to eliminate recall provisions for political subdivisions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 31-786, 31-787, 31-788, 31-789, 31-790, 31-791, 31-792, 31-793, 32-1205, 32-1301, 32-1302, 32-1304, 32-1305, 32-1306, 32-1307, 32-1308, and 32-1309, Reissue Revised Statutes of Nebraska, and section 32-1303, Revised Statutes Cumulative Supplement, 2018.

**MOTION(S) - Withdraw LB72**

Senator M. Hansen offered his motion, MO1, found on page 219, to withdraw LB72.

Senator Chambers requested a roll call vote on the motion to withdraw the bill.

The M. Hansen motion to withdraw the bill prevailed with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

**BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 416.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to schools; to amend section 79-1037, Reissue Revised Statutes of Nebraska, and section 79-1035, Revised Statutes Cumulative Supplement, 2018; to change the apportionment of funds from the temporary school fund; to change the distribution of county funds to school districts; and to repeal the original sections.

**LEGISLATIVE BILL 417.** Introduced by Friesen, 34.
A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1116, 77-27,187.02, 77-2912, 77-5208, and 77-5725, Reissue Revised Statutes of Nebraska; to change application deadlines under the New Markets Job Growth Investment Act, the Nebraska Advantage Rural Development Act, the Nebraska Job Creation and Mainstreet Revitalization Act, the Beginning Farmer Tax Credit Act, and the Nebraska Advantage Act; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 418. Introduced by Cavanaugh, 6; Bolz, 29; DeBoer, 10; Gragert, 40; Groene, 42; Hunt, 8; McDonnell, 5; Quick, 35.

A BILL FOR AN ACT relating to the Collection Agency Act; to amend section 45-601, Reissue Revised Statutes of Nebraska; to change provisions relating to certain medical debt collection involving workers' compensation; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 419. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-5701, 77-5702, 77-5714, 77-5723, 77-5725, 77-5726, and 77-5735, Reissue Revised Statutes of Nebraska; to change the Nebraska Advantage Act as prescribed; to create a fund and a grant program; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 420. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Reissue Revised Statutes of Nebraska; to adopt the Property Tax Circuit Breaker Act; to harmonize provisions; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 421. Introduced by Hilgers, 21.

A BILL FOR AN ACT relating to asbestos; to adopt the Asbestos Trust Claims Transparency Act.

LEGISLATIVE BILL 422. Introduced by Howard, 9.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend section 38-167, Reissue Revised Statutes of Nebraska, and sections 38-101 and 38-121, Revised Statutes Cumulative Supplement, 2018; to adopt the Art Therapy Practice Act; to create a board; to eliminate obsolete provisions; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 423. Introduced by Howard, 9.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-907, Reissue Revised Statutes of Nebraska; to change and
eliminate definitions; to eliminate School Health Center Advisory Councils for school-based health centers; to repeal the original section; and to outright repeal section 68-968, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 424.** Introduced by Quick, 35; Blood, 3; Bolz, 29; Brandt, 32; Cavanaugh, 6; Chambers, 11; Crawford, 45; Dorn, 30; Hansen, M., 26; Hilkemann, 4; Howard, 9; Hunt, 8; Kolowski, 31; Kolterman, 24; Lathrop, 12; Lindstrom, 18; McCollister, 20; McDonnell, 5; Pansing Brooks, 28; Stinner, 48; Vargas, 7; Walz, 15; Williams, 36; Wishart, 27.

A BILL FOR AN ACT relating to municipalities; to amend sections 77-1736.06, 77-1807, and 77-1810, Reissue Revised Statutes of Nebraska, and sections 19-5201, 19-5202, 19-5203, 19-5204, 19-5205, 19-5206, 19-5207, 19-5208, 19-5209, 19-5210, 19-5211, 19-5212, 19-5213, 19-5214, 19-5215, 19-5216, 19-5217, and 19-5218, Revised Statutes Cumulative Supplement, 2018; to transfer and change provisions of the Nebraska Municipal Land Bank Act; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

**LEGISLATIVE BILL 425.** Introduced by Hilkemann, 4.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Board of Regents of the University of Nebraska.

**LEGISLATIVE BILL 426.** Introduced by DeBoer, 10; Bolz, 29; Cavanaugh, 6; Howard, 9; Hunt, 8; Pansing Brooks, 28.

A BILL FOR AN ACT relating to adoptions; to amend sections 43-101, 43-104.08, 43-104.13, 43-104.15, 43-104.18, 43-104.19, 43-108, and 43-111, Reissue Revised Statutes of Nebraska; to provide for adoption by two adult persons jointly; to update terminology; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 427.** Introduced by Howard, 9; DeBoer, 10.

A BILL FOR AN ACT relating to children; to amend section 42-377, Reissue Revised Statutes of Nebraska; to change terminology relating to legitimacy of children; and to repeal the original section.

**LEGISLATIVE BILL 428.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-627, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to eligibility for benefits; and to repeal the original section.

**LEGISLATIVE BILL 429.** Introduced by Wayne, 13.
A BILL FOR AN ACT relating to the Tobacco Products Tax Act; to amend section 77-4008, Reissue Revised Statutes of Nebraska; to change provisions relating to the tax on cigars, cheroots, and stogies as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 430. Introduced by Groene, 42.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1022, 79-1022.02, 79-1023, 79-1027, and 79-1031.01, Revised Statutes Cumulative Supplement, 2018; to change the determination and certification dates relating to the distribution of aid, certification of certain budget limitations as prescribed, and duties of the Appropriations Committee of the Legislature; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 431. Introduced by Groene, 42.

A BILL FOR AN ACT relating to school finance; to amend section 77-3446, Reissue Revised Statutes of Nebraska, and sections 79-1015.01, 79-1022, 79-1022.02, 79-1023, 79-1027, and 79-1031.01, Revised Statutes Cumulative Supplement, 2018; to change the base limitation; to change the local effort rate; to change the determination and certification dates relating to the distribution of aid, certification of certain budget limitations as prescribed, and duties of the Appropriations Committee of the Legislature; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 432. Introduced by Groene, 42.

A BILL FOR AN ACT relating to school finance; to amend section 77-3442, Reissue Revised Statutes of Nebraska, and sections 79-1003 and 79-1016, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to levy authority; to define and redefine terms; to change the calculation of adjusted valuation; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 433. Introduced by Hansen, M., 26; Linehan, 39.

A BILL FOR AN ACT relating to the Uniform Residential Landlord and Tenant Act; to amend section 76-1416, Reissue Revised Statutes of Nebraska; to change provisions relating to the return of security deposits and damages; and to repeal the original section.

LEGISLATIVE BILL 434. Introduced by Hansen, M., 26; Linehan, 39.

A BILL FOR AN ACT relating to the Uniform Residential Landlord and Tenant Act; to amend section 76-1431, Reissue Revised Statutes of
Nebraska; to change provisions relating to the three-day notice to quit and create a right of redemption for the tenant; and to repeal the original section.

**LEGISLATIVE BILL 435.** Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to the Uniform Residential Landlord and Tenant Act; to amend section 76-1439, Reissue Revised Statutes of Nebraska; to change provisions relating to retaliatory conduct by a landlord; and to repeal the original section.

**LEGISLATIVE BILL 436.** Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to government; to create the Complete Count Commission; to provide powers and duties; and to require reports.

**LEGISLATIVE BILL 437.** Introduced by Linehan, 39.

A BILL FOR AN ACT relating to the Nebraska Advantage Act; to amend section 77-5725, Reissue Revised Statutes of Nebraska; to change application deadlines; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 438.** Introduced by Wishart, 27.

A BILL FOR AN ACT relating to treatment and corrections; to amend sections 47-908 and 47-918, Revised Statutes Cumulative Supplement, 2018; to provide duties for the Nebraska State Patrol; to require a report by the Inspector General of the Nebraska Correctional System; to designate the Nebraska State Patrol as the agency to investigate criminal activity within correctional facilities operated by the Department of Correctional Services and the Lincoln Regional Center as prescribed; to provide powers and duties for the patrol; to provide for confidentiality of certain records; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 439.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-901, Revised Statutes Supplement, 2017, as amended by section 1, Initiative Law 2018, No. 427; to require certain coverage for chiropractic services; and to repeal the original section.

**LEGISLATIVE BILL 440.** Introduced by Walz, 15.

A BILL FOR AN ACT relating to the State Aeronautics Act; to amend section 3-148, Revised Statutes Cumulative Supplement, 2018; to increase a tax on aviation jet fuel; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 441.** Introduced by McCollister, 20.
A BILL FOR AN ACT relating to sales and use tax; to amend section 77-27,144, Reissue Revised Statutes of Nebraska; to change provisions relating to certain refund deductions and applicability to municipalities as prescribed; and to repeal the original section.

LEGISLATIVE BILL 442. Introduced by McCollister, 20; Dorn, 30; Kolterman, 24; Lindstrom, 18.

A BILL FOR AN ACT relating to insurance; to require coverage for filling prescriptions to synchronize the patient's medications.

LEGISLATIVE BILL 443. Introduced by McCollister, 20.

A BILL FOR AN ACT relating to the Nebraska Treatment and Corrections Act; to amend section 83-181, Reissue Revised Statutes of Nebraska; to require the Department of Correctional Services to allow committed offenders to communicate with their attorneys as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 444. Introduced by McDonnell, 5; Arch, 14; Blood, 3; Brewer, 43; Clements, 2; Crawford, 45; La Grone, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3502, 77-3503, and 77-3506, Reissue Revised Statutes of Nebraska; to redefine terms; to provide a homestead exemption for certain dwelling complexes located on military installations as prescribed; to redefine terms; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 445. Introduced by McDonnell, 5; Cavanaugh, 6; DeBoer, 10; Groene, 42; Halloran, 33; Hilkemann, 4; Hunt, 8; Kolowski, 31; Lathrop, 12; Linehan, 39; Murman, 38; Slama, 1; Vargas, 7; Walz, 15; Wayne, 13; Wishart, 27.

A BILL FOR AN ACT relating to cities of the metropolitan class; to amend section 14-501.01, Reissue Revised Statutes of Nebraska; to require an annual budget report relating to use of any occupation tax levied and collected; and to repeal the original section.

LEGISLATIVE BILL 446. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to appropriations; to state intent relating to the County Justice Reinvestment Grant Program.

LEGISLATIVE BILL 447. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to the State Personnel System; to amend section 81-1316, Revised Statutes Cumulative Supplement, 2018; to exempt
positions from the Nebraska State Historical Society as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 448.** Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-122, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to compensation paid for burial expenses; and to repeal the original section.

**LEGISLATIVE BILL 449.** Introduced by Walz, 15.

A BILL FOR AN ACT relating to the Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art Practice Act; to amend section 38-1001, Revised Statutes Cumulative Supplement, 2018; to define a term; to prohibit scleral tattooing; to provide a penalty; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 450.** Introduced by Wishart, 27.

A BILL FOR AN ACT relating to postsecondary education; to amend sections 85-505, 85-505.01, 85-506, and 85-507, Reissue Revised Statutes of Nebraska; to change tuition assistance program provisions for National Guard members, spouses, and children; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 451.** Introduced by Halloran, 33; Bostelman, 23; Brewer, 43; Briese, 41; Clements, 2; Dorn, 30; Erdman, 47; Friesen, 34; Gragert, 40; Groene, 42; Hansen, B., 16; Kolterman, 24; Lowe, 37; Murman, 38; Williams, 36.

A BILL FOR AN ACT relating to the Constitution of the United States; to adopt the Faithful Delegate to Federal Article V Convention Act.

**LEGISLATIVE BILL 452.** Introduced by Clements, 2; Arch, 14; Blood, 3; Crawford, 45.

A BILL FOR AN ACT relating to political subdivisions; to amend section 13-1901, Reissue Revised Statutes of Nebraska, and section 13-1907, Revised Statutes Cumulative Supplement, 2018; to change the boundaries of the Nebraska planning and development regions; to provide a process for a county to switch to an adjacent planning and development region; to provide a duty for the Department of Economic Development; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 453.** Introduced by Clements, 2; Stinner, 48.

A BILL FOR AN ACT relating to credit unions; to amend section 21-1725.01, Revised Statutes Cumulative Supplement, 2018; to provide for
hearings on membership expansion applications as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 454. Introduced by Clements, 2.

A BILL FOR AN ACT relating to real estate licenses; to amend section 81-885.13, Revised Statutes Cumulative Supplement, 2018; to eliminate a high school diploma or high school equivalency requirement for issuance of license; and to repeal the original section.

LEGISLATIVE BILL 455. Introduced by Arch, 14.

A BILL FOR AN ACT relating to real estate licenses; to amend section 81-885.13, Revised Statutes Cumulative Supplement, 2018; to eliminate a high school diploma or high school equivalency requirement for issuance of license; and to repeal the original section.

LEGISLATIVE BILL 456. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.47, Reissue Revised Statutes of Nebraska; to redefine a term; to provide a sales and use tax exemption for certain machinery and equipment used to produce electricity; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 457. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to amend section 28-401, Revised Statutes Cumulative Supplement, 2018; to define and redefine terms relating to industrial hemp; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 458. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to children and families; to amend sections 28-710, 28-710.01, 28-711, 28-713, 28-726, 28-728, 28-729, 28-730, 43-3001, and 43-4407, Reissue Revised Statutes of Nebraska; to define and redefine terms; to restate legislative intent; to change and provide duties of the Department of Health and Human Services and law enforcement agencies relating to reports of child abuse or neglect; to provide duties for child advocacy centers; to state legislative intent regarding appropriations; to provide for access to certain confidential information by child advocacy centers; to change child abuse and neglect investigation teams and child abuse and neglect treatment teams to multidisciplinary investigation teams and multidisciplinary treatment teams; to change and provide duties for county attorneys, multidisciplinary teams, and child advocacy centers; to change training requirements for multidisciplinary team members; to require reports; to require the department, the juvenile courts, and the Nebraska Commission on Law Enforcement and Criminal Justice to provide child
advocacy centers with access to certain records as prescribed; to change and provide duties relating to monthly reports by service area administrators and the department to child advocacy centers; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 459.** Introduced by Health and Human Services Committee: Howard, 9, Chairperson; Arch, 14; Cavanaugh, 6; Hansen, B., 16; Murman, 38; Walz, 15; Williams, 36.

A BILL FOR AN ACT relating to child care; to amend section 71-1912, Reissue Revised Statutes of Nebraska; to change provisions relating to the Child Care Licensing Act; to provide powers and duties for the Department of Health and Human Services and the Nebraska State Patrol and change requirements regarding national criminal history record information checks; to define terms; and to repeal the original section.

**LEGISLATIVE BILL 460.** Introduced by Health and Human Services Committee: Howard, 9, Chairperson; Arch, 14; Cavanaugh, 6; Hansen, B., 16; Murman, 38; Walz, 15; Williams, 36.

A BILL FOR AN ACT relating to child care; to amend section 71-1924, Reissue Revised Statutes of Nebraska; to change provisions relating to the Children's Residential Facilities and Placing Licensure Act; to provide powers and duties for the Division of Public Health of the Department of Health and Human Services and the Nebraska State Patrol regarding national criminal history record information checks; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 461.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to motor carriers; to amend sections 75-301, 75-302, 75-303.01, 75-303.02, 75-303.03, 75-304, 75-304.01, 75-305, 75-307, 75-309, 75-309.01, 75-310, 75-311, 75-315, 75-316, 75-318, 75-319, 75-320, 75-321, 75-322, and 75-324, Reissue Revised Statutes of Nebraska; to change legislative policy relating to motor carrier regulation; to redefine terms; to eliminate certificates of public convenience and necessity and permits for common and contract carriage; to provide a permit application process for regulated motor carriers; to change provisions relating to rates, insurance and bonding requirements, and permit suspension and revocation; to change a sale, transfer, lease, merger, or consolidation application process; to eliminate provisions relating to household goods mover authority and route authority; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 75-304.02, 75-313, and 75-314, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 462.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to the One-Call Notification System Act; to amend sections 76-2301, 76-2303, 76-2305, 76-2319, 76-2322, and
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76-2325, Reissue Revised Statutes of Nebraska; to define and redefine terms; to provide duties for the board of directors and the State Fire Marshal; to provide for the licensing of locators and the establishment of minimum training standards and practices; to create a dispute resolution board as prescribed; to provide a penalty; to harmonize provisions; to repeal the original sections; and to outright repeal section 76-2316, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 463. Introduced by Williams, 36; Brandt, 32; Briese, 41; Chambers, 11; Clements, 2; Dorn, 30; Friesen, 34; Groene, 42; Kolterman, 24; Stinner, 48.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1802, 77-1831, 77-1832, 77-1833, 77-1834, 77-1835, 77-1837, and 77-1837.01, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to real property sold for delinquent taxes, the process for issuing treasurer's tax deeds, and tax sale certificates; to harmonize provisions; to repeal the original sections; and to outright repeal section 77-1824.01, Reissue Revised Statutes of Nebraska.


A BILL FOR AN ACT relating to claims against the state; to appropriate funds for the payment of certain claims; to provide for payment of the claims; to authorize agencies to write off certain claims as prescribed; and to declare an emergency.


A BILL FOR AN ACT relating to claims against the state; to disapprove certain claims.

LEGISLATIVE BILL 466. Introduced by Howard, 9; DeBoer, 10; Vargas, 7.

A BILL FOR AN ACT relating to redistricting; to adopt the Redistricting Act.

LEGISLATIVE BILL 467. Introduced by Vargas, 7; Howard, 9.

A BILL FOR AN ACT relating to the Legislature; to prohibit consideration of certain factors for the purpose of drawing district boundaries as prescribed.

LEGISLATIVE BILL 468. Introduced by Walz, 15.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-901, Revised Statutes Supplement, 2017, as amended by section 1, Initiative Law 2018, No. 427; to prohibit additional services and
populations under the medicaid managed care program as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 469. Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to insurance; to amend sections 44-5501, 44-5507, 44-7508.02, 44-7513, and 44-7514, Reissue Revised Statutes of Nebraska, and sections 44-5502 and 44-5508, Revised Statutes Cumulative Supplement, 2018; to amend the Surplus Lines Insurance Act; to define a term; to change requirements for nonadmitted insurers; to change terms; to amend the Property and Casualty Rate and Form Act; to eliminate requirements for the adoption of certain rules and regulations; to change provisions relating to an exemption from policy form approval requirements for certain individual commercial risks; to eliminate a requirement for the adoption of rules and regulations to disapprove subjective rating criteria; to eliminate provisions relating to approval of domestic insurer employee benefit plans; to harmonize provisions; to repeal the original sections; and to outright repeal sections 44-213.01, 44-213.02, 44-213.03, 44-213.04, 44-213.05, 44-213.06, 44-213.07, and 44-7512, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 470. Introduced by La Grone, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 72-1239.01, 77-2716, 85-1802, 85-1804, 85-1806, 85-1807, 85-1808, 85-1809, 85-1811, 85-1812, 85-1813, and 85-1814, Reissue Revised Statutes of Nebraska; to authorize and provide a tax deduction for contributions to the Nebraska educational savings plan trust made by nonparticipant contributors as prescribed; to remove a tax deduction limit relating to the Nebraska educational savings plan trust and the achieving a better life experience program; to define a term; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 471. Introduced by La Grone, 49.

A BILL FOR AN ACT relating to civil procedure; to provide a procedure for consolidation of related civil actions in multiple judicial districts.

LEGISLATIVE BILL 472. Introduced by Dorn, 30; Brandt, 32; DeBoer, 10; Erdman, 47; Friesen, 34; Groene, 42; McCollister, 20; Murman, 38.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-319, 39-2510, 39-2520, 77-2703.01, 77-2703.04, 77-2704.31, 77-2708, 77-2711, 77-2712.05, 77-5725, and 77-5726, Reissue Revised Statutes of Nebraska; to adopt the Qualified Judgment Payment Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 473. Introduced by Dorn, 30.
A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1619 and 77-1620, Reissue Revised Statutes of Nebraska; to change provisions relating to judgments against public corporations or political subdivisions; to authorize loans as prescribed; to provide powers and duties for the State Treasurer; and to repeal the original sections.

LEGISLATIVE BILL 474. Introduced by Dorn, 30.

A BILL FOR AN ACT relating to claims against the state; to amend sections 29-3506, 29-4601, 29-4602, 29-4603, 29-4604, 29-4605, 29-4606, 29-4607, 29-4608, 81-8,210, and 81-8,227, Reissue Revised Statutes of Nebraska; to rename the Nebraska Claims for Wrongful Conviction and Imprisonment Act; to provide for claims against the state by persons wrongfully incarcerated; to change provisions relating to the effect of recovery on a claim under such act; to provide a procedure to seek reimbursement from the State Claims Board for certain judgments against political subdivisions as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 475. Introduced by Geist, 25; Slama, 1.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-367.01 and 29-4003, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Cumulative Supplement, 2018; to create the offense of sexual extortion; to define terms; to redefine sexual exploitation; to provide for a registrable offense under the Sex Offender Registration Act; to provide penalties; to harmonize a provision; and to repeal the original sections.

LEGISLATIVE BILL 476. Introduced by McCollister, 20.

A BILL FOR AN ACT relating to metropolitan utilities districts; to amend sections 14-2138 and 14-2139, Revised Statutes Cumulative Supplement, 2018; to eliminate a sunset provision relating to certain retail sales of natural gas as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 477. Introduced by Vargas, 7; Dorn, 30; McCollister, 20.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Reissue Revised Statutes of Nebraska; to provide an income tax exemption for Segal AmeriCorps Education Awards; and to repeal the original section.

LEGISLATIVE BILL 478. Introduced by Vargas, 7; Hunt, 8; Lathrop, 12; Wayne, 13.

A BILL FOR AN ACT relating to civil actions; to prohibit use of a minor's consent as a defense or mitigation of damages or liability in civil actions
arising from sexual assaults by adults in positions of authority; and to define terms.

**NOTICE OF COMMITTEE HEARING(S)**

**Business and Labor**

Room 1524

Monday, January 28, 2019 1:30 p.m.

LB102  
LB139  
LB301  
LB306  
LB359

(Signed) Matt Hansen, Chairperson

**Education**

Room 1525

Monday, January 28, 2019 1:30 p.m.

LB241  
LB281  
LB251

(Signed) Mike Groene, Chairperson

**MOTION(S) - Print in Journal**

Senator Chambers filed the following motion to LB72:

MO2  
Reconsider the vote taken to withdraw the bill.

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

- Senator Hunt name added to LB44.  
- Senator Hunt name added to LB66.  
- Senator Chambers name added to LB170.  
- Senator Murman name added to LB205.  
- Senator Hunt name added to LB275.  
- Senator Brandt name added to LB314.  
- Senator Briese name added to LB316.  
- Senator Linehan name added to LB395.
WITHDRAW - Cointroducer(s)

Senator Cavanaugh name withdrawn from LB141.
Senator Hilkemann name withdrawn from LB311.

VISITOR(S)

Visitors to the Chamber were students and teachers Creighton University and College of Saint Mary, Omaha; and members of the Occupational Therapy Association from across the state.

ADJOURNMENT

At 10:15 a.m., on a motion by Senator Howard, the Legislature adjourned until 9:00 a.m., Tuesday, January 22, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
The prayer was offered by Father Michael Melchizedek, Saints Simon and Jude Eastern Orthodox Church, Lincoln.

ROLL CALL

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

The roll was called and all members were present except Senator Linehan who was excused until she arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighth day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

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NOTICE OF COMMITTEE HEARING(S)

Urban Affairs
Room 1510
Tuesday, January 29, 2019 1:30 p.m.

(Signed) Justin Wayne, Chairperson
Agriculture
Room 1524
Tuesday, January 29, 2019 1:30 p.m.

(Signed) Steve Halloran, Chairperson
Tuesday, January 29, 2019 1:30 p.m.

LB355
LB258
LB259
LB188

(Signed) Matt Williams, Chairperson

AMENDMENT(S) - Print in Journal

Senator Blood filed the following amendment to LB7:
AM10
1 1. On page 2, line 22, after "and" insert "(i)"; in line 23 after
2 "performed" insert "or (ii) ownership is intended to be transferred"; and
3 strike beginning with the first comma in line 24 through the last comma
4 in line 25.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 4 and 6 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the
President signed the following: LRs 4 and 6.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 479. Introduced by Wishart, 27; Blood, 3;
Cavanaugh, 6; Crawford, 45; DeBoer, 10; Geist, 25; Hansen, M., 26;
Howard, 9; Hunt, 8; Kolterman, 24; Lathrop, 12; McCollister, 20;
McDonnell, 5; Pansing Brooks, 28; Slama, 1; Vargas, 7; Wayne, 13.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections
27-404, 27-413, 28-115, 28-318, 28-322.01, and 29-4003, Reissue Revised
Statutes of Nebraska, and sections 28-101 and 83-4,143; Revised Statutes
Cumulative Supplement, 2018; to prohibit sexual assault of detainees by
employees of law enforcement agencies; to define and redefine terms; to
provide a penalty; to change provisions relating to evidence of sexual assault
under the Nebraska Evidence Rules, enhanced penalties for certain crimes
against pregnant women, sexual abuse of an inmate or parolee, registrable
offenses under the Sex Offender Registration Act, and eligibility for
participation in incarceration work camp; to harmonize provisions; and to
repeal the original sections.

**LEGISLATIVE BILL 480.** Introduced by Quick, 35.

A BILL FOR AN ACT relating to appropriations; to state findings; and to
state intent relating to appropriations to local public health departments with
respect to preventive health programs.

**LEGISLATIVE BILL 481.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to appropriations; to state intent relating to
an appropriation to the Department of Health and Human Services.

**LEGISLATIVE BILL 482.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to revenue and taxation; to amend section
77-101, Reissue Revised Statutes of Nebraska; to define a term; to provide
for an adjustment to the assessed value of destroyed real property; to
harmonize provisions; to provide an operative date; and to repeal the
original section.

**LEGISLATIVE BILL 483.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections
46-294.03, 77-103.01, 77-201, 77-1343, 77-1359, 77-1371, 77-1502,
77-1507.01, 77-5022, 77-5023, and 77-6203, Reissue Revised Statutes of
Nebraska, and sections 79-1016 and 79-1036, Revised Statutes Cumulative
Supplement, 2018; to change the valuation of agricultural land and
horticultural land as prescribed; to create the Agricultural Land Valuation
Board; to eliminate provisions relating to land classifications; to harmonize
provisions; to provide operative dates; to repeal the original sections; to
outright repeal section 77-1363, Reissue Revised Statutes of Nebraska; and
to declare an emergency.

**LEGISLATIVE BILL 484.** Introduced by Lowe, 37.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections
28-115, 28-929, 28-929.01, 28-930, 28-931, and 28-931.01, Reissue Revised Statutes of Nebraska, and sections 28-1351 and 28-1354, Revised
Statutes Cumulative Supplement, 2018; to change provisions relating to
assault on an officer, emergency responder, certain employees, or a health
care professional in the first, second, and third degree and assault on an
officer, an emergency responder, a state correctional employee, a
Department of Health and Human Services employee, or a health care
professional using a motor vehicle; to define terms; to harmonize
provisions; and to repeal the original sections.

**LEGISLATIVE BILL 485.** Introduced by Lowe, 37.
A BILL FOR AN ACT relating to appropriations; to state intent relating to an appropriation for the Youth Rehabilitation and Treatment Center-Kearney.

**LEGISLATIVE BILL 486.** Introduced by Lowe, 37.

A BILL FOR AN ACT relating to education; to adopt the Veteran and Active Duty Supportive Postsecondary Institution Act.

**MOTION - Adopt Permanent Rules**

Senator Crawford moved to adopt the permanent rules for the One Hundred Sixth Legislature and any special sessions held during the 2019-2020 calendar year.

The Rules Committee offered the proposed rules change, found on page 233, to Rule 5, Sec. 5(d).

The Rules Committee's proposed rules change to Rule 5, Sec. 5(d), was adopted with 25 ayes, 17 nays, and 7 present and not voting.

The Rules Committee offered the proposed rules change, found on pages 235 and 236, to Rule 6, Sec. 2 and Sec. 3.

The Rules Committee's proposed rules change to Rule 6, Sec. 2 and Sec. 3, was adopted with 32 ayes, 10 nays, and 7 present and not voting.

The Rules Committee offered the proposed rules change, found on page 234, to Rule 7, Sec. 10.

Senator Chambers offered the following amendment to the proposed rules change:

Amend Proposed Rule Change
Rule 7, Sec. 10
Every place where "presiding officer" appears, strike it and insert "Speaker"

Senator Chambers moved for a call of the house. The motion prevailed with 29 ayes, 5 nays, and 15 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 12:

Blood   Howard   Lathrop   Quick
Cavanaugh  Hunt   Morfeld   Wayne
Chambers  Kolowski   Pansing Brooks Wishart

Voting in the negative, 36:
The Chambers amendment lost with 12 ayes, 36 nays, and 1 excused and not voting.

Senator Crawford withdrew the Rules Committee's proposed rules change, found on page 234, to Rule 7, Sec. 10.

Senator Briese offered the following proposed rules change:

**Rule 7**

**Sec. 3. Motion, in Writing, Withdrawal.** (a) A motion shall be either stated by the presiding officer or read by the Clerk before a vote is taken. All motions shall be submitted in writing if requested by the presiding officer or any senator. Any member may request that for any debatable motion or amendment to proceed, approval of the motion be demanded by five or more members.

Senator Briese withdrew his proposed rules change to Rule 7, Sec. 3.

Pending.

**BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 487.** Introduced by La Grone, 49.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-1,110, Revised Statutes Cumulative Supplement, 2018; to require the Nebraska Workers' Compensation Court to adopt an evidence-based drug formulary as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 488.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to schools; to amend section 79-712, Reissue Revised Statutes of Nebraska; to require mental health education as
prescribed; to change drug awareness and prevention requirements as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 489.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-2454, Reissue Revised Statutes of Nebraska, and section 38-101, Revised Statutes Cumulative Supplement, 2018; to require certain credential holders to register for the prescription drug monitoring system; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 490.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to courts; to amend sections 11-119, 11-125, 11-126, 22-417, 23-120, 23-121, 23-1114.03, 23-1114.04, 23-1114.05, 23-1114.06, 24-228, 24-507, 24-508, 32-524, 32-567, 33-106.02, 43-2,123, and 43-512.05, Reissue Revised Statutes of Nebraska, and section 23-2504, Revised Statutes Cumulative Supplement, 2018; to provide for judicial reform; to transition the office of the clerk of the district court from an elected county-reimbursed position to an appointed state-reimbursed position; to consolidate the positions of clerk magistrate and clerk of the district court into the clerk of the courts; to transfer employees of such positions from county to state employees; to require judges and clerks to develop consolidation plans; to change provisions relating to courts, clerks, clerk magistrates, court fees, and court facilities; to provide duties for the State Court Administrator; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 491.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to courts; to state findings; to define terms; to authorize punitive damages as prescribed; and to require punitive damages to be appropriated for the use of the common schools.

**LEGISLATIVE BILL 492.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to municipalities; to amend sections 13-1213, 13-2202, 13-2401, 14-1803, 14-1812, 32-567, 32-604, 32-1203, 75-303, 77-3442, and 77-3443, Reissue Revised Statutes of Nebraska, and sections 13-503, 13-519, 13-1205, 13-1209, 32-101, 60-6,290, 84-304, and 84-304.02, Revised Statutes Cumulative Supplement, 2018; to adopt the Regional Metropolitan Transit Authority Act; to change a provision relating to creation of a metropolitan transit authority; to provide a maximum property tax levy for a regional metropolitan transit authority; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

**LEGISLATIVE BILL 493.** Introduced by Wayne, 13.
A BILL FOR AN ACT relating to the Nebraska Housing Agency Act; to amend section 71-1590, Reissue Revised Statutes of Nebraska; to change provisions relating to property tax exemptions; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 494. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Transportation.

LEGISLATIVE BILL 495. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to schools; to provide for a statewide system of data collection on school discipline and law enforcement referrals as prescribed; and to provide duties for the State Board of Education and school districts.

LEGISLATIVE BILL 496. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-916.01, 28-919, 28-922, 29-1912, 29-1914, 29-1916, 29-1917, 29-1918, 29-1919, 29-1923, and 29-1924, Reissue Revised Statutes of Nebraska; to change penalties for tampering with witnesses or informants, jury tampering, and tampering with physical evidence; to change provisions relating to discovery in criminal cases; to redefine terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 497. Introduced by Friesen, 34; Albrecht, 17; Bostelman, 23; Brandt, 32; Brewer, 43; Briese, 41; Dorn, 30; Erdman, 47; Gragert, 40; Halloran, 33; Hughes, 44; Murman, 38.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-201, 77-202, 77-382, 77-693, 77-801, 77-1238, 77-1248, 77-1601.02, 77-2602, 77-2701.16, 77-2704.24, 77-2704.67, 77-27132, 77-3442, and 77-5023, Reissue Revised Statutes of Nebraska, and sections 53-160, 53-187, 79-1003, 79-1015.01, 79-1016, and 79-1022, Revised Statutes Cumulative Supplement, 2018; to adopt the School District Property Tax Authority Act; to increase alcohol taxes; to change the valuation of agricultural land and horticultural land for school district taxation purposes; to terminate the exemptions provided under the Personal Property Tax Relief Act and certain sales tax exemptions; to increase the cigarette tax; to impose sales and use taxes on certain services; to transfer certain revenue to the Cash Reserve Fund; to change the levy limit for school districts as prescribed; to change the Tax Equity and Educational Opportunities Support Act; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 498. Introduced by Wishart, 27; Cavanaugh, 6; Chambers, 11; Howard, 9; Hunt, 8; McCollister, 20; Morfeld, 46;
Pansing Brooks, 28.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-911, Reissue Revised Statutes of Nebraska; to require a state plan amendment relating to coverage for family planning services; and to repeal the original section.

LEGISLATIVE BILL 499. Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to the Psychology Practice Act; to amend sections 38-3105 and 38-3129, Reissue Revised Statutes of Nebraska; to redefine a term; to provide requirements for psychological services as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 500. Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to pretrial diversion; to amend sections 29-3604 and 29-3605, Reissue Revised Statutes of Nebraska; to prohibit participation in pretrial diversion programs for certain driving under the influence and driver's license revocation violations; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 501. Introduced by Hunt, 8.

A BILL FOR AN ACT relating to insurance; to require insurance coverage for in vitro fertilization procedures as prescribed; and to provide for rules and regulations by the Department of Insurance.

LEGISLATIVE BILL 502. Introduced by Hunt, 8.

A BILL FOR AN ACT relating to immigration; to adopt the Limited Immigration Inquiry Act.

LEGISLATIVE BILL 503. Introduced by Hunt, 8; Cavanaugh, 6; Howard, 9; Morfeld, 46.

A BILL FOR AN ACT relating to abortion; to amend section 28-335, Reissue Revised Statutes of Nebraska; to eliminate provisions relating to physicians' physical presence; and to repeal the original section.

LEGISLATIVE BILL 504. Introduced by Hunt, 8; Cavanaugh, 6; DeBoer, 10; Howard, 9; Pansing Brooks, 28; Vargas, 7; Wayne, 13.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-109, 28-110, 28-111, 28-112, 28-113, and 28-114, Reissue Revised Statutes of Nebraska; to define a term; to provide for enhanced penalties for commission of a crime because of a victim's gender identity or association with a person of a certain gender identity; to include strangulation in the offenses to which enhanced penalties apply; to change provisions relating to
legislative intent, civil actions, and duties of the Nebraska Commission on Law Enforcement and Criminal Justice; and to repeal the original sections.

LEGISLATIVE BILL 505. Introduced by Brewer, 43.

A BILL FOR AN ACT relating to support order payments; to amend section 43-3342.03, Reissue Revised Statutes of Nebraska; to change provisions relating to forwarded and returned payments, collection expenses, and the State Disbursement Unit; and to repeal the original section.

LEGISLATIVE BILL 506. Introduced by Briese, 41.

A BILL FOR AN ACT relating to revenue and taxation; to adopt the Property Tax Request Limitation Act; and to provide an operative date.

LEGISLATIVE BILL 507. Introduced by Briese, 41.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-382, 77-2701.16, 77-2704.10, 77-2704.24, and 77-27,132, Reissue Revised Statutes of Nebraska; to change provisions relating to a tax expenditure report; to impose sales and use taxes on certain services; to change and eliminate certain sales and use tax exemptions; to provide for the use of the net increase in tax revenue; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 77-2704.08, 77-2704.14, 77-2704.38, 77-2704.52, 77-2704.55, 77-2704.56, 77-2704.65, 77-2704.66, and 77-2704.67, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 508. Introduced by Briese, 41.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-382, 77-2701.16, 77-2704.10, 77-2704.24, and 77-27,132, Reissue Revised Statutes of Nebraska; to impose sales and use taxes on certain services; to change and eliminate certain sales and use tax exemptions; to provide for the use of certain sales and use tax revenue; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 77-2704.08 and 77-2704.52, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 509. Introduced by McCollister, 20.

A BILL FOR AN ACT relating to net metering; to amend sections 70-2002 and 70-2003, Reissue Revised Statutes of Nebraska; to redefine net metering and qualified facility; to change a provision relating to powers and duties of a local distribution utility; and to repeal the original sections.

LEGISLATIVE BILL 510. Introduced by McCollister, 20.

A BILL FOR AN ACT relating to the Sex Offender Registration Act; to
amend section 29-4003, Reissue Revised Statutes of Nebraska; to change provisions relating to applicability of the act to certain juvenile adjudications; and to repeal the original section.

LEGISLATIVE BILL 511. Introduced by Brewer, 43; Bostelman, 23; Gragert, 40; Halloran, 33; Linehan, 39; Murman, 38.

A BILL FOR AN ACT relating to state employees; to authorize adjustments to work schedules for participation in approved youth mentoring programs as prescribed.

LEGISLATIVE BILL 512. Introduced by Linehan, 39.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 3-150, 66-482, 66-4,143, 66-6,101, 66-712, 66-718, 66-739, 66-1521, 77-202.03, 77-377.02, 77-414, 77-702, 77-1239, 77-2716.01, 77-2734.01, 77-2761, 77-2773, 77-2776, 77-3506, 77-3508, 77-3519, 77-4111, and 77-6203, Reissue Revised Statutes of Nebraska, and section 39-2215, Revised Statutes Cumulative Supplement, 2018; to eliminate the Motor Fuel Tax Enforcement and Collection Division of the Department of Revenue; to change and eliminate provisions relating to a list of exempt real property, collection agency fees, rules and regulations, and reimbursement to political subdivisions; to provide for reassessment of destroyed or damaged property; to change provisions relating to personal exemptions, standard deductions, requirements for filing income tax returns, notices of deficiency, and homestead exemptions; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 66-738, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 513. Introduced by Briese, 41.

A BILL FOR AN ACT relating to bonds; to amend section 10-702, Reissue Revised Statutes of Nebraska, and section 79-10,110.02, Revised Statutes Cumulative Supplement, 2018; to change requirements for the issuance of certain bonds; and to repeal the original sections.

LEGISLATIVE BILL 514. Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-611, Reissue Revised Statutes of Nebraska; to include child support credit and spousal support credit as property obtained under issuing or passing a bad check or other order; and to repeal the original section.

LEGISLATIVE BILL 515. Introduced by Vargas, 7.

A BILL FOR AN ACT relating to the Student Discipline Act; to amend sections 79-256, 79-265, 79-266, 79-267, 79-268, 79-269, 79-271, 79-272, 79-276, 79-278, 79-282, 79-283, and 79-287, Reissue Revised Statutes of Nebraska; to redefine a term; to change provisions relating to intent,
suspension, expulsion, reassignment, discipline, and hearings; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 516.** Introduced by Pansing Brooks, 28; Linehan, 39; Slama, 1.

A BILL FOR AN ACT relating to children and families; to amend sections 28-707, 28-710, 28-713, 28-720.01, and 29-110, Reissue Revised Statutes of Nebraska, and sections 28-101 and 43-4406, Revised Statutes Cumulative Supplement, 2018; to redefine a term; to change provisions relating to child abuse, the Child Protection and Family Safety Act, human trafficking, and child welfare services; to provide duties for the Department of Health and Human Services; to change statutes of limitations with respect to human trafficking offenses; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 517.** Introduced by Pansing Brooks, 28; Linehan, 39; Slama, 1.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-21,299, Reissue Revised Statutes of Nebraska; to change human trafficking damage provisions as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 518.** Introduced by Linehan, 39; Pansing Brooks, 28; Slama, 1.

A BILL FOR AN ACT relating to health and human services; to amend section 81-1429.02, Revised Statutes Cumulative Supplement, 2018; to adopt the Support for Trafficking Survivors Act; to create an office, a board, and a fund; to state intent regarding appropriations; and to repeal the original section.

**LEGISLATIVE BILL 519.** Introduced by Slama, 1; Linehan, 39; Pansing Brooks, 28.

A BILL FOR AN ACT relating to criminal law; to amend sections 29-110 and 86-291, Reissue Revised Statutes of Nebraska; to change statutes of limitations for prosecution for labor and sex trafficking, labor and sex trafficking of a minor, and offenses involving visual depictions of sexually explicit conduct and sexually explicit acts; to change provisions relating to interception of communications; and to repeal the original sections.

**LEGISLATIVE BILL 520.** Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to cities of the metropolitan class; to require cities of the metropolitan class to annually update their safety standards and operating procedures for road construction and maintenance; to provide requirements for such standards and procedures; and to provide a duty for
the Revisor of Statutes.

**LEGISLATIVE BILL 521.** Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-3301, 60-3302, 60-3303, 60-3304, and 60-3308, Revised Statutes Cumulative Supplement, 2018; to change and eliminate provisions relating to automated vehicles; to repeal the original sections; and to outright repeal section 60-3306, Revised Statutes Cumulative Supplement, 2018.

**LEGISLATIVE BILL 522.** Introduced by Linehan, 39.

A BILL FOR AN ACT relating to county government; to amend sections 23-2501, 23-2502, 23-2505, 23-2508, 23-2509, 23-2511, 23-2512, 23-2513, 23-2515, and 23-2516, Reissue Revised Statutes of Nebraska, and sections 23-2503, 23-2504, 23-2506, 23-2510, and 23-2514, Revised Statutes Cumulative Supplement, 2018; to name the County Civil Service Commission Act; to change provisions relating to the purpose of the act and commission membership; to eliminate a provision providing commission duties; to provide for appointment of and prescribe duties for a human resources director; to harmonize provisions; to repeal the original sections; and to outright repeal section 23-2507, Revised Statutes Cumulative Supplement, 2018.

**LEGISLATIVE BILL 523.** Introduced by Linehan, 39.

A BILL FOR AN ACT relating to taxation; to amend sections 76-902, 77-123, 77-202, 77-202.01, 77-202.03, and 77-202.09, Reissue Revised Statutes of Nebraska, and section 60-3,185, Revised Statutes Cumulative Supplement, 2018; to provide a documentary stamp tax exemption for certain deeds and a property tax exemption to educational, religious, charitable, or cemetery limited liability companies; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 524.** Introduced by Dorn, 30.

A BILL FOR AN ACT relating to the Nebraska Budget Act; to amend section 79-1074, Reissue Revised Statutes of Nebraska, and section 13-509, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to annexations; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 525.** Introduced by Dorn, 30.

A BILL FOR AN ACT relating to county government; to amend sections 23-107.01 and 23-174.03, Reissue Revised Statutes of Nebraska; to change provisions relating to the sale of county real estate; to provide for transfer of an interest in real estate by a plat as prescribed; and to repeal the original sections.
LEGISLATIVE BILL 526. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-121, Reissue Revised Statutes of Nebraska; to change provisions relating to compensation for temporary disability; and to repeal the original section.

LEGISLATIVE BILL 527. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to economic development; to amend section 48-622.01, Revised Statutes Cumulative Supplement, 2018; to adopt the Customized Job Training Act; and to repeal the original section.

LEGISLATIVE BILL 528. Introduced by Hilkemann, 4; Hansen, B., 16; Howard, 9.

A BILL FOR AN ACT relating to the Optometry Practice Act; to amend sections 38-2601, 38-2604, and 38-2605, Reissue Revised Statutes of Nebraska; to redefine terms; to provide for use of pharmaceutical agents and routes of administration as prescribed; to authorize treatment and procedures as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 529. Introduced by Groene, 42.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-202, Reissue Revised Statutes of Nebraska; to change provisions relating to a property tax exemption for hospitals; and to repeal the original section.

LEGISLATIVE BILL 530. Introduced by Groene, 42.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-201 and 77-5023, Reissue Revised Statutes of Nebraska, and section 79-1016, Revised Statutes Cumulative Supplement, 2018; to change the valuation of agricultural land and horticultural land; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 531. Introduced by Vargas, 7; Wishart, 27.

A BILL FOR AN ACT relating to the Election Administration Fund; to amend section 32-204, Revised Statutes Cumulative Supplement, 2018; to provide for a transfer; to create a fund; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 532. Introduced by Cavanaugh, 6; Hunt, 8.

A BILL FOR AN ACT relating to protection orders; to amend sections 28-311.09, 42-924.02, and 42-926, Reissue Revised Statutes of Nebraska, and sections 28-311.11, 42-924, and 42-925, Revised Statutes Cumulative
NINTH DAY - JANUARY 22, 2019

Supplement, 2018; to change provisions relating to harassment protection orders, sexual assault protection orders, and domestic abuse protection orders; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 533. Introduced by Cavanaugh, 6; Hansen, M., 26; Hunt, 8.

A BILL FOR AN ACT relating to marriage; to amend sections 42-103, 42-109, and 42-110, Reissue Revised Statutes of Nebraska; to change terminology; and to repeal the original sections.

LEGISLATIVE BILL 534. Introduced by Cavanaugh, 6.

A BILL FOR AN ACT relating to postsecondary education; to require a sexual assault campus climate survey, a report, and training.

LEGISLATIVE BILL 535. Introduced by Cavanaugh, 6; DeBoer, 10; Hansen, M., 26; Hunt, 8.

A BILL FOR AN ACT relating to the Nebraska Advantage Act; to amend sections 77-5715 and 77-5735, Reissue Revised Statutes of Nebraska; to redefine a term; to provide for applicability of changes; and to repeal the original sections.

LEGISLATIVE BILL 536. Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to trusts; to amend sections 30-3805, 30-3808, 30-3855, and 30-3859, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Uniform Directed Trust Act; to provide for applicability; to change and eliminate related Uniform Trust Code provisions; to harmonize provisions; to repeal the original sections; and to outright repeal section 30-3873, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 537. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to school districts; to amend section 79-826, Reissue Revised Statutes of Nebraska; to change provisions relating to a certificated employee's performance or conduct; and to repeal the original section.

LEGISLATIVE BILL 538. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to gambling; to amend sections 28-1107 and 77-3001, Reissue Revised Statutes of Nebraska; to change provisions relating to possession of a gambling device; to redefine mechanical amusement device under the Mechanical Amusement Device Tax Act; to provide for approval of certain mechanical amusement devices by, and provide duties for, the Department of Revenue as prescribed; to harmonize provisions; and to repeal the original sections.
LEGISLATIVE BILL 539. Introduced by Walz, 15.

A BILL FOR AN ACT relating to the Adult Protective Services Act; to amend section 28-351, Reissue Revised Statutes of Nebraska; to redefine abuse to include assaults; and to repeal the original section.

LEGISLATIVE BILL 540. Introduced by Walz, 15.

A BILL FOR AN ACT relating to developmental disabilities services; to amend section 83-1216.02, Revised Statutes Cumulative Supplement, 2018; to eliminate a termination date; and to repeal the original section.

LEGISLATIVE BILL 541. Introduced by Walz, 15.

A BILL FOR AN ACT relating to anatomical gifts; to amend section 71-4819, Reissue Revised Statutes of Nebraska; to change provisions relating to public education regarding bone marrow donors; and to repeal the original section.

LEGISLATIVE BILL 542. Introduced by Lowe, 37.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Reissue Revised Statutes of Nebraska; to adopt the Firearm Safety Act; to provide for a tax credit; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 543. Introduced by Lowe, 37.

A BILL FOR AN ACT relating to government; to amend sections 52-118, 73-306, and 81-1016, Reissue Revised Statutes of Nebraska, and section 81-1316, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to payment bonds for construction contracts for public buildings; to change powers and duties related to rules and regulations of the Department of Administrative Services; to exempt all state agency deputy directors and attorneys from the State Personnel System as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 544. Introduced by Linehan, 39.

A BILL FOR AN ACT relating to education; to amend section 85-1807, Reissue Revised Statutes of Nebraska; to adopt the Meadowlark Scholarship Act; to change provisions relating to the College Savings Plan Expense Fund; and to repeal the original section.

LEGISLATIVE BILL 545. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the Nebraska educational savings plan trust; to amend sections 77-2701, 77-2716, 85-1802, 85-1806, 85-1807,
85-1808, 85-1809, 85-1810, and 85-1812, Reissue Revised Statutes of Nebraska; to authorize and provide an income tax deduction for employer contributions as prescribed; to provide for contributions of income tax refunds; to define a term; to require that employer contributions not be recognized as income for certain purposes; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 546. Introduced by Wishart, 27; Howard, 9.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-301, 60-393, 60-395, 60-396, 60-3,104, and 60-3,130.04, Revised Statutes Cumulative Supplement, 2018; to provide for a low-income spay and neuter grant program and for Spay and Neuter Awareness Plates; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 547. Introduced by Wishart, 27.

A BILL FOR AN ACT relating to the Nebraska educational savings plan trust; to amend sections 72-1239.01, 77-2716, 85-1802, 85-1804, 85-1806, 85-1809, 85-1812, and 85-1814, Reissue Revised Statutes of Nebraska; to create funds; to create the College Savings Plan Matching Grant Program and provide for state matching grants as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 548. Introduced by Howard, 9; Wishart, 27.

A BILL FOR AN ACT relating to offenses against animals; to prohibit restraining animals in the event of certain natural or manmade disasters or severe weather events as prescribed; and to provide a penalty.

LEGISLATIVE BILL 549. Introduced by Brandt, 32; Briese, 41; Dorn, 30; Walz, 15.

A BILL FOR AN ACT relating to the Nebraska Telecommunications Regulation Act; to amend sections 86-101 and 86-103, Reissue Revised Statutes of Nebraska; to define terms; to provide duties for certain telecommunications companies and the Public Service Commission; to provide for creation and maintenance of a geographic information system map as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 550. Introduced by Vargas, 7; Hilgers, 21.

A BILL FOR AN ACT relating to wireless telecommunications services; to amend sections 86-313 and 86-457, Reissue Revised Statutes of Nebraska, and sections 86-328 and 86-1028, Revised Statutes Cumulative Supplement, 2018; to require voter approval for taxes and fees on wireless services; to change and eliminate certain surcharges; to eliminate the Prepaid Wireless Surcharge Act; to harmonize provisions; to repeal the original sections; and
to outright repeal section 86-901, Reissue Revised Statutes of Nebraska, and sections 86-320.02, 86-902, 86-903, 86-904, and 86-905, Revised Statutes Cumulative Supplement, 2018.

**LEGISLATIVE BILL 551.** Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to appropriations; to state intent relating to funding for development districts.

**LEGISLATIVE BILL 552.** Introduced by McDonnell, 5; Pansing Brooks, 28.

A BILL FOR AN ACT relating to the Nebraska Tree Recovery Program; to amend sections 72-1901, 72-1902, and 72-1904, Reissue Revised Statutes of Nebraska; to change legislative findings, intent relating to appropriations, and application deadlines; and to repeal the original sections.

**LEGISLATIVE BILL 553.** Introduced by Clements, 2.

A BILL FOR AN ACT relating to civil rights; to require reasonable accommodation for a person with a disability to have an assistance animal in a dwelling as prescribed; to define terms; and to provide a written verification process.

**LEGISLATIVE BILL 554.** Introduced by Wishart, 27; Kolterman, 24; Linehan, 39; Morfeld, 46; Quick, 35; Walz, 15.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-955, Reissue Revised Statutes of Nebraska; to change provisions relating to prescription drugs not on the preferred drug list; and to repeal the original section.

**LEGISLATIVE BILL 555.** Introduced by Hunt, 8; Cavanaugh, 6; Howard, 9; Morfeld, 46; Wishart, 27.

A BILL FOR AN ACT relating to hospitals; to amend section 71-448, Reissue Revised Statutes of Nebraska; to adopt the Sexual Assault Emergency Care Act; to provide for disciplinary action against a hospital's license; to provide severability; and to repeal the original section.

**LEGISLATIVE BILL 556.** Introduced by Howard, 9; Lindstrom, 18.

A BILL FOR AN ACT relating to the prescription drug monitoring program; to amend section 71-2454, Reissue Revised Statutes of Nebraska; to change provisions relating to program purposes, reporting, prescription information, disclosure, and user access as prescribed; to provide duties; to define and redefine terms; to harmonize provisions; to repeal the original section; and to declare an emergency.
LEGISLATIVE BILL 557. Introduced by Lindstrom, 18; Howard, 9.

A BILL FOR AN ACT relating to controlled substances; to amend sections 28-473, 28-474, and 38-101, Revised Statutes Cumulative Supplement, 2018; to change duties for practitioners related to certain prescriptions; to exempt certain prescriptions from requirements; to transfer provisions to the Uniform Credentialing Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 558. Introduced by Hilkemann, 4.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Health and Human Services.

LEGISLATIVE BILL 559. Introduced by Arch, 14.

A BILL FOR AN ACT relating to the State Anatomical Board; to amend sections 71-1001, 71-1003, 71-1004, and 71-1007, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to the State Anatomical Board; to harmonize provisions; to repeal the original sections; and to outright repeal sections 71-1002, 71-1005, and 71-1006, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 560. Introduced by Geist, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-5209, 77-5209.01, and 77-5211, Reissue Revised Statutes of Nebraska; to change provisions relating to tax credits under the Beginning Farmer Tax Credit Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 561. Introduced by Geist, 25.

A BILL FOR AN ACT relating to the Legislative Performance Audit Act; to amend sections 50-1204 and 50-1205.01, Revised Statutes Cumulative Supplement, 2018; to adopt updated audit standards; and to repeal the original sections.

LEGISLATIVE BILL 562. Introduced by Stinner, 48.

A BILL FOR AN ACT relating to appropriations; to state intent relating to University of Nebraska facilities and appropriations.

LEGISLATIVE BILL 563. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to education; to amend section 85-1539, Reissue Revised Statutes of Nebraska, and sections 85-1412 and 85-2104, Revised Statutes Cumulative Supplement, 2018; to adopt the Access College Early Tech Promise Program Act; to provide duties; to harmonize provisions; and to repeal the original sections.
LEGISLATIVE BILL 564. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to municipalities; to amend sections 13-2702, 13-2703, 13-2704, 13-2704.01, 13-2705, 13-2707, 13-2707.01, and 13-2709, Revised Statutes Cumulative Supplement, 2018; to change the Civic and Community Center Financing Act; and to repeal the original sections.

LEGISLATIVE BILL 565. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2331, 79-901, and 84-1331, Reissue Revised Statutes of Nebraska, and sections 79-978.01 and 84-1503, Revised Statutes Cumulative Supplement, 2018; to state legislative intent relating to a designated beneficiary determination under the Retirement System for Nebraska Counties, the School Employees Retirement System of the State of Nebraska, any school employees retirement system established under the Class V School Employees Retirement Act, and the State Employees Retirement System of the State of Nebraska; to provide a duty for the Public Employees Retirement Board as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 566. Introduced by Crawford, 45.

A BILL FOR AN ACT relating to the Department of Insurance; to provide for notice to the Legislature of application for waiver from certain federal requirements as prescribed.

LEGISLATIVE BILL 567. Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to prescription drugs; to adopt the Prescription Drug Cost Transparency Act.

LEGISLATIVE BILL 568. Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to education; to amend sections 9-812 and 79-1054, Revised Statutes Cumulative Supplement, 2018; to provide for mental health first aid training; to change provisions relating to the use of lottery funds; to change provisions relating to innovation grants as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 569. Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to health care benefits; to adopt the Out-of-Network Consumer Protection, Transparency, and Accountability Act.

LEGISLATIVE BILL 570. Introduced by Walz, 15; Howard, 9; Wishart, 27.
A BILL FOR AN ACT relating to persons with disabilities; to amend sections 81-6,121 and 81-6,122, Revised Statutes Cumulative Supplement, 2018; to restate legislative intent; to change membership of an advisory committee within the Department of Health and Human Services; to provide powers and duties; to require reports; to eliminate obsolete provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 571.** Introduced by Walz, 15; Wishart, 27.

A BILL FOR AN ACT relating to the Assisted-Living Facility Act; to amend section 71-5901, Reissue Revised Statutes of Nebraska; to provide for a data base of grievance review procedures as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 572.** Introduced by Walz, 15; Wishart, 27.

A BILL FOR AN ACT relating to the office of Public Counsel; to amend section 81-8,244, Revised Statutes Cumulative Supplement, 2018; to provide authority for the deputy public counsel over assisted-living facilities; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 573.** Introduced by Brewer, 43.

A BILL FOR AN ACT relating to the Intergovernmental Risk Management Act; to amend section 44-4306, Reissue Revised Statutes of Nebraska; to change provisions relating to risk management pool agreements; and to repeal the original section.

**LEGISLATIVE BILL 574.** Introduced by Brewer, 43.

A BILL FOR AN ACT relating to cities of the metropolitan class; to amend section 14-2105, Reissue Revised Statutes of Nebraska; to change a provision relating to regular meetings of the board of directors of a metropolitan utilities district; and to repeal the original section.

**LEGISLATIVE BILL 575.** Introduced by Brewer, 43; Gragert, 40.

A BILL FOR AN ACT relating to school districts; to require policies relating to the provision of routine directory information and access to students by military recruiters as prescribed.

**LEGISLATIVE BILL 576.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to emergency responders; to amend sections 18-1723 and 35-1001, Reissue Revised Statutes of Nebraska; to change provisions relating to presumptions regarding causes of death or disability of firefighters and firefighter-paramedics as prescribed; and to repeal the original sections.
LEGISLATIVE BILL 577. Introduced by Vargas, 7.

A BILL FOR AN ACT relating to the Employee Classification Act; to amend section 48-2906, Reissue Revised Statutes of Nebraska, and section 48-2907, Revised Statutes Cumulative Supplement, 2018; to provide for expediting investigations under the act; to authorize the Commissioner of Labor to cause contractors to cease performance of services for a violation of the act; and to repeal the original sections.

LEGISLATIVE BILL 578. Introduced by La Grone, 49.

A BILL FOR AN ACT relating to redistricting; to provide for venue of legal proceedings challenging laws regarding redistricting; and to provide procedures.

LEGISLATIVE BILL 579. Introduced by Quick, 35.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-4,118.06, Revised Statutes Cumulative Supplement, 2018; to authorize the issuance of ignition interlock permits to persons who proximately caused serious bodily injury while driving under the influence of alcoholic liquor or drugs; and to repeal the original section.

LEGISLATIVE BILL 580. Introduced by Hilkemann, 4.

A BILL FOR AN ACT relating to the Integrated Solid Waste Management Act; to amend sections 13-2042 and 13-2042.01, Reissue Revised Statutes of Nebraska; to change a landfill disposal fee; to change provisions relating to a rebate to a municipality or a county; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 581. Introduced by Albrecht, 17; Linehan, 39.

A BILL FOR AN ACT relating to budgets; to amend section 84-304.01, Reissue Revised Statutes of Nebraska, and section 13-504, Revised Statutes Cumulative Supplement, 2018; to require the use of generally accepted accounting principles in preparing budgets; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 582. Introduced by Brewer, 43; McDonnell, 5.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1212.03, Reissue Revised Statutes of Nebraska; to change provisions relating to possession of a stolen firearm; and to repeal the original section.

LEGISLATIVE BILL 583. Introduced by Hilgers, 21.

A BILL FOR AN ACT relating to the Transportation Innovation Act; to
amend sections 39-2808, 39-2809, 39-2810, 39-2811, 39-2813, 39-2814, 39-2815, 39-2816, 39-2817, 39-2818, 39-2819, 39-2820, 39-2821, 39-2822, 39-2823, and 39-2824, Reissue Revised Statutes of Nebraska, and section 39-2802, Revised Statutes Cumulative Supplement, 2018; to define and redefine terms; to provide powers for counties and joint entities as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 584.** Introduced by Hilgers, 21.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-103.13 and 53-124.13, Reissue Revised Statutes of Nebraska, and sections 53-123.11, 53-123.13, and 53-124.11, Revised Statutes Cumulative Supplement, 2018; to redefine a term; to change provisions relating to farm wineries; to provide for a festival special designated license; to provide for a fee; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 585.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to renewable fuels; to amend section 81-1602, Revised Statutes Cumulative Supplement, 2018; to create the Renewable Fuel Infrastructure Program; to create a fund; to provide for grants; to state intent regarding funding; to eliminate an exemption to sales tax imposed on currency and bullion; to harmonize provisions; to provide an operative date; to repeal the original section; and to outright repeal section 77-2704.66, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 586.** Introduced by Stinner, 48.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2018, LB944, section 22; to change an appropriation; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 587.** Introduced by Stinner, 48.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 84-612, Revised Statutes Cumulative Supplement, 2018; to provide for transfers; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 588.** Introduced by Stinner, 48.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1015.01, Revised Statutes Cumulative Supplement, 2018; to change the local effort rate; to repeal the original section; and to declare an emergency.
RESOLUTION(S)

LEGISLATIVE RESOLUTION 12CA. Introduced by Vargas, 7; Brandt, 32; Cavanaugh, 6; Clements, 2; DeBoer, 10; Dorn, 30; Erdman, 47; Groene, 42; Halloran, 33; Hansen, M., 26; Hunt, 8; Wishart, 27.

THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2020, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 7:

III-7 At the general election to be held in November 1964, one-half the members of the Legislature, or as nearly thereto as may be practicable, shall be elected for a term of four years and the remainder for a term of two years, and thereafter all members shall be elected for a term of four years, with the manner of such election to be determined by the Legislature. When the Legislature is redistricted, the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their term. Each member shall be nominated and elected in a nonpartisan manner and without any indication on the ballot that he or she is affiliated with or endorsed by any political party or organization. Each member of the Legislature shall receive an annual salary of not to exceed one thousand dollars per month during the term of his or her office equal to fifty percent of the median household income for the State of Nebraska as defined by the most recent report of such income published by the United States Bureau of the Census prior to January of odd-numbered years. In addition to his or her salary, each member shall receive an amount equal to his or her actual expenses in traveling by the most usual route once to and returning from each regular or special session of the Legislature. Members of the Legislature shall receive no pay nor perquisites other than his or her salary and expenses, and employees of the Legislature shall receive no compensation other than their salary or per diem.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to change the annual salary of members of the Legislature to fifty percent of the most recent report of the median household income for the State of Nebraska as published by the United States Bureau of the Census prior to January of odd-numbered years.

For
Against.
NOTICE OF COMMITTEE HEARING(S)
Education
Room 1525

Tuesday, January 29, 2019 1:30 p.m.

Linda Poole - Technical Advisory Committee for Statewide Assessment
Jeffrey Nellhaus - Technical Advisory Committee for Statewide Assessment
Robert Henson - Technical Advisory Committee for Statewide Assessment

LB399
LB256

(Signed) Mike Groene, Chairperson

MOTION(S) - Print in Journal

Senator Blood filed the following motion to LB14:
MO3
Withdraw bill.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Hunt name added to LB7.
Senator Hunt name added to LB58.
Senator Hunt name added to LB207.
Senator Gragert name added to LB291.
Senator Brewer name added to LB450.
Senator Gragert name added to LR7.

VISITOR(S)

Visitors to the Chamber were Jake Sundquist from Lincoln; Alice Hunt Homan, daughter of Senator Hunt, from Omaha; and members of the Nebraska State Volunteer Firefighters Association and members of the Nebraska Fire Chiefs Association.

The Doctor of the Day was Dr. Marlon Weiss from Lincoln.

ADJOURNMENT

At 11:53 a.m., on a motion by Senator McCollister, the Legislature adjourned until 10:00 a.m., Wednesday, January 23, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
PRAYER

The prayer was offered by Reverend Michelle LaGrave, First Unitarian Church of Omaha.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Foley presiding.

The roll was called and all members were present.

CORRECTIONS FOR THE JOURNAL

The Journal for the ninth day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

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TENTH DAY - JANUARY 23, 2019

NOTICE OF COMMITTEE HEARING(S)
Health and Human Services
Room 1510

Wednesday, January 30, 2019 1:30 p.m.

LB25
LB37

(Signed) Sara Howard, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

**LEGISLATIVE BILL 589.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to public safety; to prohibit peace officers from serving or working as school resource officers as prescribed.

**LEGISLATIVE BILL 590.** Introduced by Briese, 41.

A BILL FOR AN ACT relating to child care; to amend sections 71-1962, 77-3603, and 77-3605, Reissue Revised Statutes of Nebraska, and section 43-2606, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to the Nebraska Early Childhood Professional Record System; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 591.** Introduced by Briese, 41.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-101 and 53-103, Revised Statutes Cumulative Supplement, 2018; to define a term; to provide for alcohol impact zones; to provide duties for the Nebraska Liquor Control Commission; to harmonize provisions; and to repeal the original sections.
LEGISLATIVE BILL 592. Introduced by Briese, 41.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Commission; to amend section 53-1,104, Revised Statutes Cumulative Supplement, 2018; to provide additional powers to suspend sales of alcoholic liquor; and to repeal the original section.

LEGISLATIVE BILL 593. Introduced by Briese, 41.

A BILL FOR AN ACT relating to medical assistance recovery; to amend sections 68-919, 68-989, 68-990, 71-605, and 77-2018.02, Reissue Revised Statutes of Nebraska, and sections 30-2483, 30-3880, 30-3881, 30-3882, and 33-109, Revised Statutes Cumulative Supplement, 2018; to change and eliminate provisions relating to medical assistance reimbursement claims and liens; to provide for retroactivity; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 594. Introduced by Blood, 3.

A BILL FOR AN ACT relating to the Uniform Deceptive Trade Practices Act; to amend sections 87-301 and 87-302, Revised Statutes Cumulative Supplement, 2018; to define a term; to provide for a deceptive trade practice relating to meat as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 595. Introduced by Albrecht, 17.

A BILL FOR AN ACT relating to alternative dispute resolution; to amend sections 25-2901, 25-2902, 25-2903, 25-2904, 25-2905, 25-2906, 25-2907, 25-2908, 25-2909, 25-2911, 25-2912, 25-2913, 25-2914, 25-2915, 25-2916, 25-2917, 25-2918, 25-2919, 25-2920, 25-2921, 25-2943, 33-155, 43-245, 43-246, 43-247.03, 43-247.04, 43-260.06, 43-275, 43-276, 43-2,108.01, 43-2,108.02, 43-2,108.03, 43-2,108.04, 43-2922, 43-2938, 43-2941, 43-2943, 79-209, and 79-258, Reissue Revised Statutes of Nebraska, and sections 34-112.02, 43-274, 43-286, 43-4203, and 79-2104, Revised Statutes Cumulative Supplement, 2018; to rename the Dispute Resolution Act, a council, a director, an office, and a fund; to restate legislative findings; to define and redefine terms; to change provisions relating to the qualifications of the Director of the Office of Restorative Justice and Dispute Resolution, the membership of the Advisory Council on Restorative Justice and Dispute Resolution, and the office's and director's duties; to create the position of Deputy Director for Restorative Justice and provide duties for such deputy; to change provisions relating to approved centers, cases accepted for restorative justice and dispute resolution, and qualifications of mediators and restorative justice facilitators; to provide a privilege for communications made in restorative justice as prescribed; to provide for immunity and reparation plan agreements; to change provisions relating to tolling of statutes of limitations, an annual report, and legislative intent regarding a fund; to provide for restorative justice in juvenile cases as prescribed; to
authorize referrals to restorative justice practices or services for compulsory attendance collaborative plans and under the Student Discipline Act; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 596. Introduced by Quick, 35.

A BILL FOR AN ACT relating to the Public Counsel; to amend section 81-8,240, Reissue Revised Statutes of Nebraska, and sections 81-8,241, 81-8,244, and 81-8,245, Revised Statutes Cumulative Supplement, 2018; to adopt the Office of Inspector General of Nebraska Public Health Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 597. Introduced by Walz, 15.

A BILL FOR AN ACT relating to the Assisted-Living Facility Act; to require reporting of incidents and implementation of policies as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 598. Introduced by Walz, 15.

A BILL FOR AN ACT relating to the Public Counsel; to amend section 81-3110, Reissue Revised Statutes of Nebraska; to provide access to the Adult Protective Services Central Registry as prescribed; and to repeal the original section.

LEGISLATIVE BILL 599. Introduced by Walz, 15.

A BILL FOR AN ACT relating to the Public Counsel; to amend section 77-202, Reissue Revised Statutes of Nebraska; to change a property tax exemption relating to educational, religious, charitable, and cemetery organizations; and to repeal the original section.
LEGISLATIVE BILL 602. Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to relating to insurance; to amend section 44-224.04, Revised Statutes Cumulative Supplement, 2018; to adopt the Domestic Stock Insurance Company Division Act; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 603. Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-157.01, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to automatic teller machine fees; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 604. Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to workforce development; to authorize High-Wage Jobs and Capital Investment Creation Fund entities; to define terms; to provide grants, loans, and economic assistance to such entities; to create a fund; and to provide duties for the Director of Economic Development and State Treasurer.

LEGISLATIVE BILL 605. Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.07, 77-2717, and 77-2734.03, Reissue Revised Statutes of Nebraska; to adopt the Renewable Chemical Production Tax Credit Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 606. Introduced by Groene, 42.

A BILL FOR AN ACT relating to natural resources districts; to provide for water augmentation projects and retention of water rights as prescribed; and to provide a duty for the Revisor of Statutes.

MOTION - Adopt Permanent Rules

Senator Crawford renewed her motion, found on page 259, to adopt the permanent rules for the One Hundred Sixth Legislature and any special sessions held during the 2019-2020 calendar year.

Senator Groene offered the following proposed rules change:

Rule 3

Sec. 8. Chairperson, Vice Chairperson. (a) The chairperson of each standing and select committee shall be selected by secret ballot viva voce on the floor of the Legislature.

(b) The chairperson of a special committee shall be selected in the manner provided by the act authorizing the committee, or if not specified, by the
Executive Board. All votes for chairperson of a special committee shall be
viva voce.

(c) Each committee shall elect from its membership a vice chairperson to
serve in the absence of the chairperson.

(d) The chairperson may, at his or her discretion, assume the title of
chairman, chairwoman, or chair for legislative purposes.

Pending.

**BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 607.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to the Cosmetology, Electrology, Esthetics,
Nail Technology, and Body Art Practice Act; to amend sections 38-1008,
38-1055, 38-1060, 38-1064, 38-10,167, and 38-10,169, Reissue Revised
Statutes of Nebraska, and sections 38-1001, 38-1004, 38-1061, 38-1062,
38-1066, 38-1067, 38-1069, 38-1075, 38-10,128, and 38-10,171, Revised
Statutes Cumulative Supplement, 2018; to define and redefine terms; to
change provisions relating to permanent color technology and licensure by
examination; to provide for registration of a guest body artist and licensure
of a temporary body art facility and a nail technology apprentice salon; to
harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 608.** Introduced by La Grone, 49; Hansen, M., 26.

A BILL FOR AN ACT relating to the Election Act; to amend sections
32-221, 32-223, 32-230, 32-231, 32-236, 32-816, 32-901, 32-903, 32-910,
32-916, 32-1010, 32-1012, 32-1013, and 32-1041, Reissue Revised Statutes
of Nebraska; to prohibit use of and eliminate references to electronic voting
systems; to authorize use of precinct-based optical scanners; to harmonize
provisions; and to repeal the original sections.

**LEGISLATIVE BILL 609.** Introduced by La Grone, 49.

A BILL FOR AN ACT relating to county and local government; to amend
sections 23-1112 and 23-1112.01, Reissue Revised Statutes of Nebraska,
and section 13-2203, Revised Statutes Cumulative Supplement, 2018; to
change provisions relating to reimbursement of mileage and travel expenses;
to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 610.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections
77-2715.07, 77-2717, and 77-2734.03, Reissue Revised Statutes of Nebraska; to adopt the College Savings Tax Credit Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 611.** Introduced by Brandt, 32; Brewer, 43; Cavanaugh, 6; DeBoer, 10; Erdman, 47; Gragert, 40; Groene, 42; Hansen, M., 26; Kolowski, 31; McDonnell, 5; Morfeld, 46; Quick, 35; Vargas, 7; Walz, 15.

A BILL FOR AN ACT relating to railroads; to require a train crew of at least two individuals as prescribed; to provide fines; and to provide duties for the Public Service Commission.

**LEGISLATIVE BILL 612.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to highways; to amend section 39-201.01, Reissue Revised Statutes of Nebraska, and sections 39-202 and 39-206, Revised Statutes Cumulative Supplement, 2018; to authorize the display of signs along roadways memorializing persons killed on Nebraska roadways as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 613.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1116, 77-2912, and 77-5208, Reissue Revised Statutes of Nebraska, and section 81-12,146, Revised Statutes Cumulative Supplement, 2018; to change application deadlines under the New Markets Job Growth Investment Act, the Nebraska Job Creation and Mainstreet Revitalization Act, and the Beginning Farmer Tax Credit Act; to state intent relating to appropriations; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 614.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-202, 77-693, 77-801, 77-1238, 77-1248, 77-2602, 77-2704.24, 77-2715.07, 77-2715.09, 77-2716, 77-2716.01, 77-2734.01, 79-1142, and 79-1145, Reissue Revised Statutes of Nebraska, and sections 53-160, 53-187, 79-1001, 79-1003, 79-1005.01, 79-1007.11, and 79-1017.01, Revised Statutes Cumulative Supplement, 2018; to increase an alcohol tax; to eliminate exemptions provided under the Personal Property Tax Relief Act; to increase the cigarette tax; to impose sales and use taxes on candy, soft drinks, and bottled water; to increase the earned income tax credit; to change provisions relating to certain extraordinary dividends and capital gains, certain small business corporation and limited liability company income, and itemized deductions; to provide for supplemental state aid, a property tax relief allowance, and increased allocated income tax funds under the Tax Equity and Educational Opportunities Support Act; to change provisions relating to reimbursement for special education; to require budget summaries as prescribed; to provide operative dates; to repeal the original
sections; and to declare an emergency.

**LEGISLATIVE BILL 615.** Introduced by Hilgers, 21.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.01, 77-2715.03, 77-2716, and 77-2734.02, Reissue Revised Statutes of Nebraska, and section 84-612, Revised Statutes Cumulative Supplement, 2018; to provide duties for the Tax Rate Review Committee; to reduce income tax rates as prescribed; to provide for certain transfers from the Cash Reserve Fund; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 616.** Introduced by Hilgers, 21.

A BILL FOR AN ACT relating to the Department of Transportation; to amend sections 39-1348, 39-2801, 39-2808, 39-2809, 39-2816, 39-2819, 39-2822, 39-2823, 73-101, 73-307, and 81-1102, Reissue Revised Statutes of Nebraska, and sections 39-2802 and 81-1701, Revised Statutes Cumulative Supplement, 2018; to define and redefine terms; to provide for build-finance projects under the Build Nebraska Act and the Transportation Innovation Act; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 617.** Introduced by Hilgers, 21.

A BILL FOR AN ACT relating to the Nebraska Telecommunications Regulation Act; to amend sections 86-101, 86-103, 86-123, 86-124, 86-143, and 86-144, Reissue Revised Statutes of Nebraska; to define terms; to change provisions relating to quality and rate regulation, nonregulated activities, local competition determination, and rate-list filing requirements; to eliminate rate-review provisions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 86-145, 86-146, 86-147, and 86-148, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 618.** Introduced by Hilgers, 21.

A BILL FOR AN ACT relating to elections; to amend section 32-1524, Reissue Revised Statutes of Nebraska; to define electioneering; to change and eliminate prohibited activities near polling places; and to repeal the original section.

**LEGISLATIVE BILL 619.** Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to insurance; to require coverage for mental health services delivered in a school or other educational setting as prescribed.

**LEGISLATIVE BILL 620.** Introduced by Kolowski, 31.
A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,179.01, Revised Statutes Cumulative Supplement, 2018; to provide for enforcement of the prohibition against using a handheld wireless communication device as a primary action; and to repeal the original section.

LEGISLATIVE BILL 621. Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to solar energy; to amend sections 66-901, 66-913, and 66-914, Reissue Revised Statutes of Nebraska; to restate findings; to change provisions relating to considerations for zoning regulations, ordinances, and comprehensive development plans; to prohibit certain restrictions relating to solar energy collection and use; to provide a cause of action; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 622. Introduced by Williams, 36.

A BILL FOR AN ACT relating to the Public Funds Deposit Security Act; to amend sections 77-2386, 77-2387, 77-2388, 77-2392, 77-2394, 77-2395, 77-2396, 77-2397, 77-2398, 77-2399, 77-23,100, 77-23,101, and 77-23,102, Reissue Revised Statutes of Nebraska; to define terms; to change provisions relating to securing deposits, setting deposit guaranty bond and securities values, designating duties, and default procedures; to provide for pooled collateral; to provide powers and duties for the Director of Banking and Finance; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 623. Introduced by Williams, 36.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.07, 77-5203, 77-5209, 77-5209.01, 77-5211, 77-5212, and 77-5213, Reissue Revised Statutes of Nebraska; to change provisions relating to tax credits under the Beginning Farmer Tax Credit Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 624. Introduced by Williams, 36.

A BILL FOR AN ACT relating to the Nebraska Craft Brewery Board; to amend section 53-502, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to terms of office; and to repeal the original section.

LEGISLATIVE BILL 625. Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Correctional Services.

LEGISLATIVE BILL 626. Introduced by Pansing Brooks, 28; Brewer, 43; Crawford, 45; Gragert, 40; Linehan, 39.
A BILL FOR AN ACT relating to veterans; to amend section 55-601, Revised Statutes Cumulative Supplement, 2018; to provide for the position of veterans' workforce development coordinator in the Department of Labor; to provide duties; to change provisions relating to the Commission on Military and Veteran Affairs; and to repeal the original section.

LEGISLATIVE BILL 627. Introduced by Pansing Brooks, 28; Hunt, 8; McCollister, 20; Morfeld, 46.

A BILL FOR AN ACT relating to discrimination; to amend sections 18-1724, 23-2525, 23-2531, 23-2541, 29-401, 48-215, 48-1101, 48-1104, 48-1105, 48-1106, 48-1107, 48-1113, 48-1115, 48-1122, 48-1124, 49-801, 81-1355, and 81-1356, Reissue Revised Statutes of Nebraska, and sections 48-628.13, 48-1111, 48-1117, and 48-1119, Revised Statutes Cumulative Supplement, 2018; to prohibit discrimination based upon sexual orientation and gender identity as prescribed; to define terms; to harmonize provisions; and to repeal the original sections.


A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Reissue Revised Statutes of Nebraska; to increase the earned income tax credit as prescribed; and to repeal the original section.

LEGISLATIVE BILL 629. Introduced by Pansing Brooks, 28; Hansen, M., 26; Howard, 9; Morfeld, 46; Wishart, 27.

A BILL FOR AN ACT relating to the Department of Health and Human Services; to require conditions for certain grant funding; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 630. Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-311.08, 28-367.01, 28-813.01, 28-1463.03, and 29-4003, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Cumulative Supplement, 2018; to change elements of, penalty provisions for, and defenses to offenses involving unlawful intrusion and sexually explicit conduct; to create the offense of sexual extortion; to define and redefine terms; to change applicability of certain provisions of and provide for a registrable offense under the Sex Offender Registration Act; to provide and change penalties; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 631. Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-901, Revised Statutes Supplement, 2017, as amended by section
1, Initiative Law 2018, No. 427, and section 2, Initiative Law 2018, No. 427; to state intent; to create the Medicaid Expansion Implementation Task Force; to provide powers and duties; to provide a termination date; and to repeal the original section.

LEGISLATIVE BILL 632. Introduced by Hughes, 44.

A BILL FOR AN ACT relating to regulation of water; to amend section 46-1011, Reissue Revised Statutes of Nebraska; to clarify a statutory reference relating to rural water districts; and to repeal the original section.

LEGISLATIVE BILL 633. Introduced by Wishart, 27.

A BILL FOR AN ACT relating to county government; to amend sections 23-348.01, 23-1503, 23-1513, and 23-1517.02, Reissue Revised Statutes of Nebraska, and section 23-1911, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to real property owner information available to the public; to repeal the original sections; and to outright repeal section 23-3211, Revised Statutes Cumulative Supplement, 2018.

LEGISLATIVE BILL 634. Introduced by Hilkemann, 4; Blood, 3; Briese, 41; DeBoer, 10; Dorn, 30; Gragert, 40; Hansen, B., 16; Howard, 9; Hunt, 8; Kolowski, 31; Kolterman, 24; Lindstrom, 18; Pansing Brooks, 28; Quick, 35; Stinner, 48; Walz, 15; Williams, 36; Wishart, 27.

A BILL FOR AN ACT relating to school buses; to require three-point safety belt systems as prescribed; and to state intent regarding liability.

LEGISLATIVE BILL 635. Introduced by Hilkemann, 4.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-105 and 53-106, Reissue Revised Statutes of Nebraska; to change provisions relating to membership of the Nebraska Liquor Control Commission; and to repeal the original sections.

LEGISLATIVE BILL 636. Introduced by Stinner, 48.

A BILL FOR AN ACT relating to political subdivisions; to create the Financial Condition of Counties and Municipalities Task Force; and to provide powers and duties.

LEGISLATIVE BILL 637. Introduced by Stinner, 48.

A BILL FOR AN ACT relating to the Nebraska Visitors Development Act; to amend sections 81-3701, 81-3711, and 81-3728, Revised Statutes Cumulative Supplement, 2018; to provide a duty for the Nebraska Tourism Commission; to authorize sales of tourism promotional products; to change provisions relating to vendor duties; to harmonize provisions; and to repeal the original sections.
LEGISLATIVE BILL 638. Introduced by Stinner, 48.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 77-4602, Reissue Revised Statutes of Nebraska; to change provisions relating to the transfer of excess General Fund net receipts to the Cash Reserve Fund; to provide a limit for such transfers; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 639. Introduced by Stinner, 48; Linehan, 39.

A BILL FOR AN ACT relating to workforce development; to adopt the H3 Careers Scholarship Act.

LEGISLATIVE BILL 640. Introduced by Howard, 9.

A BILL FOR AN ACT relating to education; to amend section 79-719, Reissue Revised Statutes of Nebraska; to include studies relative to the Holocaust and other acts of genocide in multicultural education provisions as prescribed; and to repeal the original section.

LEGISLATIVE BILL 641. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to the Telecommunications Relay System Act; to amend sections 86-301, 86-302, 86-303, 86-312, and 86-313, Reissue Revised Statutes of Nebraska; to restate intent; to define a term; to provide for grants for a 211 Informational and Referral Network; to change provisions relating to a surcharge and use of a fund; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 642. Introduced by McDonnell, 5; Cavanaugh, 6; Wishart, 27.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-7611, Reissue Revised Statutes of Nebraska; to adopt the Brain Injury Trust Fund Act; to create a fund; to change provisions relating to the Nebraska Health Care Cash Fund; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 643. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to emergency response personnel; to amend section 35-1001, Reissue Revised Statutes of Nebraska; to change provisions relating to death or disability prima facie evidence requirements for a firefighter or firefighter-paramedic as prescribed; and to repeal the original section.

LEGISLATIVE BILL 644. Introduced by McDonnell, 5.
A BILL FOR AN ACT relating to workforce diplomas; to amend section 48-611, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Workforce Diploma Act; to state intent relating to appropriations; and to declare an emergency.

LEGISLATIVE BILL 645. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend sections 44-32,180, 44-4726, 68-978, 68-979, 68-981, 68-982, 68-983, 68-985, 68-986, 68-987, 68-988, and 71-8506, Reissue Revised Statutes of Nebraska; to define and eliminate terms; to change references to intergovernmental transfer program and capitation payments and provide for a certified public expenditure program; to change department duties and powers as prescribed; to decrease an administration fee; to update federal references; to change a provision relating to managed care contracts; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 646. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to bail; to amend sections 14-603, 23-1808, 24-519, 25-1023, 25-10,101, 25-2730, 27-1101, 28-311.09, 29-428, 29-506, 29-901.02, 29-901.03, 29-901.04, 29-901.06, 29-902.01, 29-903, 29-904, 29-908, 29-909, 29-1201, 29-1605, 29-1606, 29-1811, 33-117, 42-929, 43-255, 44-3707, and 60-1307, Reissue Revised Statutes of Nebraska, and sections 25-1912, 28-311.11, 29-422, 29-901, 29-901.01, and 43-253, Revised Statutes Cumulative Supplement, 2018; to eliminate cash bail, appearance bonds, and related provisions; to change provisions relating to conditions of release and pretrial release agencies; to harmonize provisions; to repeal the original sections; and to outright repeal sections 29-901.05, 29-902, 29-905, 29-906, 29-907, 29-1105, 29-1106, 29-1107, 29-1108, 29-1109, 29-1110, and 60-686, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 647. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to schools; to amend sections 79-528 and 79-1003, Revised Statutes Cumulative Supplement, 2018; to change reporting requirements; to define and redefine terms; to include virtual school students in the calculation of aid under the Tax Equity and Educational Opportunities Support Act; to harmonize provisions; and to repeal the original sections.


A BILL FOR AN ACT relating to the Community Development Law; to amend section 77-1704.01, Reissue Revised Statutes of Nebraska, and sections 18-2101, 18-2115.01, 18-2117.01, 18-2117.04, and 18-2147, Revised Statutes Cumulative Supplement, 2018; to provide requirements for certain redevelopment plans; to change provisions relating to notices, record
retention, and tax-increment financing; to harmonize provisions; and to repeal the original sections.

**MOTION - Adopt Permanent Rules**

Senator Crawford renewed her motion, found on page 259 and in this day's Journal, to adopt the permanent rules for the One Hundred Sixth Legislature and any special sessions held during the 2019-2020 calendar year.

Senator Groene renewed his proposed rules change, found in this day's Journal, to Rule 3, Sec. 8.

Pending.

**BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 649.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the Medical Cannabidiol Pilot Study; to eliminate a termination date; and to outright repeal section 28-469, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 650.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to education; to amend sections 9-812 and 79-8,137.05, Revised Statutes Cumulative Supplement, 2018; to adopt the Teach for Nebraska Program Act; to change provisions relating to the Nebraska Education Improvement Fund and the Excellence in Teach Cash Fund; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 651.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the Community-based Juvenile Services Aid Program; to amend section 43-2404.02, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to funding; and to repeal the original section.

**LEGISLATIVE BILL 652.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to amend section 28-416, Revised Statutes Cumulative Supplement, 2018; to change a penalty for possession as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 653.** Introduced by Wayne, 13.
A BILL FOR AN ACT relating to public health; to amend section 76-2,120, Reissue Revised Statutes of Nebraska; to adopt the Healthy Kids Act; to require tests for lead-based hazards in housing; to require disclosures to buyers and tenants; to provide a duty for the State Real Estate Commission; to provide operative dates; and to repeal the original section.


A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-901, Revised Statutes Supplement, 2017, as amended by section 1, Initiative Law 2018, No. 427; to provide for a type 1 diabetes pilot study; and to repeal the original section.

LEGISLATIVE BILL 655. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to real property; to amend sections 34-101, 34-102, 34-103, 34-112, 34-112.01, and 34-301, Reissue Revised Statutes of Nebraska, and section 34-112.02, Revised Statutes Cumulative Supplement, 2018; to define a term; to change provisions relating to division fences and disputed corners and boundaries; and to repeal the original sections.

LEGISLATIVE BILL 656. Introduced by Wayne, 13.

LEGISLATIVE BILL 657. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to agriculture; to amend section 28-401, Revised Statutes Cumulative Supplement, 2018; to adopt the Nebraska Hemp Act; to define and redefine terms under the Uniform Controlled Substances Act; to repeal the original section; and to declare an emergency.


A BILL FOR AN ACT relating to the Nebraska Commission on Law Enforcement and Criminal Justice; to amend section 81-1425, Revised Statutes Cumulative Supplement, 2018; to prohibit the executive director of the commission from taking certain disciplinary actions as prescribed; to harmonize provisions; and to repeal the original section.


A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to amend section 28-467, Reissue Revised Statutes of Nebraska, and sections 28-401 and 28-405, Revised Statutes Cumulative Supplement, 2018; to define a term; to remove cannabidiol from the definition of marijuana; to remove cannabidiol from the list of controlled substances; to eliminate an affirmative defense to unlawful possession of marijuana; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 660. Introduced by Brewer, 43; Gragert, 40; Lowe, 37.

A BILL FOR AN ACT relating to the Livestock Brand Act; to amend section 54-192, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to the executive director and chief investigator of the Nebraska Brand Committee; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 661. Introduced by Friesen, 34.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.03, 77-2716, 77-2716.01, 77-2716.03, and 77-27132, Reissue Revised Statutes of Nebraska; to eliminate an inflation adjustment for income tax brackets; to change provisions relating to personal exemptions, an additional tax liability, and the distribution of certain income tax revenue; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 662. Introduced by Friesen, 34.

A BILL FOR AN ACT relating to Tax Equity and Educational Opportunities Support Act; to amend section 79-1001, Revised Statutes Cumulative Supplement, 2018; to provide a termination date; and to repeal the original section.
LEGISLATIVE BILL 663. Introduced by Friesen, 34.
A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-118, Reissue Revised Statutes of Nebraska; to change provisions relating to Nebraska adjusted basis; and to repeal the original section.

LEGISLATIVE BILL 664. Introduced by Friesen, 34.
A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2716, Reissue Revised Statutes of Nebraska; to provide for certain income tax deductions as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 665. Introduced by Friesen, 34.
A BILL FOR AN ACT relating to motor vehicles; to amend sections 28-109, 39-101, 60-121, 60-337, 60-478, 60-636, 60-676, 60-678, 60-6,142, 60-6,241, 60-6,351, 60-6,375, and 60-6,377, Reissue Revised Statutes of Nebraska, and sections 60-101, 60-123, 60-301, 60-339, 60-471, 60-4,182, 60-501, 60-601, 60-638, 60-639, 60-640, 60-680, 60-6,133, 60-6,144, 60-6,226, 60-6,349, and 60-6,376, Revised Statutes Cumulative Supplement, 2018; to authorize the use of electric foot scooters as prescribed; to define and redefine terms; to prescribe rights and duties under the Nebraska Rules of the Road; to provide regulatory powers to local authorities; to provide penalties; and to repeal the original sections.

LEGISLATIVE BILL 666. Introduced by Dorn, 30.
A BILL FOR AN ACT relating to the Nebraska Health Care Cash Fund; to amend section 71-7611, Reissue Revised Statutes of Nebraska; to provide for a transfer of funds; and to repeal the original section.

LEGISLATIVE BILL 667. Introduced by Vargas, 7; McDonnell, 5.
A BILL FOR AN ACT relating to employment training; to adopt the Youth Opportunities in Learning and Occupations Act.

LEGISLATIVE BILL 668. Introduced by Vargas, 7; Walz, 15.
A BILL FOR AN ACT relating to teachers; to adopt the Alternative Certification for Quality Teachers Act.

A BILL FOR AN ACT relating to the Nebraska Health Care Cash Fund; to amend section 71-7611, Reissue Revised Statutes of Nebraska; to provide for a transfer of funds; to state intent; and to repeal the original section.
LEGISLATIVE BILL 670. Introduced by Linehan, 39; Albrecht, 17; Halloran, 33; Koltzman, 24.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.07, 77-2717, and 77-2734.03, Reissue Revised Statutes of Nebraska; to adopt the Opportunity Scholarships Act; to provide for tax credits; to harmonize provisions; to provide an operative date; to provide for severability; and to repeal the original sections.

LEGISLATIVE BILL 671. Introduced by Linehan, 39.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1001 and 79-1017.01, Revised Statutes Cumulative Supplement, 2018; to provide for sparsity aid; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 672. Introduced by Clements, 2; Halloran, 33.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-387, Reissue Revised Statutes of Nebraska; to change provisions relating to proof of financial responsibility; and to repeal the original section.

LEGISLATIVE BILL 673. Introduced by Hilkemann, 4.

A BILL FOR AN ACT relating to the Nebraska Health Care Cash Fund; to amend section 71-7611, Reissue Revised Statutes of Nebraska; to provide for a transfer of funds; to state intent; and to repeal the original section.

LEGISLATIVE BILL 674. Introduced by Linehan, 39.

A BILL FOR AN ACT relating to school finance; to amend section 77-3446, Reissue Revised Statutes of Nebraska; to change the base limitation for school districts; and to repeal the original section.

LEGISLATIVE BILL 675. Introduced by Groene, 42.

calculations; to change provisions relating to the certification and distribution of state aid; to change provisions of the Special Education Act as prescribed; to eliminate obsolete provisions relating to special education; to adopt updated federal laws and regulations; to change grant provisions as prescribed; to change duties as prescribed; to change distance education and technology terminology; to eliminate a reporting requirement, expired state aid provisions, residential care placement requirements, special education waiver provisions, an outdated duty regarding the Education Innovation Fund, and funding provisions for the Interstate Compact on Educational Opportunity for Military Children; to harmonize provisions; to repeal the original sections; and to outright repeal sections 79-527, 79-1007.04, 79-1007.17, 79-1007.23, 79-1007.25, 79-1028.03, 79-1152, 79-1153, 79-1188, and 79-2206, Reissue Revised Statutes of Nebraska, and section 79-1008.02, Revised Statutes Cumulative Supplement, 2018.

LEGISLATIVE BILL 676. Introduced by Groene, 42.


LEGISLATIVE BILL 677. Introduced by Groene, 42.

A BILL FOR AN ACT relating to school finance; to amend sections 77-3442, 77-4209, 77-4210, and 77-4212, Reissue Revised Statutes of Nebraska, and sections 79-1001, 79-1003, 79-1008.01, and 79-1023, Revised Statutes Cumulative Supplement, 2018; to change provisions of the Property Tax Credit Act; to provide for school district property tax relief; to change the levy limitations for school districts; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 678. Introduced by Vargas, 7; Pansing Brooks, 28; Wishart, 27.
A BILL FOR AN ACT relating to appropriations; to create a fund; and to provide duties for the Department of Environmental Quality.

LEGISLATIVE BILL 679. Introduced by DeBoer, 10; Kolowski, 31.

A BILL FOR AN ACT relating to schools; to create and provide duties for the School Financing Review Commission; to state intent relating to appropriations; and to declare an emergency.

LEGISLATIVE BILL 680. Introduced by DeBoer, 10; Cavanaugh, 6; Hunt, 8.

A BILL FOR AN ACT relating to privacy; to adopt the Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act; to provide for applicability and construction; and to provide severability.

LEGISLATIVE BILL 681. Introduced by Hilgers, 21.

A BILL FOR AN ACT relating to the Legislature; to amend sections 50-406 and 50-407, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to legislative subpoenas; and to repeal the original sections.

LEGISLATIVE BILL 682. Introduced by Vargas, 7.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-101, 53-103, and 53-160, Revised Statutes Cumulative Supplement, 2018; to define a term; to provide for taxing spirits by proof gallon; to harmonize provisions; and to repeal the original sections.


A BILL FOR AN ACT relating to retirement; to amend sections 79-978.01 and 84-1503, Revised Statutes Cumulative Supplement, 2018; to provide for a work plan for terminated members to receive a lump sum payment in lieu of the deferred retirement allowance under the Class V School Employees Retirement Act; to require a report; to provide duties for the Public Employees Retirement Board; to create a fund; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 684. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 29-2268, Reissue Revised Statutes of Nebraska, and section 28-105, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to sentences of post-release supervision for Class IV felonies; to harmonize provisions; and to repeal the original sections.
LEGISLATIVE BILL 685. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to courts; to prohibit denying or delaying a remedy by due course of law as prescribed.

LEGISLATIVE BILL 686. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to the Correctional System Overcrowding Emergency Act; to amend section 83-961, Reissue Revised Statutes of Nebraska, and section 83-962, Revised Statutes Cumulative Supplement, 2018; to change and eliminate definitions; to change provisions relating to declarations of correctional system overcrowding emergencies; to provide a duty for the Governor; and to repeal the original sections.

LEGISLATIVE BILL 687. Introduced by Vargas, 7.

A BILL FOR AN ACT relating to elections; to amend sections 32-202, 32-307, 32-308, 32-315, 32-1002, 32-1506, and 60-4,130.02, Reissue Revised Statutes of Nebraska, and sections 32-312, 60-484, 60-484.02, 60-4,130, and 60-4,144, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to registering to vote; to change penalty provisions; to eliminate obsolete provisions; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal section 32-309, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 688. Introduced by Cavanaugh, 6; Blood, 3; Dorn, 30; Geist, 25; Howard, 9; Hunt, 8; Kolterman, 24; Linehan, 39; McDonnell, 5; Murman, 38; Slama, 1; Walz, 15; Williams, 36.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 85-1806, Reissue Revised Statutes of Nebraska; to provide for contributions to the Nebraska educational savings plan trust from income tax refunds as prescribed; to provide powers and duties for the Tax Commissioner and State Treasurer; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 689. Introduced by Cavanaugh, 6.

A BILL FOR AN ACT relating to real estate; to amend sections 20-317, 20-318, 20-320, 20-321, and 76-1495, Reissue Revised Statutes of Nebraska; to prohibit discrimination by a seller or landlord on the basis of sexual orientation, gender identity, and citizenship status in any real estate transaction or lease; and to repeal the original sections.

LEGISLATIVE BILL 690. Introduced by Cavanaugh, 6.

A BILL FOR AN ACT relating to treatment and corrections; to adopt the Healthy Pregnancies for Incarcerated Women Act.
LEGISLATIVE BILL 691. Introduced by Cavanaugh, 6.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 37-201, 60-301, 60-393, 60-395, 60-396, 60-3,104, and 60-3,130.04, Revised Statutes Cumulative Supplement, 2018; to provide for Ornate Box Turtle Conservation Plates; to create a fund; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 692. Introduced by Cavanaugh, 6.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-607, Reissue Revised Statutes of Nebraska; to change provisions relating to commemorative certificates for nonviable birth as prescribed; and to repeal the original section.

LEGISLATIVE BILL 693. Introduced by Halloran, 33; Albrecht, 17; Bostelman, 23; Brandt, 32; Briese, 41; Clements, 2; Gragert, 40; Hansen, B., 16; Hil kemann, 4; Kolowski, 31; Kolterman, 24; Linehan, 39; Lowe, 37; McDonnell, 5; Murman, 38; Stinner, 48; Williams, 36.

A BILL FOR AN ACT relating to telecommunications; to prohibit the selling, renting, or conveying of telephone numbers as prescribed; to Adopt the Neighbor Spoofing Protection Act; and to provide a civil penalty.

LEGISLATIVE BILL 694. Introduced by Vargas, 7.

A BILL FOR AN ACT relating to the Nebraska Affordable Housing Act; to amend section 58-707, Reissue Revised Statutes of Nebraska; to change requirements relating to matching funds; and to repeal the original section.

LEGISLATIVE BILL 695. Introduced by Groene, 42; Albrecht, 17; Brewer, 43; Briese, 41; Clements, 2; Geist, 25; Linehan, 39.

A BILL FOR AN ACT relating to school finance; to amend sections 77-3442, 77-3446, 77-4209, 77-4212, and 79-1025, Reissue Revised Statutes of Nebraska, and sections 79-1001, 79-1003, 79-1005.01, 79-1007.11, 79-1007.18, 79-1008.01, 79-1009, 79-1015.01, 79-1016, 79-1017.01, 79-1022, 79-1022.02, 79-1023, 79-1027, and 79-1031.01, Revised Statutes Cumulative Supplement, 2018; to change levy limits as prescribed; to change the base limitation rate as prescribed; to change the use of funds under the Property Tax Credit Act as prescribed; to change provisions relating to the Tax Equity and Educational Opportunities Support Act; to define and redefine terms; to provide for the calculation of an inflation rate; to terminate allocated income tax funds as prescribed; to provide for foundation aid; to terminate the averaging adjustment as prescribed; to change net option funding as prescribed; to change provisions relating to the local effort rate and local effort rate yield as prescribed; to change the determination and certification dates relating to distribution of aid, certification of certain budget limitations, and duties of the
Appropriations Committee of the Legislature as prescribed; to harmonize provisions; to eliminate obsolete provisions relating to the minimum levy adjustment; to repeal the original sections; to outright repeal section 79-1008.02, Revised Statutes Cumulative Supplement, 2018; and to declare an emergency.

LEGISLATIVE BILL 696. Introduced by Bostelman, 23; Blood, 3; Brewer, 43; Gragert, 40; McDonnell, 5.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-3,122.03, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to Military Honor Plates; and to repeal the original section.

LEGISLATIVE BILL 697. Introduced by Bostelman, 23; Briese, 41; Gragert, 40; Halloran, 33.

A BILL FOR AN ACT relating to the Motor Vehicle Registration Act; to amend section 60-3,102, Reissue Revised Statutes of Nebraska, and sections 60-3,122, 60-3,122.02, 60-3,122.04, 60-3,123, 60-3,124, and 60-3,125, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to fees for Pearl Harbor plates, Gold Star Family plates, Military Honor plates, prisoner-of-war plates, disabled veteran plates, and Purple Heart plates; and to repeal the original sections.

LEGISLATIVE BILL 698. Introduced by Bostelman, 23.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,304, Revised Statutes Cumulative Supplement, 2018; to change load provisions and penalties for commercial motor vehicles and commercial trailers; to define terms; and to repeal the original section.

LEGISLATIVE BILL 699. Introduced by Bostelman, 23.

A BILL FOR AN ACT relating to the Motor Vehicle Registration Act; to amend section 60-378, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to transporter plates; and to repeal the original section.

LEGISLATIVE BILL 700. Introduced by Bostelman, 23.

A BILL FOR AN ACT relating to wind energy; to amend sections 66-901, 66-902, and 72-272, Reissue Revised Statutes of Nebraska; to provide decommissioning and reclamation requirements; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 701. Introduced by Bostelman, 23.

A BILL FOR AN ACT relating to the Emergency Medical Services Practice
Act; to amend section 38-1201, Revised Statutes Cumulative Supplement, 2018; to require transmission of a request for payment; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 702. Introduced by Cavanaugh, 6.

A BILL FOR AN ACT relating to education; to adopt the Campus Safety Act.

LEGISLATIVE BILL 703. Introduced by Vargas, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Nebraska Commission on Law Enforcement and Criminal Justice.

LEGISLATIVE BILL 704. Introduced by McCollister, 20.

A BILL FOR AN ACT relating to state government; to state findings and intent; to define a term; to provide requirements regarding energy purchases for state-owned buildings; to initiate a request for proposals for renewable energy; to provide for a study relating to state vehicles; to require reports; and to declare an emergency.

LEGISLATIVE BILL 705. Introduced by Murman, 38.

A BILL FOR AN ACT relating to the achieving a better life experience program; to amend section 77-1403, Reissue Revised Statutes of Nebraska; to provide for distribution of accounts upon death; and to repeal the original section.

LEGISLATIVE BILL 706. Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to the Class V School Employees Retirement Act; to amend section 79-9,103, Revised Statutes Cumulative Supplement, 2018; to authorize a freeze of cost-of-living adjustments for one year as prescribed; and to repeal the original section.

LEGISLATIVE BILL 707. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to the Tax Equalization and Review Commission; to amend section 77-5015.02, Reissue Revised Statutes of Nebraska; to authorize the commission to hold certain hearings by videoconference and telephone conference; and to repeal the original section.

LEGISLATIVE BILL 708. Introduced by Brandt, 32.

A BILL FOR AN ACT relating to decedents' estates; to adopt the Uniform Partition of Heirs Property Act; and to provide for applicability and construction.
LEGISLATIVE BILL 709. Introduced by Cavanaugh, 6; Albrecht, 17; Blood, 3; Bolz, 29; Crawford, 45; DeBoer, 10; Geist, 25; Howard, 9; Hunt, 8; Linehan, 39; Slama, 1; Walz, 15; Wishart, 27.

A BILL FOR AN ACT relating to the Nebraska State Capitol Preservation and Restoration Act; to amend section 72-2201, Reissue Revised Statutes of Nebraska; to provide for a place to express breast milk in the State Capitol; and to repeal the original section.

LEGISLATIVE BILL 710. Introduced by Cavanaugh, 6.

A BILL FOR AN ACT relating to tobacco; to amend sections 28-1418, 28-1418.01, 28-1419, 28-1420, 28-1421, 28-1423, 28-1424, 28-1425, 28-1427, 28-1429.01, 28-1429.02, 28-1429.03, 71-801, 71-7611, 77-2601, 77-2602, 77-4001, 77-4007, and 77-4008, Reissue Revised Statutes of Nebraska; to change provisions relating to the sale of tobacco under the Nebraska Criminal Code; to increase and change tobacco taxes as prescribed; to provide for and change the distribution of certain funds; to create a fund and provide for its use; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 711. Introduced by Cavanaugh, 6; Chambers, 11.

A BILL FOR AN ACT relating to elections; to amend sections 29-112, 29-113, 32-313, and 32-1530, Reissue Revised Statutes of Nebraska, and sections 29-2264, 32-312, and 83-1,118, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to voting qualifications for any person convicted of a felony; and to repeal the original sections.

LEGISLATIVE BILL 712. Introduced by Friesen, 34.

A BILL FOR AN ACT relating to government; to amend sections 13-801 and 13-2501, Reissue Revised Statutes of Nebraska; to prohibit joint entities formed under the Interlocal Cooperation Act and joint public agencies formed under the Joint Public Agency Act from taking action against members or representatives for engaging in free speech as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 713. Introduced by Vargas, 7.

A BILL FOR AN ACT relating to the Legislature; to amend section 50-419, Reissue Revised Statutes of Nebraska; to state findings; to provide duties for the Legislative Fiscal Analyst; and to repeal the original section.

LEGISLATIVE BILL 714. Introduced by Crawford, 45; McCollister, 20.

A BILL FOR AN ACT relating to job training; to amend section 77-2756, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Industrial New
Job-training Act; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 715.** Introduced by Hilkemann, 4.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the University of Nebraska for a medicaid research center.

**LEGISLATIVE BILL 716.** Introduced by Hilkemann, 4.

A BILL FOR AN ACT relating to public health; to amend section 81-666, Reissue Revised Statutes of Nebraska, and section 68-901, Revised Statutes Supplement, 2017, as amended by section 1, Initiative Law 2018, No. 427; to create the Medicaid Cost and Quality Data and Analysis Center of Nebraska; to provide duties relating to funding; to provide for an approved researcher; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 717.** Introduced by Brewer, 43.

A BILL FOR AN ACT relating to state contracts for services; to amend sections 73-501, 73-502, and 73-506, Reissue Revised Statutes of Nebraska; to restate intent; to redefine a term; to provide requirements for use of computers under certain contracts as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 718.**Introduced by Hunt, 8.

A BILL FOR AN ACT relating to elections; to amend section 32-101, Revised Statutes Cumulative Supplement, 2018; to provide for additional polling places prior to an election in certain counties; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 719.** Introduced by Hughes, 44.

A BILL FOR AN ACT relating to the Motor Vehicles Certificate of Title Act; to amend section 60-169, Revised Statutes Cumulative Supplement, 2018; to require the reporting of certain information related to certificates of title; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 720.** Introduced by Kolterman, 24; Albrecht, 17; Arch, 14; Geist, 25; Halloran, 33; Hilgers, 21; Hilkemann, 4; Hunt, 8; Kolowski, 31; La Grone, 49; Lathrop, 12; Lindstrom, 18; Lowe, 37; McDonnell, 5; Morfeld, 46; Pansing Brooks, 28; Quick, 35; Scheer, 19; Slama, 1; Stinner, 48; Williams, 36; Wishart, 27.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 66-1344, 77-202, 77-1229, 77-2711, 77-27,119, 77-27,144, 77-5725, 77-5905, and 81-125, Reissue Revised Statutes of Nebraska, and sections 18-2119, 18-2710.03, 49-801.01, 50-1209, 84-602.03, and 84-612, Revised Statutes Cumulative Supplement, 2018; to adopt the ImagiNE Nebraska
Act; to change provisions relating to sales and use tax refunds; to stop accepting applications under the Nebraska Advantage Act; to provide for transfers from the Cash Reserve Fund; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.

**MOTION - Adopt Permanent Rules**

Senator Crawford renewed her motion, found on page 259 and in this day's Journal, to adopt the permanent rules for the One Hundred Sixth Legislature and any special sessions held during the 2019-2020 calendar year.

Senator Groene renewed his proposed rules change, found in this day's Journal, to Rule 3, Sec. 8.

Senator Groene moved for a call of the house. The motion prevailed with 35 ayes, 1 nay, and 13 not voting.

Senator Groene requested a roll call vote on the proposed rules change.

Voting in the affirmative, 22:

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<tr>
<th>Albrecht</th>
<th>Clements</th>
<th>Groene</th>
<th>Lindstrom</th>
<th>Scheer</th>
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<tr>
<td>Arch</td>
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Voting in the negative, 25:

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<tr>
<th>Blood</th>
<th>Crawford</th>
<th>Howard</th>
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<th>Vargas</th>
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<tr>
<td>Bolz</td>
<td>DeBoer</td>
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<td>Cavanaugh</td>
<td>Hansen, M.</td>
<td>Kolowski</td>
<td>Quick</td>
<td>Williams</td>
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<td>Chambers</td>
<td>Hilkemann</td>
<td>Kolterman</td>
<td>Stinner</td>
<td>Wishart</td>
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</table>

Excused and not voting, 2:

McCollister  Morfeld

The Groene proposed rules change lost with 22 ayes, 25 nays, and 2 excused and not voting.

The Chair declared the call raised.

The Crawford motion to adopt permanent rules, as amended, prevailed with 36 ayes, 9 nays, 2 present and not voting, and 2 excused and not voting.
BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 721. Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to firefighters; to amend section 16-1031, Reissue Revised Statutes of Nebraska; to provide for eligibility for group health insurance or other insurance coverage to disabled firefighters and surviving spouses and dependents of deceased firefighters as prescribed; and to repeal the original section.

LEGISLATIVE BILL 722. Introduced by Albrecht, 17; Clements, 2.

A BILL FOR AN ACT relating to the Nebraska County and City Lottery Act; to amend sections 9-607 and 9-649, Reissue Revised Statutes of Nebraska, and sections 9-601 and 9-603, Revised Statutes Cumulative Supplement, 2018; to define and redefine terms; to authorize seizure of gray devices; to provide a penalty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 723. Introduced by Vargas, 7; Blood, 3; Wayne, 13.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-160, Revised Statutes Cumulative Supplement, 2018; to change taxes on manufacturers and wholesalers; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 724. Introduced by Vargas, 7; Cavanaugh, 6; Pansing Brooks, 28; Wayne, 13; Wishart, 27.

A BILL FOR AN ACT relating to the Nebraska Advantage Act; to amend sections 77-5701, 77-5723, and 77-5731, Reissue Revised Statutes of Nebraska; to state findings; to provide requirements for boards of directors in order to qualify for incentives; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 725. Introduced by Walz, 15; Cavanaugh, 6; Crawford, 45; Kolowski, 31; McDonnell, 5; Morfeld, 46; Pansing Brooks, 28; Quick, 35; Wishart, 27.

A BILL FOR AN ACT relating to schools; to amend sections 79-1007.13 and 79-1018.01, Revised Statutes Cumulative Supplement, 2018; to state findings; to provide for reimbursements for mental health expenditures; to state intent for appropriations; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 726. Introduced by Walz, 15.
A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-901, Revised Statutes Supplement, 2017, as amended by section 1, Initiative Law 2018, No. 427, and section 2, Initiative Law 2018, No. 427; to require a protocol for individuals eligible for medical parole; and to repeal the original section.

LEGISLATIVE BILL 727. Introduced by Walz, 15; Hilkemann, 4; Kolowski, 31; Linehan, 39; Pansing Brooks, 28; Wishart, 27.

A BILL FOR AN ACT relating to schools; to provide duties for school districts, the State Department of Education, and the Department of Health and Human Services with respect to mental health services.

LEGISLATIVE BILL 728. Introduced by Walz, 15.

A BILL FOR AN ACT relating to schools; to amend section 79-10,138, Reissue Revised Statutes of Nebraska; to provide duties for the State Department of Education and school districts relating to school meals as prescribed; and to repeal the original section.

LEGISLATIVE BILL 729. Introduced by Walz, 15.

A BILL FOR AN ACT relating to agriculture; to adopt the Soil Health and Productivity Incentive Act; and to provide an operative date.

LEGISLATIVE BILL 730. Introduced by Walz, 15.

LEGISLATIVE BILL 731. Introduced by Hunt, 8.

A BILL FOR AN ACT relating to municipalities; to amend sections 14-403.01, 15-1102, and 19-903, Reissue Revised Statutes of Nebraska; to change provisions relating to new or updated comprehensive plans; and to repeal the original sections.

LEGISLATIVE BILL 732. Introduced by Vargas, 7; Blood, 3.

A BILL FOR AN ACT relating to food; to amend section 81-2,270, Revised Statutes Cumulative Supplement, 2018; to adopt the Mobile Food Unit Act; to change provisions relating to fees; and to repeal the original section.

LEGISLATIVE BILL 733. Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to the Election Act; to amend sections 32-904 and 32-907, Reissue Revised Statutes of Nebraska, and section 32-101, Revised Statutes Cumulative Supplement, 2018; to provide and change requirements for polling places; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 734. Introduced by Hunt, 8.

A BILL FOR AN ACT relating to the Nebraska Liquor Control act; to amend sections 53-101, 53-117, 53-117.07, 53-123, 53-124, 53-124.01, 53-125, and 53-130, Revised Statutes Cumulative Supplement, 2018; to provide for licensure for charter bus services; to provide for procedures and fees; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 735. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to the Department of Health and Human Services; to provide a duty.

LEGISLATIVE BILL 736. Introduced by Murman, 38; Halloran, 33.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 18-1208 and 77-27,223, Reissue Revised Statutes of Nebraska, and sections 14-109, 15-203, 16-205, and 17-525, Revised Statutes Cumulative Supplement, 2018; to provide restrictions on occupation taxes, license fees, and regulation as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 737. Introduced by Vargas, 7.

A BILL FOR AN ACT relating to the Nebraska Affordable Housing Act; to amend section 58-711, Revised Statutes Cumulative Supplement, 2018; to change requirements for an annual status report relating to the Affordable Housing Trust Fund; and to repeal the original section.
LEGISLATIVE BILL 738. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.03 and 77-2716, Reissue Revised Statutes of Nebraska; to change individual income tax brackets and rates; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 739. Introduced by Vargas, 7; Wayne, 13.

A BILL FOR AN ACT relating to treatment and corrections; to amend sections 83-4,109, 83-4,110, 83-4,111, 83-4,113, 83-4,115, and 83-4,123, Reissue Revised Statutes of Nebraska, and sections 25-3401, 83-170, 83-173.03, 83-4,114, and 83-4,114.01, Revised Statutes Cumulative Supplement, 2018; to name the Adult Institutions Disciplinary Procedures Act; to define terms; to change and eliminate provisions relating to solitary confinement, restrictive housing, and disciplinary segregation; to prohibit placement of members of vulnerable populations in restrictive housing as prescribed; to provide procedures and requirements for decisions regarding placement in restrictive housing and for appeals of such decisions; to require the Department of Correctional Services to adopt rules and regulations; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; to outright repeal section 83-173.02, Revised Statutes Cumulative Supplement, 2018; and to declare an emergency.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 13. Introduced by Murman, 38; Albrecht, 17; Blood, 3; Briese, 41; Dorn, 30; Gragert, 40; Halloran, 33; Lowe, 37.

WHEREAS, milk is a standardized food, described in 21 C.F.R. part 131.110(a) as the lacteal secretion, practically free of colostrum, obtained by the complete milking of one or more healthy cows; and

WHEREAS, further standards of identity have long been promulgated for cultured milk, yogurt, butter, ice cream, cheese, and cheese-related products under the Federal Food, Drug, and Cosmetic Act and regulations of the federal Food and Drug Administration that require milk or cream as an essential and characteristic element of the product; and

WHEREAS, there has been an emergence and expansion of plant-based products labeled with names that include the names of dairy foods such as milk, cultured milk, and cheese that are often sold in packaging mimicking that of real dairy counterparts and often sold adjacent to the dairy display in retail stores; and

WHEREAS, such milk analog products may not have the same basic nature and characterizing composition as real dairy counterparts and differ in physical properties, nutritional composition, flavor characteristics, and shelf life such that they are not suitable dairy substitutes, and, except for fortified soy beverages, do not meet the recommendation for dairy food group intake in the 2015-2020 Dietary Guidelines for Americans published...
by the United States Department of Agriculture and the United States
Department of Health and Human Services; and

WHEREAS, consumer demand for such plant-based dairy analog products
is in part derived from cultivating consumer perceptions that falsely equate
such products compositionally, nutritionally, and functionally with real
dairy products by utilization of the term "milk" and other standardized dairy
product terms in non-dairy product names; and

WHEREAS, such change in perception is eroding the market distinction
and the unique cultural, dietary, historical, and culinary values consumers
associate with high-quality dairy products supplied by America's dairy
farmers; and

WHEREAS, the Food and Drug Administration has initiated a review of
labeling issues associated with the use of milk and other dairy terms with
standardized definitions in the names of products that are derived from non-
dairy sources in Docket ID FDA-2018-N-3522-0001 and has invited
comments regarding how consumers understanding, perception, purchase
practices, and consumption of plant-based milk analog products is
influenced by the use of milk and other standardized dairy terms when used
to identify non-dairy products; and

WHEREAS, the Legislature of North Carolina during its 2018 session
became the first state legislature to enact legislation through passage of
SB711 which directs the North Carolina Department of Agriculture to
prepare regulations and enforcement policies to address mislabeling of
plant-based milk analog products as milk and to implement such regulations
when at least ten other states pass similar legislation; and

WHEREAS, additional states may consider similar legislation in the
absence of clear federal direction and enforcement of identity standards for
milk and dairy products.

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

1. That the Legislature urges the appropriate federal agencies of the
United States Government responsible for food labeling to:
   a. Establish and enforce standards for nomenclature of plant-based
      imitation milk and dairy food products that are truthful, not misleading, and
      sufficient to differentiate non-dairy derived beverages and food products
      from milk and dairy products that conform to the standard of identity in 21
      C.F.R. part 131 and 21 C.F.R. part 133;
   b. Enforce product labeling and statements of product identity that
      exclusively reserve the use of the term "milk" and dairy product terms such as
      "yogurt", "butter", "ice cream", and "cheese" to products derived from
      real dairy origin that conform to the standards of identity in 21 C.F.R. parts
      131, 133, and 135 and the Federal Food, Drug, and Cosmetic Act; and
   c. Ensure certainty and consistency in regulation between traditional dairy
      milk and other real dairy products from plant-based beverages and other
      imitation dairy products to avoid market distortion.

2. That a copy of this resolution be sent to President Donald J. Trump,
Commissioner of Food and Drugs of the United States Department of Health
and Human Services Scott Gottlieb, M.D., United States Secretary of
Agriculture George E. (Sonny) Perdue, III, and to each member of Nebraska's congressional delegation.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR13 was referred to the Reference Committee.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 14CA. Introduced by Wayne, 13.

THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2020, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VIII, section 12:

VIII-12 For the purpose of rehabilitating, acquiring, or redeveloping substandard and blighted property in a redevelopment project as determined by law, any city or village of the state may, notwithstanding any other provision in the Constitution, and without regard to charter limitations and restrictions, incur indebtedness, whether by bond, loans, notes, advance of money, or otherwise. Notwithstanding any other provision in the Constitution or a local charter, such cities or villages may also pledge for and apply to the payment of the principal, interest, and any premium on such indebtedness all taxes levied by all taxing bodies, which taxes shall be at such rate for a period not to exceed fifteen years, on the assessed valuation of the property in the project area portion of a designated blighted and substandard area that is in excess of the assessed valuation of such property for the year prior to such rehabilitation, acquisition, or redevelopment. Cities and villages may pledge such taxes for a period not to exceed fifteen years, except that the Legislature may allow cities and villages to pledge such taxes for a period not to exceed twenty years if more than one-half of the property in the project area is designated as extremely blighted.

When such indebtedness and the interest thereon have been paid in full, such property thereafter shall be taxed as is other property in the respective taxing jurisdictions and such taxes applied as all other taxes of the respective taxing bodies.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to authorize the Legislature to allow cities and villages to pledge property taxes as part of a redevelopment project for a period not to exceed twenty years if more than one-half of the property in the project area is extremely blighted.

For
LEGISLATIVE RESOLUTION 15. Introduced by Pansing Brooks, 28.

WHEREAS, according to the Nebraska Chamber of Commerce and local chambers of commerce across the state, workforce development is the top concern of business leaders today; and
WHEREAS, Nebraska continually has one of the lowest unemployment rates in the nation, which presents unique challenges for Nebraska businesses looking to attract and retain skilled workers.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Executive Board of the Legislative Council appoint a special committee of the Legislature to be known as the Workforce Development Committee of the Legislature. The committee shall consist of ten members of the Legislature appointed by the Executive Board with two members from the Appropriations Committee, two members from the Revenue Committee, two members from the Business and Labor Committee, two members from the Education Committee, and two members from the Government, Military and Veterans Affairs Committee. The committee members shall elect a chairperson and meet at the call of the chairperson. The Executive Board shall provide the committee with a legal counsel, committee clerk, and other staff as required by the committee from existing legislative staff.
2. The Workforce Development Committee of the Legislature is hereby authorized to study (a) incentives to promote the creation and retention of workers in the state, including, but not limited to, transportation, housing, and civic vitality, (b) initiatives necessary for the recruitment and retention of people in specific communities, including veterans and college graduates, (c) college loan forgiveness as a tool to recruit and retain young people, and (d) the role workforce issues play in incentivizing employers to create and keep jobs in Nebraska. The committee shall issue a report electronically with its findings and recommendations to the Executive Board of the Legislative Council on or before December 31, 2019. The Workforce Development Committee of the Legislature shall terminate on December 31, 2019.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR15 was referred to the Reference Committee.
COMMITTEE REPORT(S)
Banking, Commerce and Insurance

LEGISLATIVE BILL 12. Placed on General File.
LEGISLATIVE BILL 26. Placed on General File.
LEGISLATIVE BILL 77. Placed on General File.

LEGISLATIVE BILL 49. Placed on General File with amendment.
AM9
1 1. On page 3, line 30, strike "and".
2 2. On page 4, line 11, after "conflict" insert "; and
3 (l) Such owners who are natural persons shall actively participate
4 in the firm if such owners are direct owners, or shall actively
5 participate in the partnership, limited liability company, or corporation
6 through which the natural person has beneficial ownership of the firm".

(Signed) Matt Williams, Chairperson

NOTICE OF COMMITTEE HEARING(S)
Revenue
Room 1524

Wednesday, January 30, 2019 1:30 p.m.
LB134
LB185
LB250
LB372

(Signed) Lou Ann Linehan, Chairperson

Natural Resources
Room 1525

Wednesday, January 30, 2019 1:30 p.m.
LB302

Thursday, January 31, 2019 1:30 p.m.
LB307

(Signed) Dan Hughes, Chairperson
Visitors to the Chamber were members from the Nebraska Cattlemen Young Cattlemen's Group from across the state; Bob and Joyce Forch from Stratton; and former Senator Lee Rupp from Monroe.
The Doctor of the Day was Dr. Michael Keralis from Lincoln.

**ADJOURNMENT**

At 12:01 p.m., on a motion by Senator Briese, the Legislature adjourned until 10:00 a.m., Thursday, January 24, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature
ELEVENTH DAY - JANUARY 24, 2019

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

ELEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 24, 2019

PRAYER

The prayer was offered by Reverend Rich Sheridan, Bethel Lutheran Church, Omaha.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Foley presiding.

The roll was called and all members were present except Senator Walz who was excused; and Senators McCollister and Vargas who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the tenth day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

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LB586  Appropriations
LB587  Appropriations
LB588  Education
LR12CA  Executive Board

(Signed) Mike Hilgers, Chairperson
Executive Board
NOTICE OF COMMITTEE HEARING(S)
Judiciary
Warner Chamber

Thursday, January 31, 2019 1:30 p.m.

LB93
LB219

Thursday, January 31, 2019 1:30 p.m.

LB388 (cancel)
LB389 (cancel)

(Signed) Steve Lathrop, Chairperson

RESOLUTION(S)
Pursuant to Rule 4, Sec. 5(b), LR10 was adopted.

PRESIDENT SIGNED
While the Legislature was in session and capable of transacting business, the President signed the following: LR10.

GENERAL FILE

LEGISLATIVE BILL 1. Title read. Considered.
Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 2. Title read. Considered.
Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 3. Title read. Considered.
Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

MOTION(S) - Withdraw LB14

Senator Blood offered her motion, MO3, found on page 279, to withdraw LB14.

The Blood motion to withdraw the bill prevailed with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.
NOTICE OF COMMITTEE HEARING(S)
Government, Military and Veterans Affairs
Room 1507

Thursday, January 31, 2019 1:30 p.m.
LB189
LB373
LB406
LB505

(Signed) Tom Brewer, Chairperson

Revenue
Room 1524

Thursday, January 31, 2019 1:30 p.m.
LB18
LB284
LB291
LB512

Revenue
Room 1524

Friday, February 1, 2019 1:30 p.m.
LB222
LB266
LB272
LB288
LB289
LB290

(Signed) Lou Ann Linehan, Chairperson

COMMITTEE REPORT(S)
Urban Affairs

LEGISLATIVE BILL  67. Placed on General File.
LEGISLATIVE BILL 193. Placed on General File.
LEGISLATIVE BILL 194. Placed on General File.
LEGISLATIVE BILL 196. Placed on General File.

(Signed) Justin Wayne, Chairperson
Transportation and Telecommunications

LEGISLATIVE BILL  79. Placed on General File.
LEGISLATIVE BILL  82. Placed on General File.
LEGISLATIVE BILL  117. Placed on General File.
LEGISLATIVE BILL  190. Placed on General File.

(Signed) Curt Friesen, Chairperson

ANNOUNCEMENT(S)

The Rules Committee elected Senator Erdman as Vice Chairperson.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Crawford name added to LB6.
Senator Crawford name added to LB12.
Senator Cavanaugh name added to LB44.
Senator Hunt name added to LB50.
Senator Blood name added to LB61.
Senator Albrecht name added to LB77.
Senator Crawford name added to LB115.
Senator Crawford name added to LB138.
Senator Cavanaugh name added to LB154.
Senator DeBoer name added to LB154.
Senator Quick name added to LB163.
Senator Cavanaugh name added to LB210.
Senator Briese name added to LB227.
Senator Hunt name added to LB252.
Senator Blood name added to LB323.
Senator Briese name added to LB343.
Senator Morfeld name added to LB424.
Senator Kolowski name added to LB439.
Senator Blood name added to LB439.
Senator Kolterman name added to LB497.
Senator M. Hansen name added to LB573.
Senator Williams name added to LB594.
Senator Briese name added to LB594.
Senator Brandt name added to LB594.
Senator Blood name added to LB611.
Senator Pansing Brooks name added to LB709.
Senator Blood name added to LB715.
Senator Morfeld name added to LB724.
VISITOR(S)

Visitors to the Chamber were members Mike McCabe and Tim Anderson from The Council of State Governments; Moriah Locklear from Lincoln; and students and teacher from Beatrice Public Schools.

The Doctor of the Day was Dr. Aaron Lanik from Wahoo.

ADJOURNMENT

At 10:34 a.m., on a motion by Senator Slama, the Legislature adjourned until 9:00 a.m., Friday, January 25, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
PRAYER
The prayer was offered by Pastor Scott Krohn, Living Word Lutheran Church, Seward.

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 McDonnell and Walz who were excused; and Senators Cavanaugh, La Grone, Morfeld, Scheer, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL
The Journal for the eleventh day was approved.

REFERENCE COMMITTEE REPORT
The Legislative Council Executive Board submits the following report:

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LB697 Transportation and Telecommunications
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LB699 Transportation and Telecommunications
LB700 Natural Resources
LB701 Health and Human Services
LB702 Education
LB703 Appropriations
LB704 Government, Military and Veterans Affairs
LB705 Revenue
LB706 Nebraska Retirement Systems
LB707 Revenue
LB708 Judiciary
LB709 Government, Military and Veterans Affairs
LB710 Revenue
LB711 Government, Military and Veterans Affairs
LB712 Judiciary
LB713 Executive Board
LB714 Revenue
LB715 Appropriations
LB716 Health and Human Services
LB717 Government, Military and Veterans Affairs
LB718 Government, Military and Veterans Affairs
LB719 Transportation and Telecommunications
LB720 Revenue
LB721 Urban Affairs
LB722 General Affairs
LB723 General Affairs
LB724 Revenue
LB725 Education
LB726 Health and Human Services
LB727 Education
LB728 Education
LB729 Agriculture
LB730 Health and Human Services
LB731 Urban Affairs
LB732 Agriculture
LB733 Government, Military and Veterans Affairs
LB734 General Affairs
LB735 Health and Human Services
LB736 Government, Military and Veterans Affairs
LB737 Appropriations
LB738 Revenue
LB739 Judiciary
LR13 Agriculture
LR14CA Urban Affairs
LR15 Executive Board

(Signed) Mike Hilgers, Chairperson
Executive Board
REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 24, 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

Bromm Nielsen & Mines
  Douglas County West Community Schools
  Springfield Platteview Community Schools
  TransparentBusiness, Inc.
  Verizon Communications, Inc.
Bromm, Curt
Bromm Nielsen & Mines
Bromm, Jason
Bromm Nielsen & Mines
Goldwater, Barry M.
  Nationwide Mutual Insurance Company
Jensen Rogert Associates, Inc.
  Impossible Foods, Inc.
Meckler, Mark
  Convention of States Action
Nielsen, Coleen J.
  Bromm Nielsen & Mines
O'Hara Lindsay & Associates, Inc.
  Imagine Nebraska Coalition
  League Association of Risk Management
  Self Storage Association
Peetz & Company
  Imagine Nebraska Coalition
Radcliffe, Walter H. of Radcliffe and Associates
  Imagine Nebraska Coalition
Reece, Marc
  Aetna
Roque, Matthew
  ProRail Nebraska, Inc.
Schneider, David
  Convention of States Action
Smith, Morgan
  Tri-State Generation and Transmission Association
Weaver, Colin
  Secure Democracy

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
LEGISLATIVE BILL 12. Title read. Considered.

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, 1 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 26. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 77. Title read. Considered.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 49. Title read. Considered.

Committee AM9, found on page 316, was adopted with 40 ayes, 0 nays, 4 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, 2 present and not voting, and 4 excused and not voting.

COMMITTEE REPORT(S)
Nebraska Retirement Systems

LEGISLATIVE BILL 33. Placed on General File with amendment.
AM4

1. Strike original section 4 and insert the following new sections:

2 Sec. 4. Section 79-934, Revised Statutes Cumulative Supplement, 3 2018, is amended to read:

4 79-934 (1) In lieu of the school retirement allowance provided by
5 section 79-933, any member who is not an employee of a Class V school
6 district and who becomes eligible to make application for and receive a
7 school retirement allowance under section 79-931 may receive a formula
8 annuity retirement allowance if it is greater than the school retirement
9 allowance provided by section 79-933.

10 (2) Subject to the other provisions of this section, the monthly
11 formula annuity in the normal form shall be determined by multiplying the
12 number of years of creditable service for which such member would
13 otherwise receive the service annuity provided by section 79-933 by (a)
14 one and one-quarter percent of his or her final average compensation for
15 a member who has acquired the equivalent of one-half year of service or
16 more as a school employee under the retirement system following August
17 24, 1975, (b) one and one-half percent of his or her final average
18 compensation for a member who has acquired the equivalent of one-half
19 year of service or more as a school employee under the retirement system
20 following July 17, 1982, (c) one and sixty-five hundredths percent of his 21 or her final average compensation for a member who has acquired the 22 equivalent of one-half year of service or more as a school employee under 23 the retirement system following July 1, 1984, (d) one and seventy-three 24 hundredths percent of his or her final average compensation for a member 25 actively employed as a school employee under the retirement system or 26 under contract with an employer on or after June 5, 1993, (e) one and 27 eight-tenths percent of his or her final average compensation for a 2 member who has acquired the equivalent of one-half year of service or 2 more as a school employee under the retirement system following July 1, 3 1995, and was employed as a school employee under the retirement system 4 or under contract with an employer on or after April 10, 1996, (f) one 5 and nine-tenths percent of his or her final average compensation for a 6 member who has acquired the equivalent of one-half year of service or 7 more as a school employee under the retirement system following July 1, 8 1998, and was employed as a school employee under the retirement system 9 or under contract with an employer on or after April 29, 1999, (g) two 10 percent of his or her final average compensation for a member who has 11 acquired the equivalent of one-half year of service or more as a school 12 employee under the retirement system following July 1, 2000, who was 13 employed as a school employee under the retirement system or under 14 contract with an employer on or after May 2, 2001, and hired prior to 15 July 1, 2016, and who has not retired prior to May 2, 2001, or (h) two 16 percent of his or her final average compensation for a member initially 17 hired on or after July 1, 2016, or a member who has taken a refund or 18 retirement and is rehired or hired by a separate employer covered by the 19 retirement system on or after July 1, 2016, and has acquired the 20 equivalent of five years of service or more as a school employee under 21 the retirement system or under contract with an employer on or after July 22 1, 2016. Subdivision (2)(f) of this section shall not apply to a member 23 who is retired prior to April 29, 1999. Subdivision (2)(g) of this 24 section shall not apply to a member who is retired prior to May 2, 2001. 25 (3) If the annuity begins on or after the member's sixty-fifth 26 birthday, the annuity shall not be reduced. 27 (4) If the annuity begins prior to the member's sixtieth birthday 28 and the member has completed thirty-five or more years of creditable 29 service, the annuity shall be actuarially reduced on the basis of age 30 sixty-five. 31 (5)(a) For a member who has acquired the equivalent of one-half year 1 of creditable service or more as a school employee under the retirement 2 system following July 1, 1997, and who was a school employee on or after 3 March 4, 1998, and who was hired prior to July 1, 2016, if the annuity 4 begins at a time when the sum of the member's attained age and creditable 5 service totals eighty-five and the member is at least fifty-five years of 6 age, the annuity shall not be reduced. This subdivision shall not apply 7 to a member who is retired prior to March 4, 1998. 8 (b) For a member hired on or after July 1, 2016, and prior to July 9 1, 2018, or for a member who has taken a retirement or refund that 10 relinquished all prior service credit and who has not repaid the full
11 amount of the refund pursuant to section 79-921 and is rehired or hired
12 by any employer covered by the retirement system on or after July 1,
13 2016, and prior to July 1, 2018, if the annuity begins at a time when the
14 sum of the member's attained age and creditable service totals eighty-
15 five and the member is at least fifty-five years of age, the annuity
16 shall not be reduced.
17 (c) For a member hired on or after July 1, 2018, or for a member or
18 former member who has taken a retirement or refund that relinquished all
19 prior service credit and who has not repaid the full amount of the refund
20 pursuant to section 79-921 and is rehired or hired by any employer
21 covered by the retirement system on or after July 1, 2018, if the annuity
22 begins at a time when the sum of the member's attained age and creditable
23 service totals eighty-five and the member is at least sixty years of age,
24 the annuity shall not be reduced.
25 (d) If the annuity begins on or after the member's sixtieth birthday
26 and the member has completed at least a total of five years of creditable
27 service including eligibility and vesting credit but has not yet
28 qualified for an unreduced annuity as specified in this section, the
29 annuity shall be reduced by three percent for each year after the
30 member's sixtieth birthday and prior to his or her sixty-fifth birthday.
31 (7) Except as provided in section 42-1107, the normal form of the
32 formula annuity shall be an annuity payable monthly during the remainder
33 of the member's life with the provision that in the event of his or her
34 death before sixty monthly payments have been made the monthly payments
35 will be continued to his or her estate or to the beneficiary he or she
36 has designated until sixty monthly payments have been made. Except as
37 provided in section 42-1107, a member may elect to receive in lieu of the
38 normal form of annuity an actuarially equivalent annuity in any optional
39 form provided by section 79-938.
40 (8) All formula annuities shall be paid from the School Retirement
41 Fund.
42 (9)(a) For purposes of this section, in the determination
43 of compensation for members on or after July 1, 2005, that part of a
44 member's compensation for the plan year which exceeds the member's
45 compensation with the same employer for the preceding plan year by more
46 than seven percent of the compensation base during the sixty months
47 preceding the member's retirement shall be excluded unless (A) the member
48 experienced a substantial change in employment position, (B) as verified
49 by the school board, the excess compensation above seven percent occurred
50 as the result of a collective bargaining agreement between the employer
51 and a recognized collective bargaining unit or category of school
52 employee, and the percentage increase in compensation above seven percent
53 shall not be excluded for employees outside of a collective bargaining
54 unit or within the same category of school employees, or (C) the excess
55 compensation occurred as the result of a districtwide permanent benefit
56 change made by the employer for a category of school employee in
57 accordance with subdivision (4)(a)(iv) of section 79-902. (ii) For
58 purposes of subdivision (9)(a) of this section: (A) Category of school
59 employee means either all employees of the employer who are
30 administrators or certificated teachers, or all employees of the employer
31 Compensation base means (I) for current members, employed with the same
32 employer, the member's compensation for the plan year ending June 30,
33 or (II) for members newly hired or hired by a separate employer on
34 or after July 1, 2005, the member's compensation for the first full plan
35 year following the member's date of hiring. Thereafter, the member's
36 compensation base shall be increased each plan year by the lesser of
37 seven percent of the member's preceding plan year's compensation base or
38 the member's actual annual compensation increase during the preceding
39 plan year; and (C) Recognized collective bargaining unit means a group of
40 employees similarly situated with a similar community of interest
41 appropriate for bargaining recognized as such by a school board. (b)(i)
42 In the determination of compensation for members whose retirement date is
43 on or after July 1, 2012, through June 30, 2013, that part of a member's
44 compensation for the plan year which exceeds the member's compensation
45 with the same employer for the preceding plan year by more than nine
46 percent of the compensation base shall be excluded. (ii) For purposes of
47 subdivision (9)(b) of this section, compensation base means (A) for
48 current members employed with the same employer, the member's
49 compensation for the plan year ending June 30, 2012, or (B) for members
50 newly hired or hired by a separate employer on or after July 1, 2012, the
51 member's compensation for the first full plan year following the member's
52 date of hiring. (c)(i) In the determination of compensation for members
53 whose retirement date is on or after July 1, 2013, that part of a
54 member's compensation for the plan year which exceeds the member's
55 compensation for the preceding plan year by more than eight percent
56 during the capping period shall be excluded. Such member's compensation
57 for the first plan year of the capping period shall be compared to the
58 member's compensation received for the plan year immediately preceding
59 the capping period.
(b) (ii) For purposes of subdivision (9)(c) of this subsection
61 section:
31 (i) (A) Capping period means the five plan years preceding the later
32 of (A) (1) such member's retirement date or (B) (II) such member's final
33 compensation date; and
34 (ii) (B) Final compensation date means the later of (A) (1) the date
35 on which a retiring member's final compensation is actually paid or (B)
36 lump sum, the date on which such final compensation would have been paid
37 to the member in the absence of such advance payment.
8 Sec. 10. Since an emergency exists, this act takes effect when
9 passed and approved according to law.
10 2. Correct the repealer accordingly.

(Signed) Mark Kolterman, Chairperson
NOTICE OF COMMITTEE HEARING(S)
Nebraska Retirement Systems
Room 1507

Tuesday, February 5, 2019 12:00 p.m.
LB34
LB35

(Signed) Mark Kolterman, Chairperson
Urban Affairs
Room 1510

Tuesday, February 5, 2019 1:30 p.m.
LB317
LB23
LB124
LB107
LB195

Tuesday, February 12, 2019 1:30 p.m.
LB348
LB405
LB96
LB95
LB130
LB409

Tuesday, February 19, 2019 1:30 p.m.
LB424
LB136
LB87
LB234
LB68
LB197

Tuesday, February 26, 2019 1:30 p.m.
LB492
LB476
LB574
LB445
LB520

(Signed) Justin Wayne, Chairperson
AMENDMENT(S) - Print in Journal

Senator Wishart filed the following amendment to LB110:
AM21 is available in the Bill Room.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 16. Introduced by Hunt, 8; Blood, 3; Bolz, 29; Cavanaugh, 6; Chambers, 11; Crawford, 45; DeBoer, 10; Dorn, 30; Gragert, 40; Hansen, M., 26; Lathrop, 12; McCollister, 20; Morfeld, 46; Pansing Brooks, 28; Quick, 35; Vargas, 7; Wayne, 13; Wishart, 27.
WHEREAS, the federal government has been partially shut down since December 22, 2018, the longest government shutdown in this country's history; and
WHEREAS, on January 25, 2019, approximately eight hundred thousand federal workers will miss their second paycheck since the shutdown began; and
WHEREAS, the shutdown of the federal government has weakened national and state security; and
WHEREAS, the shutdown of the federal government has negatively impacted Nebraska's economy and small business community.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature recognizes the contributions and applauds the generosity of Nebraska businesses that are supporting federal workers through donations of goods and services.
2. That the Legislature urges the President of the United States and members of Congress to reopen the federal government immediately.
3. That a copy of this resolution be sent to the President of the United States and each member of Nebraska's congressional delegation.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR16 was referred to the Reference Committee.

EXECUTIVE BOARD REPORT

Senator Hilgers, Chairperson of the Executive Board, reported the appointments of the following members of the Legislature to the following special committees:

Building Maintenance
Senator Brandt
Senator Bostelman
Senator Erdman (Chairperson)
Senator Lowe
Senator McDonnell
Senator Stinner

Education Commission of the States
Senator Groene
Senator Morfeld
Senator Murman
Homeland Security Policy Group
Senator Lowe
Senator McDonnell

Interstate Compact for Adult Offender Supervision
Senator Cavanaugh

Legislative Performance Audit
Senator Crawford
Senator Friesen
Senator Geist
Senator B. Hansen
Senator Hilgers
Senator Scheer
Senator Stinner

Legislature's Planning
Senator Clements
Senator DeBoer
Senator M. Hansen
Senator Hilgers
Senator McCollister
Senator Scheer
Senator Stinner
Senator Vargas
Senator Williams

Midwestern Higher Education Commission
Senator Kolowski
Senator Slama

Nebraska Economic Development Task Force
Senator Arch
Senator Bolz
Senator Quick
Senator Groene (Chairperson, Education)
Senator M. Hansen (Chairperson, Business and Labor)
Senator Linehan (Chairperson, Revenue)
Senator Stinner (Chairperson, Appropriations)
Senator Wayne (Chairperson, Urban Affairs)
Senator Williams (Chairperson, Banking, Commerce and Insurance)
Senator __________ (Chairperson, Legislature's Planning)

Nebraska Information Technology Commission
Senator Bostelman

State Council for Interstate Juvenile Supervision
Senator Quick
UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Slama name added to LB7.
Senator Cavanaugh name added to LB13.
Senator McDonnell name added to LB39.
Senator McDonnell name added to LB40.
Senator Briese name added to LB77.
Senator McDonnell name added to LB85.
Senator Slama name added to LB154.
Senator Pansing Brooks name added to LB314.
Senator Dorn name added to LB594.
Senator McDonnell name added to LB634.
Senator Hunt name added to LB711.
Senator Briese name added to LB734.
Senator Lowe name added to LR1CA.
Senator Slama name added to LR1CA.

WITHDRAW - Cointroducer(s)

Senator Brewer name withdrawn from LB573.

VISITOR(S)

Visitors to the Chamber were participants in the U.S. Department of State's International Visitor Leadership Program from the European Union.

The Doctor of the Day was Dr. Jeff Harrison from Papillion.
ADJOURNMENT

At 10:44 a.m., on a motion by Senator Hughes, the Legislature adjourned until 9:00 a.m., Monday, January 28, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
THIRTEENTH DAY - JANUARY 28, 2019

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

THIRTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 28, 2019

PRAYER

The prayer was offered by Pastor Dan Wing, Trinity Lutheran Church, Lincoln.

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 Bolz, Friesen, Groene, Howard, Lindstrom, Morfeld, and Williams who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twelfth day was approved.

NOTICE OF COMMITTEE HEARING(S)

Business and Labor

Room 1524

Monday, February 4, 2019 1:30 p.m.

LB604
LB527
LB667
LB254
LB305
LB311

(Signed) Matt Hansen, Chairperson
ANNOUNCEMENT(S)

The Building Maintenance Committee elected Senator Lowe as Vice Chairperson.

The Legislature's Planning Committee elected Senator Vargas as Chairperson and Senator McCollister as Vice Chairperson.

GENERAL FILE

LEGISLATIVE BILL 67. Title read. Considered.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 3 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 193. Title read. Considered.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 194. Title read. Considered.

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

LEGISLATIVE BILL 196. Title read. Considered.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 117. Title read. Considered.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 79. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 82. Title read. Considered.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 190. Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.
NOTICE OF COMMITTEE HEARING(S)

General Affairs
Room 1510

Monday, February 4, 2019 1:30 p.m.
Paul Leckband - Nebraska Commission on Problem Gambling
LB41
LB624
LB235
LB203

(Signed) Tom Briese, Chairperson

Education
Room 1525

Monday, February 4, 2019 1:30 p.m.
LB575
LB486
LB513

(Signed) Mike Groene, Chairperson

Banking, Commerce and Insurance
Room 1507

Monday, February 4, 2019 1:30 p.m.
LB442
LB622
LB172
LB536

Tuesday, February 5, 2019 1:30 p.m.
LB380
LB159
LB469

Monday, February 11, 2019 1:30 p.m.
LB224
LB384
LB454
Tuesday, February 12, 2019 1:30 p.m.
LB145
LB116
LB257

Tuesday, February 19, 2019 1:30 p.m.
LB274
LB370
LB672

Tuesday, February 26, 2019 1:30 p.m.
LB603
LB407
LB453

Monday, March 4, 2019 1:30 p.m.
LB15
LB501
LB316

Tuesday, March 5, 2019 1:30 p.m.
LB228
LB619
LB569

Tuesday, March 12, 2019 1:30 p.m.
LB265
LB379
LB602

Monday, March 18, 2019 1:30 p.m.
LB573

(Signed) Matt Williams, Chairperson
LEGISLATIVE RESOLUTION 17. Introduced by Scheer, 19.

WHEREAS, Nebraska and Taiwan have participated in a sister-state relationship since 1983; and
WHEREAS, Nebraska and Taiwan share the same values of freedom, democracy, rule of law, and respect for human dignity; and
WHEREAS, Nebraska and Taiwan have enjoyed a mutually beneficial bilateral trade relationship with Taiwan ranking as Nebraska's eleventh largest export market; and
WHEREAS, Taiwan is the eleventh largest global trading partner for the United States and is the eighth largest export market for American agricultural products; and
WHEREAS, this year marks the fortieth anniversary of the Taiwan Relations Act, Public Law 96-8, which built a strong foundation for U.S.-Taiwan ties, and assures the continuation of commercial, cultural, and other relations between the two countries; and
WHEREAS, negotiations for a fair and reciprocal Bilateral Trade Agreement (BTA) between Taiwan and the United States are an important step toward further strengthening bilateral trade, thereby increasing Nebraska's exports to Taiwan and promoting two-way investment.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That Nebraska supports Taiwan's mature and vital democracy and celebrates the thirty-sixth anniversary of Nebraska's sister-state relationship with Taiwan.
2. That the Legislature acknowledges the rich history of friendship and welcomes close economic and trade relations between Nebraska and Taiwan.
3. That copies of this resolution be sent to the United States Secretary of State Michael Pompeo and Director General Jerry S. Chang of the Taipei Economic and Cultural Office in Denver, Colorado.

Laid over.
COMMITTEE REPORT(S)
Agriculture

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

Bryan Tuma - Climate Assessment Response Committee


(Signed) Steve Halloran, Chairperson

LEGISLATIVE BILL 61
Placed on General File with amendment. AM41

1 1. Strike original section 2 and insert the following new section:
2 Sec. 3. Section 71-4403, Reissue Revised Statutes of Nebraska, is amended to read:
3 71-4403 It shall be the duty of each veterinarian, at the time of
4 vaccinating any domestic or hybrid animal, to complete a certificate of
5 rabies vaccination which shall include, but not be limited to, the
6 following information:
7 (1) The owner's name and address;
8 (2) An adequate description of the domestic or hybrid animal,
9 including, but not limited to, such items as the domestic or hybrid
10 animal's breed, sex, age, name, and distinctive markings;
11 (3) The date of vaccination;
12 (4) The rabies vaccination tag number;
13 (5) The type of rabies vaccine administered by dosage and number of
14 years of effectiveness;
15 (6) The manufacturer's serial number of the vaccine used; and
16 (7) The date by which the next site of vaccination is due.
17 Such veterinarian shall issue a tag with the certificate of
18 vaccination.
19 2. On page 4, line 20, strike "The", show as stricken, and insert
20 "To protect the health, safety, and welfare of the public and to ensure,
21 to the greatest extent possible, efficient and adequate practices, the".
22 3. Renumber the remaining sections and correct the repealer
23 accordingly.

(Signed) Steve Halloran, Chairperson
ANNOUNCEMENT(S)

The Legislative Performance Audit Committee elected Senator Geist as Chairperson and Senator Crawford as Vice Chairperson.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 1. Placed on Select File.
LEGISLATIVE BILL 2. Placed on Select File.

LEGISLATIVE BILL 3. Placed on Select File with amendment.
ER1
1 1. On page 6, line 4; page 9, line 24; and page 10, line 8, strike
2 "College or University", show as stricken, and insert "Colleges and
3 Universities".
4 2. On page 6, line 5; page 9, line 25; and page 10, line 9, after
5 "1801" insert "et seq.".

LEGISLATIVE BILL 12. Placed on Select File.
LEGISLATIVE BILL 26. Placed on Select File.

(Signed) Julie Slama, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Kolterman name added to LB104.
Senator Lindstrom name added to LB139.
Senator Lindstrom name added to LB153.
Senator Kolterman name added to LB252.
Senator Halloran name added to LB314.
Senator Halloran name added to LB372.
Senator Brewer name added to LB382.
Senator Halloran name added to LB483.
Senator Walz name added to LB594.
Senator Halloran name added to LB677.
Senator Halloran name added to LR5CA.

VISITOR(S)

The Doctor of the Day was Dr. Eric Thomsen from Beatrice.
ADJOURNMENT

At 10:36 a.m., on a motion by Senator Lindstrom, the Legislature adjourned until 9:00 a.m., Tuesday, January 29, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
FOURTEENTH DAY - JANUARY 29, 2019

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

FOURTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 29, 2019

PRAYER

The prayer was offered by Reverend Chris Jorgensen, Hanscom Park United Methodist Church, Omaha.

ROLL CALL

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

The roll was called and all members were present except Senator Hilgers who was excused; and Senators Morfeld and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirteenth day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 77. Placed on Select File with amendment.

ER2
1 1. Insert the following new sections:
2 Sec. 12. Section 76-3203, Reissue Revised Statutes of Nebraska, is amended to read:
4 76-3203 (1) An application for issuance of a registration shall be made in writing to the board on forms approved by the board, which includes, but is not limited to, all information required by the board necessary to administer and enforce the Nebraska Appraisal Management Company Registration Act, and the name of the contact person for the appraisal management company.
10 (2) An applicant for issuance of a registration shall furnish to the board, at the time of making application, a surety bond in the amount of twenty-five thousand dollars. The surety bond required under this subsection shall be issued by a bonding company or insurance company authorized to do business in this state, and a copy of the bond shall be
filed with the board. The bond shall be in favor of the state for the
benefit of any person who is damaged by any violation of the Nebraska
Appraisal Management Company Registration Act. The bond shall also be in
favor of any person damaged by such a violation. Any person claiming
against the bond for a violation of the act may maintain an action at law
against the appraisal management company and against the surety. The
aggregate liability of the surety to all persons damaged by a violation
of the act by an appraisal management company shall not exceed the amount
of the bond. The bond shall be maintained until one year after the date
that the appraisal management company ceases operation in this state.

A registration shall be issued only to persons who:
(a) Meet the requirements for issuance of a registration;
(b) Have a good reputation for honesty, trustworthiness, integrity,
and competence to perform appraisal management services in such manner as
to safeguard the interest of the public as determined by the board; and
(c) Have not had a final civil or criminal judgment entered against
them for fraud, dishonesty, breach of trust, or misrepresentation
involving real estate, financial services, or appraisal management
services within a five-year period immediately preceding the date of
application.

A registration shall be valid for a period of twelve months
beginning on the date which the registration was issued or renewed unless
canceled, revoked, or surrendered.

All information related to an appraisal management company’s
registration shall be reported to the Appraisal Subcommittee as required
by Title XI of the Financial Institutions Reform, Recovery, and
Enforcement Act of 1989, the AMC final rule, and any policy or rule
established by the Appraisal Subcommittee.

The renewal of a registration includes the same requirements
found in subsections (1) through (5) of this section. An application for
renewal of a registration shall be furnished to the board no later than
sixty days prior to the date of expiration of the registration.

For the purpose of subdivision (6) of section 76-3202, the
twelve-month period for renewal of a registration shall consist of the
twelve months pursuant to subsection (4) of this section.

Sec. 13. Section 76-3203.01, Reissue Revised Statutes of Nebraska,
is amended to read:
Only AMC appraisers considered to be in good standing
in all jurisdictions in which an active credential is held shall be
included on an appraisal management company’s appraiser panel.

An appraisal management company shall remove any AMC appraiser
from its appraiser panel within thirty days after receiving notice that
the AMC appraiser:
(a) Is no longer considered to be in good standing in one or more
jurisdictions in which he or she holds an active credential or
equivalent;
(b) The AMC appraiser’s credential or equivalent has been refused,
denied, canceled, or revoked; or
(c) The AMC appraiser has surrendered his or her credential or
equivalent in lieu of revocation.

(3) Pursuant to subdivision (6)(c) (5)(c) of section 76-3202, an appraiser panel shall include each AMC appraiser as of the earliest date on which such person was accepted by the appraisal management company:

(a) For consideration for future assignments in covered transactions or for secondary mortgage market participants in connection with covered transactions; or

(b) For engagement to perform one or more appraisals on behalf of a creditor for a covered transaction or for a secondary mortgage market participant in connection with covered transactions.

(4) Any AMC appraiser included on an appraisal management company’s appraiser panel pursuant to subsection (3) of this section shall remain on such appraiser panel until the date on which the appraisal management company:

(a) Sends written notice to the AMC appraiser removing him or her from the appraiser panel. Such written notice shall include an explanation of the action taken by the appraisal management company;

(b) Receives written notice from the AMC appraiser requesting that he or she be removed from the appraiser panel. Such written notice shall include an explanation of the action requested by the AMC appraiser; or

(c) Receives written notice on behalf of the AMC appraiser of the death or incapacity of the AMC appraiser. Such written notice shall include an explanation on behalf of the AMC appraiser.

(5) Upon receipt of notice that he or she has been removed from the appraisal management company’s appraiser panel, an AMC appraiser shall have thirty days to provide a response to the appraisal management company that removed the AMC appraiser from its appraiser panel. Upon receipt of the AMC appraiser’s response, the appraisal management company shall have thirty days to reconsider the removal and provide a written response to the AMC appraiser.

(6) If an AMC appraiser is removed from an appraisal management company’s appraiser panel pursuant to subsection (4) of this section, nothing shall prevent the appraisal management company at any time during the twelve months after removal from the appraiser panel from considering such person for future assignments in covered transactions or for secondary mortgage market participants in connection with covered transactions, or for engagement to perform one or more appraisals on behalf of a creditor for a covered transaction or for a secondary mortgage market participant in connection with covered transactions. If such consideration or engagement takes place, the removal shall be deemed not to have occurred and such person shall be deemed to have been included on the appraiser panel without interruption.

(7) Any AMC appraiser included on an appraisal management company’s appraiser panel engaged in appraisal practice or real property appraisal activity as a result of an assignment provided by an appraisal management company shall be free from inappropriate influence and coercion as required by the appraisal independence standards established under section 129E of the federal Truth in Lending Act, as such section existed on January 1, 2018, including the requirements for payment of a
24 reasonable and customary fee to AMC appraisers when the appraisal
25 management company is engaged in providing appraisal management services.
26 (8) An appraisal management company shall select an AMC appraiser
27 from its appraiser panel for an assignment who is independent of the
28 transaction and who has the requisite education, expertise, and
29 experience necessary to competently complete the assignment for the
30 particular market and property type.
31 Sec. 14. Section 76-3204, Reissue Revised Statutes of Nebraska, is
1 amended to read:
2 76-3204 The Nebraska Appraisal Management Company Registration Act
3 does not apply to:
4 (1) A department or division of a person that provides appraisal
5 management services only to itself; or
6 (2) A person that provides appraisal management services but does
7 not meet the requirement established by subdivision (6)(c) (5)(c) of
8 section 76-3202.
9 Sec. 15. Section 76-3216, Reissue Revised Statutes of Nebraska, is
10 amended to read:
11 76-3216 (1) It is unlawful for a person to directly or indirectly
12 engage in or attempt to engage in business as an appraisal management
13 company or to advertise or hold itself out as engaging in or conducting
14 business as an appraisal management company in this state without first
15 obtaining a registration or by meeting the requirements as a federally
16 regulated appraisal management company.
17 (2) Except as provided in section 76-3204, any person who, directly
18 or indirectly for another, offers, attempts, or agrees to perform all
19 actions described in subdivision (6) (5) of section 76-3202 or any action
20 described in subdivision (7) (6) of such section, shall be deemed an
21 appraisal management company within the meaning of the Nebraska Appraisal
22 Management Company Registration Act, and such action shall constitute
23 sufficient contact with this state for the exercise of personal
24 jurisdiction over such person in any action arising out of the act.
25 (3) The board may issue a cease and desist order against any person
26 who violates this section by performing any action described in
27 subdivision (6) or (7) of section 76-3202 without the appropriate
28 registration. Such order shall be final ten days after issuance unless
29 such person requests a hearing pursuant to section 76-3217. The board
30 may, through the Attorney General, obtain an order from the district
31 court for the enforcement of the cease and desist order.
1 (4) To the extent permitted by any applicable federal legislation or
2 regulation, the board may censure an appraisal management company,
3 conditionally or unconditionally suspend or revoke its registration, or
4 levy fines or impose civil penalties not to exceed five thousand dollars
5 for a first offense and not to exceed ten thousand dollars for a second
6 or subsequent offense, if the board determines that an appraisal
7 management company is attempting to perform, has performed, or has
8 attempted to perform any of the following:
9 (a) A material violation of the act;
10 (b) A violation of any rule or regulation adopted and promulgated by
11 the board; or
12 (c) Procurement of a registration for itself or any other person by
13 fraud, misrepresentation, or deceit.
14 (5) In order to promote voluntary compliance, encourage appraisal
15 management companies to correct errors promptly, and ensure a fair and
16 consistent approach to enforcement, the board shall endeavor to impose
17 fines or civil penalties that are reasonable in light of the nature,
18 extent, and severity of the violation. The board shall also take action
19 against an appraisal management company's registration only after less
20 severe sanctions have proven insufficient to ensure behavior consistent
21 with the Nebraska Appraisal Management Company Registration Act. When
22 deciding whether to impose a sanction permitted by subsection (4) of this
23 section, determining the sanction that is most appropriate in a specific
24 instance, or making any other discretionary decision regarding the
25 enforcement of the act, the board shall consider whether an appraisal
26 management company:
27 (a) Has an effective program reasonably designed to ensure
28 compliance with the act;
29 (b) Has taken prompt and appropriate steps to correct and prevent
30 the recurrence of any detected violations; and
31 (c) Has independently reported to the board any significant
32 violations or potential violations of the act prior to an imminent threat
33 of disclosure or investigation and within a reasonably prompt time after
34 becoming aware of the occurrence of such violations.
35 (6) Any violation of appraisal-related laws or rules and
36 regulations, and disciplinary action taken against an appraisal
37 management company, shall be reported to the Appraisal Subcommittee as
38 required by Title XI of the Financial Institutions Reform, Recovery, and
39 Enforcement Act of 1989, the AMC final rule, and any policy or rule
40 established by the Appraisal Subcommittee.
41 2. On page 14, line 10, after the last semicolon insert "and"; in
42 line 13 after "(b)(iii)(A)" insert "of this subsection"; and in lines 23
43 and 24 strike "section" and insert "subsection".
44 3. On page 21, line 17, strike "exam" and insert "examination".
45 4. On page 30, line 29, strike "and" and after "76-3202," insert
46 "76-3203, 76-3203.01, 76-3204, and 76-3216,“. 
47 5. Renumber the remaining section accordingly.

LEGISLATIVE BILL 49. Placed on Select File.

(Signed) Julie Slama, Chairperson
COMMITTEE REPORT(S)
General Affairs

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

Joyce Hasselbalch - Nebraska Arts Council
Sarah Peetz - Nebraska Arts Council


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

Mike Hunsberger - State Electrical Board


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

Jeffrey Bomberger - Nebraska Commission on Problem Gambling


(Signed) Tom Briese, Chairperson

NOTICE OF COMMITTEE HEARING(S)
Health and Human Services
Room 1510

Wednesday, February 6, 2019 1:30 p.m.

LB29
LB112
LB730

Thursday, February 7, 2019 1:00 p.m.

Economic Assistance Briefing
Thursday, February 7, 2019 1:30 p.m.
LB255
LB402
LB169

Friday, February 8, 2019 1:00 p.m.
Child Care Briefing

Friday, February 8, 2019 1:30 p.m.
LB329
LB459
LB590
LB341

(Signed) Sara Howard, Chairperson

Government, Military and Veterans Affairs

Room 1507

Wednesday, February 6, 2019 1:30 p.m.
LB212
LB191
LB148
LB239

Thursday, February 7, 2019 1:30 p.m.
LB412
LB608
LB246
LB280

Friday, February 8, 2019 1:30 p.m.
LB16
LB150
LB118
LB123

(Signed) Tom Brewer, Chairperson
LEGISLATIVE BILL 33. Title read. Considered.

Committee AM4, found on page 332, was adopted with 40 ayes, 1 nay, 5 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 2. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 3. ER1, found on page 349, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 12. Advanced to Enrollment and Review for Engrossment.


Advanced to Enrollment and Review for Engrossment.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 67. Placed on Select File.

(Signed) Julie Slama, Chairperson

COMMITTEE REPORT(S)
Banking, Commerce and Insurance

LEGISLATIVE BILL 70. Placed on General File.

LEGISLATIVE BILL 78. Placed on General File.

LEGISLATIVE BILL 221. Placed on General File.

(Signed) Matt Williams, Chairperson
FOURTEENTH DAY - JANUARY 29, 2019

NOTICE OF COMMITTEE HEARING(S)

Education

Room 1525

Tuesday, February 5, 2019 1:30 p.m.

LB544
LB547
LB563
LB639

(Signed) Mike Groene, Chairperson

Business and Labor

Room 1524

Monday, February 11, 2019 1:30 p.m.

LB345
LB217
LB383
LB400
LB361
LB362

(Signed) Matt Hansen, Chairperson

Urban Affairs

Room 1510

Tuesday, February 26, 2019 1:30 p.m.

LB520 (cancel)

Tuesday, March 5, 2019 1:30 p.m.

LR14CA
LB648
LB721
LB564
LB731
LB520

(Signed) Justin Wayne, Chairperson
UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Briese name added to LB139.
Senator Linehan name added to LB378.
Senator Gragert name added to LB424.

ADJOURNMENT

At 9:37 a.m., on a motion by Senator Pansing Brooks, the Legislature adjourned until 9:00 a.m., Wednesday, January 30, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
FIFTEENTH DAY - JANUARY 30, 2019

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

FIFTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 30, 2019

PRAYER

The prayer was offered by Senator Arch.

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 Friesen and Hilgers who were excused; and Senators La Grone, Vargas, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fourteenth day was approved.

COMMITTEE REPORT(S)

Banking, Commerce and Insurance

LEGISLATIVE BILL 42. Placed on General File with amendment.
AM67
1 1. On page 3, line 1; and page 5, line 15, strike "county clerk" and
2 insert "register of deeds".
3 2. On page 3, strike beginning with "The" in line 4 through the
4 period in line 5.
5 3. On page 5, strike beginning with "The" in line 18 through the
6 period in line 19.

(Signed) Matt Williams, Chairperson
The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Jason Jackson - Director, Department of Administrative Services


The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Christopher Cantrell - State Fire Marshal, Nebraska State Fire Marshal


(Signed) Tom Brewer, Chairperson

NOTICE OF COMMITTEE HEARING(S)

Transportation and Telecommunications

Warner Chamber

Monday, February 11, 2019 1:30 p.m.

LB462
LB616
LB269
LB278

Tuesday, February 12, 2019 1:30 p.m.

LB378
LB371
LB612
LB665
LB719
Tuesday, February 19, 2019 1:30 p.m.
LB550
LB641
LB268
LB617
LB693

Tuesday, February 26, 2019 1:30 p.m.
LB461
LB51
LB366
LB698
LB325

Monday, March 4, 2019 1:30 p.m.
LB39
LB40
LB620
LB634

Tuesday, March 5, 2019 1:30 p.m.
LB611
LB401
LB521

(Signed) Curt Friesen, Chairperson

Judiciary
Warner Chamber

Wednesday, February 6, 2019 1:30 p.m.
LB108
LB114
LB216
LB277
LB376
LB443
LEGISLATIVE JOURNAL

Thursday, February 7, 2019 1:30 p.m.

LB166
LB167
LB168
LB504
LB627
LB426

Friday, February 8, 2019 1:30 p.m.

LB300
LB309
LB339
LB388
LB389
LB490

(Signed) Steve Lathrop, Chairperson
Executive Board
Room 1525

Wednesday, February 6, 2019 12:00 p.m.

LR2
LR11CA
LR12CA

Friday, February 8, 2019 12:00 p.m.

LB561
LB566

Monday, February 11, 2019 12:00 p.m.

LB105
LB283

(Signed) Mike Hilgers, Chairperson

GENERAL FILE

LEGISLATIVE BILL 61. Title read. Considered.
Committee AM41, found on page 348, was adopted with 41 ayes, 0 nays, 4 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.

**SELECT FILE**

**LEGISLATIVE BILL 77.** ER2, found on page 351, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 49.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 67.** Advanced to Enrollment and Review for Engrossment.

**COMMITTEE REPORT(S)**

**Education**

**LEGISLATIVE BILL 115.** Placed on General File with amendment.

AM39

1 1. On page 6, line 15, after "for" insert "collecting".

(Signed) Mike Groene, Chairperson

Banking, Commerce and Insurance

**LEGISLATIVE BILL 188.** Placed on General File.

**LEGISLATIVE BILL 258.** Placed on General File.

**LEGISLATIVE BILL 259.** Placed on General File.

**LEGISLATIVE BILL 355.** Placed on General File.

(Signed) Matt Williams, Chairperson

General Affairs

**LEGISLATIVE BILL 56.** Placed on General File.

**LEGISLATIVE BILL 75.** Placed on General File.

(Signed) Tom Briese, Chairperson

Urban Affairs

**LEGISLATIVE BILL 11.** Placed on General File.

**LEGISLATIVE BILL 57.** Placed on General File.

**LEGISLATIVE BILL 121.** Placed on General File.
LEGISLATIVE BILL 66. Placed on General File with amendment.
AM56
1 1. On page 2, line 13, strike "but not later than January 1, 2022, ";
2 and in line 30 after the period insert "The city shall meet the 
3 requirements of this subsection on or before January 1, 2022. ".
4 2. On page 4, line 18, strike "but not later than January 1, 2022. ".
5 3. On page 5, line 3, after the period insert "The city shall meet 
6 the requirements of this subdivision on or before January 1, 2022. ".
7 4. On page 6, line 13, strike "but not later than January 1, 2022. ";
8 and in line 29 after the period insert "The city shall meet the 
9 requirements of this subdivision on or before January 1, 2022. ".

(Signed) Justin Wayne, Chairperson
Revenue

LEGISLATIVE BILL 63. Placed on General File with amendment.
AM77
1 1. Strike original section 6 and insert the following new section:
2 Sec. 7. Since an emergency exists, this act takes effect when passed 
3 and approved according to law.
4 2. Renumber the remaining section accordingly.

(Signed) Lou Ann Linehan, Chairperson
Nebraska Retirement Systems

LEGISLATIVE BILL 32. Placed on General File.

(Signed) Mark Kolterman, Chairperson

NOTICE OF COMMITTEE HEARING(S)
Revenue
Room 1524

Wednesday, February 6, 2019 1:30 p.m.

LB470
LB545
LB610
LB688
LB705

Thursday, February 7, 2019 1:30 p.m.

LB153
LB263
LB628
LR3CA
Friday, February 8, 2019 1:30 p.m.

LB76
LB393
LB463
LB523

(Signed) Lou Ann Linehan, Chairperson
Natural Resources
Room 1525

Wednesday, February 6, 2019 1:30 p.m.

Loren Taylor - Nebraska Natural Resources Commission
LB319

(Signed) Dan Hughes, Chairperson

COMMITTEE REPORT(S)
Nebraska Retirement Systems

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

Gail Werner-Robertson - Nebraska Investment Council


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

Allen Simpson - Public Employees Retirement Board


(Signed) Mark Kolterman, Chairperson
UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator McDonnell name added to LB15.
Senator Hunt name added to LB57.
Senator Hunt name added to LB83.
Senator B. Hansen name added to LB117.
Senator Erdman name added to LB152.
Senator Erdman name added to LB154.
Senator Erdman name added to LB156.
Senator Erdman name added to LB158.
Senator Erdman name added to LB246.
Senator Erdman name added to LB303.
Senator Erdman name added to LB343.
Senator Erdman name added to LB374.
Senator Morfeld name added to LB378.
Senator Erdman name added to LB431.
Senator Erdman name added to LB432.
Senator Erdman name added to LB575.
Senator Brewer name added to LB677.
Senator Erdman name added to LB695.
Senator Friesen name added to LR7.

VISITOR(S)

Visitor to the Chamber was Kurtis Johnson from UNMC.

The Doctor of the Day was Dr. Monty Sellon from Fremont.

ADJOURNMENT

At 9:36 a.m., on a motion by Senator Cavanaugh, the Legislature adjourned until 9:00 a.m., Thursday, January 31, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
SIXTEENTH DAY - JANUARY 31, 2019

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

SIXTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 31, 2019

PRAYER

The prayer was offered by Doctor Eric Elnes, Countryside Community Church, Omaha.

ROLL CALL

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

The roll was called and all members were present except Senators Hilgers, Howard, Vargas, and Wishart who were excused; and Senators Bolz, Linehan, Pansing Brooks, and Walz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifteenth day was approved.

COMMITTEE REPORT(S)

General Affairs

LEGISLATIVE BILL 65. Placed on General File.

(Signed) Tom Briese, Chairperson

NOTICE OF COMMITTEE HEARING(S)

Agriculture

Room 1524

Tuesday, February 12, 2019 1:30 p.m.

LB657
LB227
EXECUTIVE BOARD REPORT

Senator Hilgers, Chairperson of the Executive Board, reported the appointments of the following members of the Legislature to the following special committee:

The Committee on Justice Reinvestment Oversight
Senator John McCollister
Senator Justin Wayne
Senator Patty Pansing Brooks
Senator Wendy DeBoer
Senator Steve Lathrop (Judiciary Chair)

(Motion) - Confirmation Report(s)

Senator Halloran moved the adoption of the Agriculture Committee report for the confirmation of the following appointment(s) found on page 348:
Climate Assessment Response Committee
Bryan Tuma

Voting in the affirmative, 32:
The appointment was confirmed with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

Senator Briese moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 356:

Nebraska Arts Council
   Joyce Hasselbalch
   Sarah Peetz

Voting in the affirmative, 36:

Albrecht   Brewer           DeBoer    Hansen, M.   Hilkemann   Lindstrom   McCollister
Arch       Blood            Erdman    Hansen, B.   McDonnell   Slama       Stinner
Bostelman  Brandt          Friesen   Hanen, M.     Morfeld     Wayne       Williams
Briese     Cavanaugh       Geist     Kolowski     Murman     Quick       Murman
Clements   Cavanagh         Gragert   Kolterman    Quick      Groene     Scheer
Crawford   Dorn             Halloran  Lathrop      Slama       Groene     La Grone

Voting in the negative, 0.

Present and not voting, 7:

Brewer     Chambers         Clements  Lindstrom    Scheer
Chambers   Friesen          Lindstrom  Scheer

Excused and not voting, 6:
The appointments were confirmed with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

Senator Briese moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 356:
  State Electrical Board
    Mike Hunsberger

Voting in the affirmative, 38:

Albrecht  Crawford  Halloran  La Grone  Pansing Brooks
Arch      DeBoer    Hansen, B. Lathrop Quick
Blood     Dorn      Hansen, M. Lindstrom Slama
Bostelman Erdman  Hilkemann McCollister Stinner
Brandt    Friesen  Hughes  McDonnell Wayne
Briese    Geist    Hunt    Morfeld   Williams
Cavanaugh Gragert  Kolowski Moser
Clements  Groene  Kolterman Murman

Voting in the negative, 0.

Present and not voting, 5:

Brewer    Chambers  Linehan  Lowe  Scheer

Excused and not voting, 6:

Bolz       Howard    Walz
Hilgers    Vargas    Wishart

The appointment was confirmed with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

Senator Briese moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 356:
  Nebraska Commission on Problem Gambling
    Jeffrey Bomberger

Voting in the affirmative, 38:
Voting in the negative, 0.

Present and not voting, 5:

Lindstrom     Lowe     Scheer     Stinner     Wayne

Excused and not voting, 6:

Bolz          Howard    Walz
Hilgers        Vargas    Wishart

The appointment was confirmed with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 193.** Placed on Select File with amendment.

ER3

1 1. On page 2, line 16, after the first semicolon insert "to name the 2 Municipal Commission Plan of Government Act and the City Manager Plan of 3 Government Act," and after "provisions" insert "and provisions relating 4 to an excise board and its members".
2 2. On page 44, line 21, strike the comma, show as stricken, and 6 insert "of the".
3 3. On page 45, line 30, strike "shall approve", show as stricken, 8 and insert "approves".
4 4. On page 54, line 10, strike "Where", show as stricken, and insert 10 "When".
5 5. On page 59, line 3, strike the commas and show as stricken; in 12 line 4 strike the first "or" and show as stricken; and in line 5 strike 13 the last comma and show as stricken.
6 6. On page 63, line 23, after "its" insert "designated".
7 7. On page 72, line 28, strike "nor", show as stricken, and insert 10 "or".
8 8. On page 79, line 6, strike "council" and insert "councils" and strike "board" and insert "boards".
9 9. On page 82, line 15, after "fund" insert "or funds were" and 20 strike "was" and show as stricken.
10 10. On page 83, line 22, strike "This", show as stricken, and insert
22 "Such".
23 11. On page 87, line 19, strike "mentioned", show as stricken, and
24 insert "described".
25 12. On page 90, line 19, strike "plan" and insert "form".
26 13. On page 118, line 28, strike the comma and show as stricken.
27 14. On page 129, line 1, reinstate the stricken "insofar".

**LEGISLATIVE BILL 194.** Placed on Select File.
**LEGISLATIVE BILL 196.** Placed on Select File.
**LEGISLATIVE BILL 117.** Placed on Select File.
**LEGISLATIVE BILL 79.** Placed on Select File.

**LEGISLATIVE BILL 82.** Placed on Select File with amendment.
**LEGISLATIVE BILL 190.** Placed on Select File with amendment.

**LEGISLATIVE BILL 190.** Placed on Select File with amendment.
**LEGISLATIVE BILL 33.** Placed on Select File with amendment.

1 1. On page 1, line 5, after "change" insert "and eliminate".

1 1. On page 1, lines 4 and 5, strike "harmonize provisions" and
2 insert "provide and eliminate provisions relating to school bus loading
3 area warning signs".

1 1. On page 1, strike beginning with "73-507" in line 2 through line
2 and insert "and 84-1502, Reissue Revised Statutes of Nebraska, and
3 sections 79-934, 79-989, 84-712.05, and 84-1503, Revised Statutes
4 Cumulative Supplement, 2018; to change written plan of action deadlines
5 for the Nebraska Investment Council and the Public Employees Retirement
6 Board; to change findings and comprehensive review provisions relating to
7 the achieving a better life experience program; to eliminate obsolete
8 language regarding formula annuity retirement allowances under the School
9 Employees Retirement Act; to provide a public records exception as
10 prescribed under the Class V School Employees Retirement Act; to increase
11 the board member per diem and change duties relating to competitive
12 bidding of the Public Employees Retirement Board; to harmonize
13 provisions; to repeal the original sections; and to declare an
14 emergency.".
15 2. On page 18, line 14, strike "73-507,"; and in line 15 after
16 "sections" insert "79-934,".

(Signed) Julie Slama, Chairperson
LEGISLATIVE BILL 85. Placed on General File with amendment.

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

Section 1. The Legislature finds that the enforcement of local building and construction codes is a matter of state concern, particularly in larger cities which contain a large number of residential rental properties. The state provides guidelines for the adoption of local building and construction codes under the Building Construction Act and regulates the landlord and tenant relationship through the Uniform Residential Landlord and Tenant Act. Recognizing the need to safeguard life, health, property, and the public welfare through the appropriate enforcement of local building and construction codes, the Legislature hereby declares the necessity of establishing minimum requirements for cities of the metropolitan class to enforce such codes through a proactive rental housing inspection program.

Section 2. For purposes of sections 1 to 7 of this act:
1. City means any city of the metropolitan class;
2. Housing agency has the same meaning as in section 71-1575; and
3. Newly constructed residential rental property means (a) a single-family or multi-unit residential rental property that was constructed within the past five years or (b) a non-residential rental property that was converted into multi-unit residential rental property within the past five years. For purposes of this subdivision, a rental property shall be considered constructed or converted on the date of issuance of an occupancy permit by the city.

Section 3. Any city which enacts and administers a local building or construction code under section 71-6406 shall adopt a rental housing inspection program to enforce the relevant provisions of such local building or construction code for all residential rental property within the corporate limits of the city. The enforcement procedures for a rental housing inspection program adopted pursuant to this section shall be designed to improve housing conditions. The city shall make reasonable efforts to prevent unreasonable displacement of tenants from residential rental property when enforcing such program.

Section 4. (1) A rental housing inspection program adopted under section 3 of this act shall include:
(a) A requirement that all residential rental property within the corporate limits of the city be registered with the city, except for any such property that is owned by a housing agency;
(b) A requirement that all residential rental property within the corporate limits of the city be inspected at least once within a three-year cycle, except as provided in section 5 of this act, and except for any such property that is:
(i) Newly constructed residential rental property;
(ii) Owned by a housing agency;
18 (iii) Inspected or caused to be inspected by a housing agency to
19 enforce housing quality standards required by the United States
20 Department of Housing and Urban Development;
21 (iv) A qualified low-income building or buildings, as such term is
22 defined in section 42 of the Internal Revenue Code of 1986, as amended;
23 or
24 (v) A building or buildings which are regularly inspected pursuant
25 to a governmental or quasi-governmental program for the provision of
26 affordable, safe, and sanitary housing;
27 (c) A supplemental system of inspections of residential rental
28 property upon receipt of any complaints; and
29 (d) A procedure for owners of residential rental property to appeal
30 adverse decisions under the rental housing inspection program.
31 (2)(a) The city shall comply with the requirements of subdivisions
1 (1)(a), (c), and (d) of this section no later than one year following the
2 effective date of this act.
3 (b) For residential rental property with three or more rental units,
4 the city shall comply with the requirements of subdivision (1)(b) of this
5 section no later than two years following the effective date of this act.
6 For residential rental property with less than three rental units, the
7 city shall comply with the requirements of subdivision (1)(b) of this
8 section no later than three years following the effective date of this
9 act.
10 Sec. 5. A rental housing inspection program adopted under section 3
11 of this act may include:
12 (1) A schedule of annual registration fees, which fees may vary
13 depending on the type of dwelling, dwelling unit, history of code
14 compliance, or other pertinent factors;
15 (2) A schedule of fines for failure to comply with registration and
16 local building and construction code requirements, including fines and
17 interest for late payments;
18 (3) A schedule of inspection fees for any reinspection required in
19 addition to a regular inspection of any residential rental property;
20 (4) A provision allowing for less frequent inspections of
21 residential rental properties with a history of code compliance and
22 responsiveness to prior code complaints; and
23 (5) A provision establishing an escrow account where monthly rental
24 fees are deposited for those units found to be in code violation and held
25 in escrow until such units are in code compliance.
26 Sec. 6. For multi-unit residential rental properties, a rental
27 housing inspection program adopted under section 3 of this act may
28 provide for inspections to be conducted on a random sampling of all units
29 of such property instead of inspecting all units of such property.
30 Sec. 7. (1) A city may enforce the collection of unpaid fees and
31 unpaid fines assessed or levied under any schedule adopted pursuant to
1 section 5 of this act by filing a civil action in any court of competent
2 jurisdiction.
3 (2) Unpaid fees and unpaid fines assessed or levied under any
4 schedule adopted pursuant to section 5 of this act shall become a lien on
the applicable property upon the recording of a notice of such lien in
the office of the register of deeds of the county in which the applicable
property is located. The lien created under this subsection shall be
subordinate to all other prior recorded liens on the applicable property.
Sec. 8. The Revisor of Statutes shall assign sections 1 to 7 of
this act to Chapter 14.

(Signed) Justin Wayne, Chairperson

Business and Labor

LEGISLATIVE BILL 102. Placed on General File.
LEGISLATIVE BILL 301. Placed on General File.
LEGISLATIVE BILL 359. Placed on General File.

LEGISLATIVE BILL 306. Placed on General File with amendment.
AM71
1. On page 3, line 17, strike beginning with "left" through "care"
2 and insert "has made all reasonable efforts to preserve employment but
3 voluntarily leaves employment for the purpose of caring".

(Signed) Matt Hansen, Chairperson

NOTICE OF COMMITTEE HEARING(S)
Natural Resources
Room 1525
Thursday, February 7, 2019 1:30 p.m.

Richard S. Mercure - Niobrara Council
LB155

(Signed) Dan Hughes, Chairperson

GENERAL FILE

LEGISLATIVE BILL 70. Title read. Considered.
Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, 2 present
and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 78. Title read. Considered.
Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 5 present
and not voting, and 4 excused and not voting.
LEGISLATIVE BILL 221. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

AMENDMENT(S) - Print in Journal

Senator Wayne filed the following amendment to LB92:

AM104

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 43-256, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 43-256 When the court enters an order continuing placement,
6 detention, or an alternative to detention infringing upon the juvenile's
7 liberty interest pursuant to section 43-253, upon request of the
8 juvenile, or his or her parent, guardian, or attorney, the court shall
9 hold a hearing within forty-eight hours, at which hearing the burden of
10 proof shall be upon the state to show probable cause that such juvenile
11 is within the jurisdiction of the court. The Nebraska Evidence Rules are
12 not required to be applied. Strict rules of evidence shall not apply at
13 the probable cause hearing. The juvenile shall be released if probable
14 cause is not shown. At the option of the court, it may hold the
15 adjudication hearing provided in section 43-279 as soon as possible
16 instead of the probable cause hearing if held within a reasonable period
17 of time. This section and section 43-255 shall not apply to a juvenile
18 (1) who has escaped from a commitment or (2) who has been taken into
19 custody for his or her own protection as provided in subdivision (2) of
20 section 43-248 in which case the juvenile shall be held on order of the
21 court with jurisdiction for a reasonable period of time.
22 Sec. 2. Section 43-279, Reissue Revised Statutes of Nebraska, is
23 amended to read:
24 43-279 (1) The adjudication portion of hearings shall be conducted
25 before the court without a jury, applying the Nebraska Evidence Rules
26 customary rules of evidence in use in trials without a jury. When the
27 petition alleges the juvenile to be within the provisions of subdivision
1 (1), (2), (3)(b), or (4) of section 43-247 and the juvenile or his or her
2 parent, guardian, or custodian appears with or without counsel, the court
3 shall inform the parties:
4 (a) Of the nature of the proceedings and the possible consequences
5 or disposions pursuant to sections 43-284 to 43-286, 43-289, and 43-290
6 that may apply to the juvenile's case following an adjudication of
7 jurisdiction;
8 (b) Of such juvenile's right to counsel as provided in sections
9 43-272 and 43-273;
10 (c) Of the privilege against self-incrimination by advising the
11 juvenile, parent, guardian, or custodian that the juvenile may remain
12 silent concerning the charges against the juvenile and that anything said
13 may be used against the juvenile;
(d) Of the right to confront anyone who testifies against the
juvenile and to cross-examine any persons who appear against the
juvenile;
(e) Of the right of the juvenile to testify and to compel other
witnesses to attend and testify in his or her own behalf;
(f) Of the right of the juvenile to a speedy adjudication hearing;
and
(g) Of the right to appeal and have a transcript for such purpose.

After giving such warnings and admonitions, the court may accept an
in-court admission by the juvenile of all or any part of the allegations
in the petition if the court has determined from examination of the
juvenile and those present that such admission is intelligently,
voluntarily, and understandingly made and with an affirmative waiver of
rights and that a factual basis for such admission exists. The waiver of
the right to counsel shall satisfy section 43-3102. The court may base
its adjudication provided in subsection (2) of this section on such
admission.

(2) If the juvenile denies the petition or stands mute the court
shall first allow a reasonable time for preparation if needed and then
consider only the question of whether the juvenile is a person described
by section 43-247. After hearing the evidence on such question, the court
shall make a finding and adjudication, to be entered on the records of
the court, whether or not the juvenile is a person described by
subdivision (1), (2), (3)(b), or (4) of section 43-247 based upon proof
beyond a reasonable doubt. If an Indian child is involved, the standard
of proof shall be in compliance with the Nebraska Indian Child Welfare
Act, if applicable.

(3) If the court shall find that the juvenile named in the petition
is not within the provisions of section 43-247, it shall dismiss the
case. If the court finds that the juvenile named in the petition is such
juvenile, it shall make and enter its findings and adjudication
accordingly, designating which subdivision or subdivisions of section
43-247 such juvenile is within; the court shall allow a reasonable time
for preparation if needed and then proceed to an inquiry into the proper
disposition to be made of such juvenile.

Sec. 3. Section 43-283, Reissue Revised Statutes of Nebraska, is
amended to read:

43-283 The Nebraska Evidence Rules shall apply to all adjudication
hearings and any hearing on a motion or petition seeking termination of
parental rights. The Nebraska Evidence Rules are not required to be
applied at any other hearing under the Nebraska Juvenile Code, including,
but not limited to, dispositional, review, permanency planning, or
detention or protective custody hearings. Strict rules of evidence shall
not be applied at any dispositional hearing.

Sec. 4. Section 43-285, Revised Statutes Cumulative Supplement,
2018, is amended to read:

43-285 (1) When the court awards a juvenile to the care of the
Department of Health and Human Services, an association, or an individual
in accordance with the Nebraska Juvenile Code, the juvenile shall, unless
otherwise ordered, become a ward and be subject to the legal custody and
care of the department, association, or individual to whose care he or
she is committed. Any such association and the department shall have
authority, by and with the assent of the court, to determine the care,
placement, medical services, psychiatric services, training, and
expenditures on behalf of each juvenile committed to it. Any such
association and the department shall be responsible for applying for any
health insurance available to the juvenile, including, but not limited
to, medical assistance under the Medical Assistance Act. Such custody and
care shall not include the guardianship of any estate of the juvenile.

(2)(a) Following an adjudication hearing at which a juvenile is
adjudged to be under subdivision (3)(a) or (c) of section 43-247, the
court may order the department to prepare and file with the court a
proposed plan for the care, placement, services, and permanency which are
to be provided to such juvenile and his or her family. The health and
safety of the juvenile shall be the paramount concern in the proposed
plan.

(b) The department shall provide opportunities for the child, in an
age or developmentally appropriate manner, to be consulted in the
development of his or her plan as provided in the Nebraska Strengthening
Families Act.

(c) The department shall include in the plan for a child who is
fourteen years of age or older and subject to the legal care and custody
of the department a written independent living transition proposal which
meets the requirements of section 43-1311.03 and, for eligible children,
the Young Adult Bridge to Independence Act. The juvenile court shall
provide a copy of the plan to all interested parties before the hearing.
The court may approve the plan, modify the plan, order that an
alternative plan be developed, or implement another plan that is in the
child's best interests. In its order the court shall include a finding
regarding the appropriateness of the programs and services described in
the proposal designed to help the child prepare for the transition from
foster care to a successful adulthood. The court shall also ask the
child, in an age or developmentally appropriate manner, if he or she
participated in the development of his or her plan and make a finding
regarding the child’s participation in the development of his or her plan
as provided in the Nebraska Strengthening Families Act. The Nebraska
Evidence Rules are not required to be applied Rules of evidence shall not
apply at the dispositional hearing when the court considers the plan that
has been presented.

(d) The last court hearing before jurisdiction pursuant to
subdivision (3)(a) of section 43-247 is terminated for a child who is
sixteen years of age or older shall be called the independence hearing.
In addition to other matters and requirements to be addressed at this
hearing, the independence hearing shall address the child's future goals
and plans and access to services and support for the transition from
foster care to adulthood consistent with section 43-1311.03 and the Young
Adult Bridge to Independence Act. The child shall not be required to
attend the independence hearing, but efforts shall be made to encourage
and enable the child's attendance if the child wishes to attend, including scheduling the hearing at a time that permits the child's attendance. An independence coordinator as provided in section 43-4506 shall attend the hearing if reasonably practicable, but the department is not required to have legal counsel present. At the independence hearing, the court shall advise the child about the bridge to independence program, including, if applicable, the right of young adults in the bridge to independence program to request a court-appointed, client-directed attorney under subsection (1) of section 43-4510 and the benefits and role of such attorney and to request additional permanency review hearings in the bridge to independence program under subsection (5) of section 43-4508 and how to request such a hearing. The court shall also advise the child, if applicable, of the rights he or she is giving up if he or she chooses not to participate in the bridge to independence program and the option to enter such program at any time between nineteen and twenty-one years of age if the child meets the eligibility requirements of section 43-4504. The department shall present information to the court regarding other community resources that may benefit the child, specifically information regarding state programs established pursuant to 42 U.S.C. 677. The court shall also make a finding as to whether the child has received the documents as required by subsection (9) of section 43-1311.03.

(3)(a) Within thirty days after an order awarding a juvenile to the care of the department, an association, or an individual and until the juvenile reaches the age of majority, the department, association, or individual shall file with the court a report stating the location of the juvenile's placement and the needs of the juvenile in order to effectuate the purposes of subdivision (1) of section 43-246. The department, association, or individual shall file a report with the court once every six months or at shorter intervals if ordered by the court or deemed appropriate by the department, association, or individual. Every six months, the report shall provide an updated statement regarding the eligibility of the juvenile for health insurance, including, but not limited to, medical assistance under the Medical Assistance Act. The department shall also concurrently file a written sibling placement report as described in subsection (3) of section 43-1311.02 at these times.

(b) The department, association, or individual shall file a report and notice of placement change with the court and shall send copies of the notice to all interested parties, including all of the child’s siblings that are known to the department, at least seven days before the placement of the juvenile is changed from what the court originally considered to be a suitable family home or institution to some other custodial situation in order to effectuate the purposes of subdivision (1) of section 43-246. The department, association, or individual shall afford a parent or an adult sibling the option of refusing to receive such notifications. The court, on its own motion or upon the filing of an objection to the change by an interested party, may order a hearing to review such a change in placement and may order that the change be stayed.
6 until the completion of the hearing. Nothing in this section shall
7 prevent the court on an ex parte basis from approving an immediate change
8 in placement upon good cause shown. The department may make an immediate
9 change in placement without court approval only if the juvenile is in a
10 harmful or dangerous situation or when the foster parents request that
11 the juvenile be removed from their home. Approval of the court shall be
12 sought within twenty-four hours after making the change in placement or
13 as soon thereafter as possible.
14 (c) The department shall provide the juvenile's guardian ad litem
15 with a copy of any report filed with the court by the department pursuant
16 to this subsection.
17 (4) The court shall also hold a permanency hearing if required under
18 section 43-1312.
19 (5) When the court awards a juvenile to the care of the department,
20 an association, or an individual, then the department, association, or
21 individual shall have standing as a party to file any pleading or motion,
22 to be heard by the court with regard to such filings, and to be granted
23 any review or relief requested in such filings consistent with the
24 Nebraska Juvenile Code.
25 (6) Whenever a juvenile is in a foster care placement as defined in
26 section 43-1301, the Foster Care Review Office or the designated local
27 foster care review board may participate in proceedings concerning the
28 juvenile as provided in section 43-1313 and notice shall be given as
29 provided in section 43-1314.
30 (7) Any written findings or recommendations of the Foster Care
31 Review Office or the designated local foster care review board with
1 regard to a juvenile in a foster care placement submitted to a court
2 having jurisdiction over such juvenile shall be admissible in any
3 proceeding concerning such juvenile if such findings or recommendations
4 have been provided to all other parties of record.
5 (8) The executive director and any agent or employee of the Foster
6 Care Review Office or any member of any local foster care review board
7 participating in an investigation or making any report pursuant to the
8 Foster Care Review Act or participating in a judicial proceeding pursuant
9 to this section shall be immune from any civil liability that would
10 otherwise be incurred except for false statements negligently made.
11 Sec. 5. Original sections 43-256, 43-279, and 43-283, Reissue
12 Revised Statutes of Nebraska, and section 43-285, Revised Statutes
13 Cumulative Supplement, 2018, are repealed.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Howard name added to LB15.
Senator M. Hansen name added to LB15.
Senator Quick name added to LB15.
Senator Bolz name added to LB15.
Senator Hunt name added to LB15.
Senator Erdman name added to LB16.
Senator Hunt name added to LB51.
Senator Erdman name added to LB54.
Senator Erdman name added to LB185.
Senator Dorn name added to LB267.
Senator Erdman name added to LB454.
Senator Walz name added to LB642.
Senator B. Hansen name added to LB720.

ADJOURNMENT

At 9:50 a.m., on a motion by Senator Bolz, the Legislature adjourned until 9:00 a.m., Friday, February 1, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
SEVENTEENTH DAY - FEBRUARY 1, 2019

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

SEVENTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 1, 2019

PRAYER

The prayer was offered by Senator DeBoer.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Scheer presiding.

The roll was called and all members were present except Senator Howard who was excused; and Senators Bolz, Friesen, M. Hansen, La Grone, and Morfeld who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixteenth day was approved.

MESSAGE(S) FROM THE GOVERNOR

January 22, 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 as the Chief Executive Officer of the Nebraska Department of Health and Human Services:

Dannette R. Smith, 301 Centennial Mall South, Lincoln, NE 68509

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.
January 28, 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 Liquor Control Commission:

Harry Hoch, 911 North 43rd Avenue Circle, Omaha, NE 68154

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

January 28, 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 Board of Educational Lands and Funds:

Dwayne B. Probyn, 813 Western Hills Drive, Papillion, NE 68046

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
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 State Emergency Response Commission:  

Trent D. Kleinow, 3627 Sugarberry Road, North Platte, NE 69101  

Also contingent upon your approval, the following individuals are being reappointed to the State Emergency Response Commission:  

Richard Grauerholz, 508 North 17th Street, Ashland, NE 68003  
Tim Hofbauer, 2328 34th Street, Columbus, NE 68601  

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  

January 30, 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:  

Please withdraw the following individual from consideration for confirmation of appointment to the Natural Resources Commission due to resignation:  

Lindsey Smith, 941 North 10th Street, Broken Bow, NE 68822  

Sincerely,  

(Signed) Pete Ricketts  
Governor
LEGISLATIVE BILL 122. Placed on General File with amendment. AM8
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 85-502.01, Revised Statutes Cumulative
4 Supplement, 2018, is amended to read:
5 85-502.01 (1) A person who enrolls in a public college or university
6 in this state and who is a veteran as defined in Title 38 of the United
7 States Code and was discharged or released from a period of not fewer
8 than ninety days of service in the active military, naval, or air service
9 less than three years before the date of initial enrollment, a spouse or
10 dependent of such a veteran, or an eligible recipient entitled to
11 educational assistance as provided in 38 U.S.C. 3319 while the transferor
12 is on active duty in the uniformed services or as provided in 38 U.S.C.
13 3311(b)(9), as such sections existed on the effective date of this act
14 January 1, 2017, shall be considered a resident student notwithstanding
15 the provisions of section 85-502 if the person is (a) registered to vote
16 in Nebraska and (b) demonstrates objective evidence of intent to be a
17 resident of Nebraska, except that a
18 (2) A person who is otherwise
19 described in subsection (1) of this section and is under eighteen years
20 of age is not required to be registered to vote in Nebraska comply with
21 subdivision (1)(a) of this section.
22 (2) A person who enrolls in a public college or university in this
23 state and who is a recipient of vocational rehabilitation program
24 services as provided in 38 U.S.C. 3100 et seq., as such sections existed
25 on the effective date of this act, shall be considered a resident student
26 notwithstanding the provisions of section 85-502.
27 (3) For purposes of this section, objective evidence of intent to be
28 a resident of Nebraska includes either a Nebraska driver's license or
29 state identification card or a Nebraska motor vehicle registration.
30 Sec. 2. Original section 85-502.01, Revised Statutes Cumulative
31 Supplement, 2018, is repealed.
32 Sec. 3. Since an emergency exists, this act takes effect when
33 passed and approved according to law.
34
(Signed) Mike Groene, Chairperson
35
Judiciary
36
LEGISLATIVE RESOLUTION 1CA. Placed on General File.
LEGISLATIVE BILL 7. Placed on General File with amendment.
AM139
1 1. On page 2, line 22, after "and" insert "(i)"; in line 23 after
2 "performed" insert "or (ii) ownership is intended to be transferred"; and
3 strike beginning with the first comma in line 24 through the last comma
4 in line 25.

LEGISLATIVE BILL 55. Placed on General File with amendment.
AM47
1 1. Strike original section 1 and insert the following new section:
2 Section 1. Section 43-2101, Revised Statutes Cumulative Supplement,
3 2018, is amended to read:
4 43-2101  (1) All persons under nineteen years of age are declared to
5 be minors, but in case any person marries under the age of nineteen
6 years, his or her minority ends.
7 (2) Upon becoming the age of majority, a person is considered an
8 adult and acquires all rights and responsibilities granted or imposed by
9 statute or common law, except that a person;
10 (a) Eighteen (1) eighteen years of age or older and who is not a
11 ward of the state may;
12 (i) Enter enter into a binding contract or lease of whatever kind or
13 nature and shall be legally responsible for such contract or lease; and
14 (ii) Acquire or convey title to real property and shall have legal
15 responsibility for such acquisition or conveyance, including legal
16 responsibility to third parties; and
17 (b) Eighteen therefor and (2) eighteen years of age or older may
18 consent to mental health services for himself or herself without the
19 consent of his or her parent or guardian.

LEGISLATIVE BILL 47. Indefinitely postponed.
(Signed) Steve Lathrop, Chairperson
Health and Human Services

LEGISLATIVE BILL 22. Placed on General File with amendment.
AM18
1 1. On page 3, line 18, after "Fund" insert ". Funds collected as
2 part of a civil money penalty imposed by the Centers for Medicare and
3 Medicaid Services of the United States Department of Health and Human
4 Services as described in subsection (1) of this section shall be
5 distributed".

LEGISLATIVE BILL 60. Placed on General File with amendment.
AM17
1 1. On page 3, line 25, after "death" insert "and abusive head trauma
2 in infants and children"; and in line 27 strike "in the same bed", show
3 as stricken, and insert "on the same surface".
LEGISLATIVE BILL 74. Placed on General File with amendment.

AM91
1 1. On page 2, line 24, strike "tasks" and insert "acts, tasks,"; and
2 in line 28 strike "Working within the confines of a hospital" and insert
3 "Both certified pharmacy technicians are working within the confines of a
4 hospital preparing medications for administration in the hospital".

LEGISLATIVE BILL 200. Placed on General File with amendment.

AM90
1 1. On page 2, line 11, strike "alcoholism center", show as stricken,
2 and insert "mental health substance use treatment center".
3 2. On page 3, lines 4, 6, 8, and 10, strike each occurrence of
4 "alcoholism center" and insert "mental health substance use treatment
5 center"; after line 11 insert the following new subdivision:
6 "(a) Mental health substance use treatment center has the same
7 meaning as in section 71-423;"; in line 12 strike "(a)" and insert "(b)";
8 and in line 15 strike "(b)" and insert "(c)".

(Signed) Sara Howard, 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 January 31, 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

Amack, Angela K.
Airbnb, Inc.
League of Nebraska Municipalities
Bland, Jaime
Nebraska Health Information Initiative, Inc.
Bredenkamp, Troy
Renewable Fuels Nebraska
Clark, Jacqueline
Ash Grove Cement Company
CP Strategies LLC
KAAPÁ Ethanol, LLC
Fucik, Patrick
Sprint Corporation
Head, Craig J.
Nebraska Farm Bureau Federation
Hilton, Felicia
   North Central States Regional Council of Carpenters
Jensen Rogert Associates, Inc.
   AT&T, Inc.
Kissel Kohout ES Associates, LLC
   Insurance Auto Auctions, Inc.
McDonald, Edison
   Arc of Nebraska, The
Peetz & Company
   CQuence Health Group
Rembolt Ludtke, LLP
   American Society of Composers, Authors & Publishers
Rubel, Lauralie
   WellCare Health Plans, Inc. (Withdrawn 01/29/2019)
Rudd, Tyler
   Wine Institute
Sauvinet, Dorothy C.
   Southwest Airlines

AMENDMENT(S) - Print in Journal

Senator Wayne filed the following amendment to LB85:
AM117
(Amendments to Standing Committee amendments, AM66)
1 1. On page 2, line 23, strike "or"; and in line 26 after the
2 semicolon insert "or
3 (vi) An owner-occupied property with less than three residential
4 rental units;"

Senator Wayne filed the following amendment to LB193:
AM87
1 1. Insert the following new section:
2 Sec. 242. Section 77-2602, Reissue Revised Statutes of Nebraska, is
3 amended to read:
4 77-2602 (1) Every stamping agent engaged in distributing or selling
5 cigarettes at wholesale in this state shall pay to the Tax Commissioner
6 of this state a special privilege tax. This shall be in addition to all
7 other taxes. It shall be paid prior to or at the time of the sale, gift,
8 or delivery to the retail dealer in the several amounts as follows: On
9 each package of cigarettes containing not more than twenty cigarettes,
10 sixty-four cents per package; and on packages containing more than twenty
11 cigarettes, the same tax as provided on packages containing not more than
12 twenty cigarettes for the first twenty cigarettes in each package and a
13 tax of one-twentieth of the tax on the first twenty cigarettes on each
14 cigarette in excess of twenty cigarettes in each package.
15 (2) Beginning October 1, 2004, the State Treasurer shall place the
16 equivalent of forty-nine cents of such tax in the General Fund. The State
17 Treasurer shall reduce the amount placed in the General Fund under this
18 subsection by the amount prescribed in subdivision (3)(d) of this
For purposes of this section, the equivalent of a specified number of cents of the tax shall mean that portion of the proceeds of the tax equal to the specified number divided by the tax rate per package of cigarettes containing not more than twenty cigarettes.

(3) The State Treasurer shall distribute the remaining proceeds of such tax in the following order:

(a) First, beginning July 1, 1980, the State Treasurer shall place the equivalent of one cent of such tax in the Nebraska Outdoor Recreation Development Cash Fund. For fiscal year distributions occurring after FY1998-99, the distribution under this subdivision shall not be less than the amount distributed under this subdivision for FY1997-98. Any money needed to increase the amount distributed under this subdivision to the FY1997-98 amount shall reduce the distribution to the General Fund;

(b) Second, beginning July 1, 1993, the State Treasurer shall place the equivalent of three cents of such tax in the Health and Human Services Cash Fund to carry out sections 81-637 to 81-640. For fiscal year distributions occurring after FY1998-99, the distribution under this subdivision shall not be less than the amount distributed under this subdivision for FY1997-98. Any money needed to increase the amount distributed under this subdivision to the FY1997-98 amount shall reduce the distribution to the General Fund;

(c) Third, beginning October 1, 2002, and continuing until all the purposes of the Deferred Building Renewal Act have been fulfilled, the State Treasurer shall place the equivalent of seven cents of such tax in the Building Renewal Allocation Fund. The distribution under this subdivision shall not be less than the amount distributed under this subdivision for FY1997-98. Any money needed to increase the amount distributed under this subdivision to the FY1997-98 amount shall reduce the distribution to the General Fund;

(d) Fourth, until July 1, 2009, the State Treasurer shall place in the Municipal Infrastructure Redevelopment Fund the sum of five hundred twenty thousand dollars each fiscal year to carry out the Municipal Infrastructure Redevelopment Fund Act. The Legislature shall appropriate the sum of five hundred twenty thousand dollars each year for fiscal year 2003-04 through fiscal year 2008-09;

(e) Fifth, beginning July 1, 2001, and continuing until June 30, 2008, the State Treasurer shall place the equivalent of two cents of such tax in the Information Technology Infrastructure Fund. The distribution under this subdivision shall not be less than two million fifty thousand dollars. Any money needed to increase the amount distributed under this subdivision to two million fifty thousand dollars shall reduce the distribution to the General Fund;

(f) Sixth, beginning July 1, 2001, and continuing until June 30, 2016, the State Treasurer shall place one million dollars each fiscal year in the City of the Primary Class Development Fund. If necessary, the State Treasurer shall reduce the distribution of tax proceeds to the General Fund pursuant to subsection (2) of this section by such amount required to fulfill the one million dollars to be distributed pursuant to this subdivision;
(g) Seventh, beginning July 1, 2001, and continuing until June 30, 2016, the State Treasurer shall place one million five hundred thousand dollars each fiscal year in the City of the Metropolitan Class Development Fund. If necessary, the State Treasurer shall reduce the distribution of tax proceeds to the General Fund pursuant to subsection (2) of this section by such amount required to fulfill the one million five hundred thousand dollars to be distributed pursuant to this subdivision;

(f) Sixth, beginning July 1, 2008, and continuing until
June 30, 2009, the State Treasurer shall place the equivalent of two million fifty thousand dollars of such tax in the Nebraska Public Safety Communication System Cash Fund. Beginning July 1, 2009, and continuing until June 30, 2016, the State Treasurer shall place the equivalent of two million five hundred seventy thousand dollars of such tax in the Nebraska Public Safety Communication System Cash Fund. Beginning July 1, 2016, and every fiscal year thereafter, the State Treasurer shall place the equivalent of three million eight hundred twenty thousand dollars of such tax in the Nebraska Public Safety Communication System Cash Fund. If necessary, the State Treasurer shall reduce the distribution of tax proceeds to the General Fund pursuant to subsection (2) of this section by such amount required to fulfill the distribution pursuant to this subdivision; and

(g) Seventh, beginning July 1, 2016, and every fiscal year thereafter, the State Treasurer shall place the equivalent of one million two hundred fifty thousand dollars of such tax in the Nebraska Health Care Cash Fund. If necessary, the State Treasurer shall reduce the distribution of tax proceeds to the General Fund pursuant to subsection (2) of this section by such amount required to fulfill the distribution pursuant to this subdivision.

(4) If, after distributing the proceeds of such tax pursuant to subsections (2) and (3) of this section, any proceeds of such tax remain, the State Treasurer shall place such remainder in the Nebraska Capital Construction Fund.

(5) The Legislature hereby finds and determines that the projects funded from the Municipal Infrastructure Redevelopment Fund and the Building Renewal Allocation Fund are of critical importance to the State of Nebraska. It is the intent of the Legislature that the allocations and appropriations made by the Legislature to such funds or, in the case of allocations for the Municipal Infrastructure Redevelopment Fund, to the particular municipality's account not be reduced until all contracts and securities relating to the construction and financing of the projects or portions of the projects funded from such funds or accounts of such funds are completed or paid or, in the case of the Municipal Infrastructure Redevelopment Fund, the earlier of such date or July 1, 2009, and that until such time any reductions in the cigarette tax rate made by the Legislature shall be simultaneously accompanied by equivalent reductions in the amount dedicated to the General Fund from cigarette tax revenue. Any provision made by the Legislature for distribution of the proceeds of the cigarette tax for projects or programs other than those to (a) the
28 General Fund, (b) the Nebraska Outdoor Recreation Development Cash Fund, (c) the Health and Human Services Cash Fund, (d) the Municipal Infrastructure Redevelopment Fund, (e) the Building Renewal Allocation Fund, (f) the Information Technology Infrastructure Fund, (g) the City of the Primary Class Development Fund, (h) the City of the Metropolitan Class Development Fund, (i) the Nebraska Public Safety Communication System Cash Fund, and (h) (i) the Nebraska Health Care Cash Fund shall not be made a higher priority than or an equal priority to any of the programs or projects specified in subdivisions (a) through (h) (i) of this subsection.

2. On page 42, line 1; and page 43, line 11, strike "section" and insert "sections" and after "19-702" insert "and 19-703".

3. On page 47, line 21, after the comma insert "as such section existed prior to its repeal by Laws 1967, c. 92, section 7,"

4. On page 53, line 29, after "misdemeanor" insert "punishable as provided in section 19-913".

5. On page 58, line 25, strike the comma and show as stricken; in line 26 after "duties" insert "of a board of adjustment", strike "therein" and show as stricken, and strike "the board of adjustment", show as stricken, and insert "in such sections"; in line 27 strike "therein" and show as stricken; and in line 28 after "for" insert "in such sections".

6. On page 63, line 21, strike both commas, show as stricken, and after "and" insert "such"; in line 22 strike "the" and show as stricken; and strike the new matter in lines 22 and 23.

7. On page 75, line 30, strike "or" and insert an underscored comma and after "trustees" insert ", or county board".

8. Renumber the remaining sections and correct the repealer accordingly.

Senator Walz filed the following amendment to LB468:

AM46

1 1. On page 2, line 6, strike "2020" and insert "2022"; in lines 9 and 10 strike "any additional service or population" and insert "long-term care services and supports"; and in lines 10 and 11 strike "in effect on January 1, 2017" and insert ", For purposes of this section, long-term care services and supports includes services of a skilled nursing facility, a nursing facility, and an assisted-living facility and home and community-based services".

MOTION(S) - Confirmation Report(s)

Senator Brewer moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 362:

Department of Administrative Services
Jason Jackson, Director

Voting in the affirmative, 42:
Albrecht    Crawford    Hilgers    Linehan    Slama
Arch        DeBoer     Hilkemann  Lowe      Vargas
Blood       Dorn       Hughes     McCollister  Walz
Bostelman   Erdman     Hunt       McDonnell  Wayne
Brandt      Friesen    Kolowski   Moser      Williams
Brewer      Geist      Kolterman  Murman     Wishart
Briese      Gragert    La Grone   Pansing     Brooks
Cavanaugh   Halloran   Lathrop   Quick      
Clements    Hansen, B. Lindstrom Scheer

Voting in the negative, 0.

Present and not voting, 3:
Chambers     Groene     Stinner

Excused and not voting, 4:
Bolz        Hansen, M. Howard    Morfeld

The appointment was confirmed with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

Senator Brewer moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 362:
   Nebraska State Fire Marshal
   Christopher Cantrell

Voting in the affirmative, 41:
Albrecht    Crawford    Hilgers    Lowe      Vargas
Arch        DeBoer     Hilkemann  McCollister  Walz
Blood       Dorn       Hughes     McDonnell  Wayne
Bostelman   Erdman     Hunt       Moser      Williams
Brandt      Friesen    Kolowski   Murman     Wishart
Brewer      Geist      Kolterman  Pansing     Brooks
Briese      Gragert    La Grone   Quick      
Cavanaugh   Halloran   Lindstrom  Scheer      
Clements    Hansen, B. Linehan    Slama

Voting in the negative, 0.

Present and not voting, 5:
Chambers     Groene     Lathrop   Morfeld    Stinner

Excused and not voting, 3:
Bolz Hansen, M. Howard

The appointment was confirmed with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

Senator Kolterman moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 367:
   Nebraska Investment Council
       Gail Werner-Robertson

Voting in the affirmative, 42:

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

Voting in the negative, 0.

Present and not voting, 4:

Chambers La Grone Morfeld Wishart

Excused and not voting, 3:

Bolz Hansen, M. Howard

The appointment was confirmed with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

Senator Kolterman moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 367:
   Public Employees Retirement Board
       Allen Simpson

Voting in the affirmative, 45:
Voting in the negative, 0.

Present and not voting, 3:

La Grone Morfeld Walz

Excused and not voting, 1:

Howard

The appointment was confirmed with 45 ayes, 0 nays, 3 present and not voting, and 1 excused and not voting.

RESOLUTION(S)


WHEREAS, the Nebraska Association of Elementary School Principals (NeAESP) has named Principal Kris Friesen of York Elementary School as the National Distinguished Principal from Nebraska for 2019; and

WHEREAS, established in 1984, the National Distinguished Principal program recognizes principals for setting high standards for instruction, student achievement, character, and educational climate in their schools while making outstanding contributions to the larger community and to the education profession; and

WHEREAS, known for her enthusiasm and creativity, Principal Friesen emphasizes the importance of positive relationships with students, staff, and families with initiatives like the Duke Pride Awards, All Stars, Friday spirit rallies, cross grade level matchups to encourage students during testing, and One School-One Book; and

WHEREAS, the leadership of Principal Friesen in building systems for academic interventions and meeting social-emotional needs, in structuring early childhood partnerships with Head Start and the Nebraska Correctional Center for Women, and in developing and implementing new math and reading curricula has resulted in annual gains and an all-time high in achievement scores for her students; and

WHEREAS, Principal Friesen has demonstrated her dedication to improving the education profession as the President and Past President of NeAESP Region 1 and as a member of the National Association of
Elementary School Principals, Nebraska Council of School Administrators, Association for Supervision and Curriculum Development, HOPE Squad, and Alpha Delta Kappa; and

WHEREAS, Principal Friesen will represent Nebraska at the 2019 National Distinguished Principal celebration this October in Washington, D.C.

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

1. That the Legislature congratulates Principal Kris Friesen on being named the National Distinguished Principal from Nebraska for 2019.
2. That the Legislature congratulates Principal Friesen for her accomplishments at York Elementary School.
3. That a copy of this resolution be sent to Principal Friesen.

Laid over.

BILL ON FIRST READING

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

LEGISLATIVE BILL 33A. Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 33, One Hundred Sixth Legislature, First Session, 2019; and to declare an emergency.

COMMITTEE REPORT(S)

Natural Resources

LEGISLATIVE BILL 302. Placed on General File.
LEGISLATIVE BILL 307. Placed on General File.

(Signed) Dan Hughes, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 1. Placed on Final Reading.
LEGISLATIVE BILL 2. Placed on Final Reading.
LEGISLATIVE BILL 3. Placed on Final Reading.
LEGISLATIVE BILL 12. Placed on Final Reading.
LEGISLATIVE BILL 26. Placed on Final Reading.

(Signed) Julie Slama, Chairperson
GENERAL FILE

LEGISLATIVE BILL 42. Title read. Considered.

Committee AM67, found on page 361, was adopted with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 115. Title read. Considered.

Committee AM39, found on page 365, was adopted with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

PRESIDENT FOLEY PRESIDING

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 188. Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 1 nay, 18 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 258. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 259. Title read. Considered.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 355. Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 56. Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 75. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.
LEGISLATIVE BILL 11. Title read. Considered.

Senator Blood moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 24 not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 57. Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 1 nay, 17 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 121. Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 66. Title read. Considered.

Committee AM56, found on page 366, was offered.

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 19. Introduced by Bolz, 29; Geist, 25; Hansen, M., 26; Hilgers, 21; Morfeld, 46; Pansing Brooks, 28; Wishart, 27.

WHEREAS, Susanne "Susie" Blue received her bachelor's degree in public affairs and community service from the University of Nebraska-Lincoln and Master of Social Work from the University of Nebraska at Omaha; and

WHEREAS, Susanne Blue was appointed as the first Executive Director of Matt Talbot Kitchen and Outreach in 1999; and

WHEREAS, Matt Talbot Kitchen and Outreach was established to serve meals to those in need with a spirit of dignity and love; and

WHEREAS, Matt Talbot Kitchen and Outreach began by serving Saturday evening meals in September of 1992 and now serves almost three hundred meals each day; and

WHEREAS, Matt Talbot Kitchen and Outreach served its two millionth meal in 2016; and

WHEREAS, Matt Talbot Kitchen and Outreach also works to address safe and stable housing needs for Lancaster county residents and provides showers, haircuts, and laundry services for the homeless; and

WHEREAS, as of 2017, Matt Talbot Kitchen and Outreach was coordinating over thirty-three thousand volunteer hours annually; and
WHEREAS, Susanne Blue is celebrating twenty years as Executive Director of Matt Talbot Kitchen and Outreach.

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 Susanne Blue for twenty years of service to the community.
2. That a copy of this resolution be sent to Susanne Blue.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Friesen filed the following amendment to **LB82**:

**AM122**

1. On page 5, line 31; and page 6, line 1, after "plan" insert "or program".

2. On page 13, line 3, strike "or programs" and insert "programs, or standards";
   in line 5 strike "standards or programs" and insert "plans, programs, or standards";
   in line 8 strike "and" and insert "; or standards";
   in line 12 strike "and programs" and insert "programs, and standards";
   and in line 14 after the second comma insert "or standards".

COMMITTEE REPORT(S)

**Education**

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

Robert Henson - Technical Advisory Committee for Statewide Assessment
Jeffrey Nellhaus - Technical Advisory Committee for Statewide Assessment
Linda Poole - Technical Advisory Committee for Statewide Assessment


(Signed) Mike Groene, Chairperson

NOTICE OF COMMITTEE HEARING(S)

**Nebraska Retirement Systems**

Room 1507

Tuesday, February 12, 2019 12:00 p.m.

LB36
LB565
LEGISLATIVE BILL 256. Placed on General File.

(Signed) Mike Groene, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)

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

- Senator Clements name added to LB12.
- Senator Pansing Brooks name added to LB55.
- Senator Bolz name added to LB66.
- Senator Hunt name added to LB115.
- Senator Lowe name added to LB172.
- Senator Erdman name added to LB198.
- Senator McDonnell name added to LB256.
- Senator Lowe name added to LB450.

VISITOR(S)

Visitors to the Chamber were students and a teacher from Peru State College; Sarah Thompson from Lincoln; and a homeschool group from York.

ADJOURNMENT

At 11:54 a.m., on a motion by Senator Hilkemann, the Legislature adjourned until 9:00 a.m., Monday, February 4, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
PRAYER

The prayer was offered by Reverend Bud Heckman, Tri-Faith Ministries, Omaha.

ROLL CALL

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

The roll was called and all members were present except Senators Morfeld and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventeenth day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR Committee
LR16 Executive Board

Grauerholz, Richard - State Emergency Response Commission - Government, Military and Veterans Affairs
Hoch, Harry - Nebraska Liquor Control Commission - General Affairs
Hofbauer, Tim - State Emergency Response Commission - Government, Military and Veterans Affairs
Kleinow, Trent D. - State Emergency Response Commission - Government, Military and Veterans Affairs
Probyn, Dwayne B. - Board of Educational Lands and Funds - Education
Smith, Dannette R. - Chief Executive Officer - Department of Health and Human Services - Health and Human Services

(Signed) Mike Hilgers, Chairperson
Executive Board
NOTICE OF COMMITTEE HEARING(S)
Education
Room 1525
Monday, February 11, 2019 1:30 p.m.

LB147
LB515
LB495

(Signed) Mike Groene, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 61. Placed on Select File with amendment.
ER8
1 1. On page 1, line 1, strike "71-4402,"; and in line 2 after the
2 first comma insert "71-4403,".
3 2. On page 7, line 8, strike "71-4402," and after "71-4402.03,"
4 insert "71-4403,"; and in line 10 strike "sections" and insert "section".

(Signed) Julie Slama, Chairperson

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LR17 was adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the
President signed the following: LR17.

GENERAL FILE

LEGISLATIVE BILL 33A. Title read. Considered.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 6 present
and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 117. Advanced to Enrollment and Review for
Engrossment.

LEGISLATIVE BILL 79. Advanced to Enrollment and Review for
Engrossment.
LEGISLATIVE BILL 82. ER4, found on page 374, was adopted.

Senator Friesen offered his amendment, AM122, found on page 401.

The Friesen amendment was adopted with 43 ayes, 0 nays, 5 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 190. ER5, found on page 374, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 33. ER7, found on page 374, was adopted.

Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 66. Committee AM56, found on page 366 and considered on page 400, was renewed.

Senator M. Hansen offered the following amendment to the committee amendment:

AM151

(Amendments to Standing Committee amendments, AM56)

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 14-403.01, Reissue Revised Statutes of Nebraska,
4 is amended to read:
5 14-403.01 (1) When a city of the metropolitan class adopts a new
6 comprehensive plan or a full update to an existing comprehensive plan on
7 or after July 15, 2010, but not later than January 1, 2015, such plan or
8 update shall include, but not be limited to, an energy element which:
9 Assesses energy infrastructure and energy use by sector, including
10 residential, commercial, and industrial sectors; evaluates utilization of
11 renewable energy sources; and promotes energy conservation measures that
12 benefit the community.
13 (2) When a city of the metropolitan class adopts a new comprehensive
14 plan or a full update to an existing comprehensive plan on or after the
15 effective date of this act, such plan or update shall include an early
16 childhood education element.
17 Sec. 2. Section 15-1102, Reissue Revised Statutes of Nebraska, is
18 amended to read:
19 15-1102 (1) The general plan for the improvement and development of
20 the city of the primary class shall be known as the comprehensive plan.
21 This plan for governmental policies and action shall include the pattern
and intensity of land use, the provision of public facilities including transportation and other governmental services, the effective development and utilization of human and natural resources, the identification and evaluation of area needs including housing, employment, education, including early childhood education, and health and the formulation of programs to meet such needs, surveys of structures and sites determined to be of historic, cultural, archaeological, or architectural significance or value, long-range physical and fiscal plans for governmental policies and action, and coordination of all related plans and activities of the state and local governments and agencies concerned.

The comprehensive plan, with the accompanying maps, plats, charts, and descriptive and explanatory materials, shall show the recommendations concerning the physical development pattern of such city and of any land outside its boundaries related thereto, taking into account the availability of and need for conserving land and other irreplaceable natural resources, the preservation of sites of historic, cultural, archaeological, and architectural significance or value, the projected changes in size, movement, and composition of population, the necessity for expanding housing and employment opportunities, and the need for methods of achieving modernization, simplification, and improvements in governmental structures, systems, and procedures related to growth objectives. The comprehensive plan shall, among other things, show:

(a) The general location, character, and extent of existing and proposed streets and highways and railroad, air, and other transportation routes and terminals;
(b) Existing and proposed public ways, parks, grounds, and open spaces;
(c) The general location, character, and extent of schools, school grounds, and other educational facilities and properties, including educational facilities and properties used for early childhood education programs;
(d) The general location and extent of existing and proposed public utility installations;
(e) The general location and extent of community development and housing activities;
(f) The general location of existing and proposed public buildings, structures, and facilities; and
(g) When a new comprehensive plan or a full update to an existing comprehensive plan is developed on or after July 15, 2010, but not later than January 1, 2015, an energy element which: Assesses energy infrastructure and energy use by sector, including residential, commercial, and industrial sectors; evaluates utilization of renewable energy sources; and promotes energy conservation measures that benefit the community.

The comprehensive plan shall include a land-use plan showing the proposed general distribution and general location of business and industry, residential areas, utilities, and recreational, educational, and other categories of public and private land uses. For purposes of this subsection, educational land uses includes land used for early
14 childhood education programs. The land-use plan shall also show the
15 recommended standards of population density based upon population
16 estimates and providing for activities for which space should be supplied
17 within the area covered by the plan. The comprehensive plan shall include
18 and show proposals for acquisition, extension, widening, narrowing,
19 removal, vacation, abandonment, sale, and other actions affecting public
20 improvements.
21 Sec. 3. Section 19-903, Reissue Revised Statutes of Nebraska, is
22 amended to read:
23 19-903  (1) The regulations and restrictions authorized by sections
24 19-901 to 19-915 shall be in accordance with a comprehensive development
25 plan which shall consist of both graphic and textual material and shall
26 be designed to accommodate anticipated long-range future growth which
27 shall be based upon documented population and economic projections. The
28 comprehensive development plan shall, among other possible elements, 29 include:
30 (a) A land-use element which designates the proposed general
31 distributions, general location, and extent of the uses of land for
1 agriculture, housing, commerce, industry, recreation, education, public
2 buildings and lands, and other categories of public and private use of
3 land. For purposes of this subdivision, use of land for education
4 includes land used for early childhood education programs;
5 (b) The general location, character, and extent of existing and
6 proposed major roads, streets, and highways, and air and other
7 transportation routes and facilities;
8 (c) The general location, type, capacity, and area served of
9 present and projected or needed community facilities including recreation
10 facilities, schools, early childhood education facilities, libraries,
11 other public buildings, and public utilities and services;
12 (d) When a new comprehensive plan or a full update to an
13 existing comprehensive plan is developed on or after July 15, 2010, but
14 not later than January 1, 2015, an energy element which: Assesses energy
15 infrastructure and energy use by sector, including residential,
16 commercial, and industrial sectors; evaluates utilization of renewable
17 energy sources; and promotes energy conservation measures that benefit
18 the community. This subdivision shall not apply to villages; and
19 (e)(i) When next amended after January 1, 1995, an
20 identification of sanitary and improvement districts, subdivisions,
21 industrial tracts, commercial tracts, and other discrete developed areas
22 which are or in the future may be appropriate subjects for annexation and
23 (ii) a general review of the standards and qualifications that should
24 be met to enable the municipality to undertake annexation of such areas.
25 Failure of the plan to identify subjects for annexation or to set out
26 standards or qualifications for annexation shall not serve as the basis
27 for any challenge to the validity of an annexation ordinance.
28 (2) Regulations shall be designed to lessen congestion in the
29 streets; to secure safety from fire, panic, and other dangers; to promote
30 health and the general welfare; to provide adequate light and air; to
31 prevent the overcrowding of land; to secure safety from flood; to avoid
1 undue concentration of population; to facilitate the adequate provision
2 of transportation, water, sewerage, schools, early childhood education,
3 parks and other public requirements; to protect property against blight
4 and depreciation; to protect the tax base; to secure economy in
5 governmental expenditures; and to preserve, protect, and enhance historic
6 buildings, places, and districts.
7 (3) Such regulations shall be made with reasonable consideration,
8 among other things, for the character of the district and its peculiar
9 suitability for particular uses and with a view to conserving the value
10 of buildings and encouraging the most appropriate use of land throughout
11 such municipality.
12 Sec. 4. Original sections 14-403.01, 15-1102, and 19-903, Reissue
13 Revised Statutes of Nebraska, are repealed.

Senator M. Hansen moved for a call of the house. The motion prevailed with
30 ayes, 2 nays, and 17 not voting.

Senator M. Hansen requested a roll call vote, in reverse order, on his
amendment.

Voting in the affirmative, 19:

Blood       Crawford       Hunt       McDonnell       Vargas
Bolz        DeBoer         Kolowski   Morfeld         Walz
Cavanaugh    Hansen, M.    Lathrop    Pansing         Brooks Wishart
Chambers     Howard         McCollister Quick

Voting in the negative, 16:

Albrecht     Clements       Gragert     Lowe
Bostelman    Erdman         Groene      Moser
Brewer       Friesen        Hughes      Murman
Briese       Geist          Linehan     Slama

Present and not voting, 13:

Arch         Halloran       Hilkemann   Lindstrom      Williams
Brandt       Hansen, B.     Kolterman   Scheer
Dorn         Hilgers         La Grone   Stinner

Excused and not voting, 1:

Wayne

The M. Hansen amendment lost with 19 ayes, 16 nays, 13 present and not
voting, and 1 excused and not voting.

The Chair declared the call raised.
Senator Chambers moved for a call of the house. The motion prevailed with 24 ayes, 3 nays, and 22 not voting.

Senator Chambers requested a roll call vote on the committee amendment.

Voting in the affirmative, 19:

<table>
<thead>
<tr>
<th>Blood</th>
<th>Crawford</th>
<th>Hunt</th>
<th>McDonnell</th>
<th>Vargas</th>
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<tbody>
<tr>
<td>Bolz</td>
<td>DeBoer</td>
<td>Kolowski</td>
<td>Morfeld</td>
<td>Walz</td>
</tr>
<tr>
<td>Cavanaugh</td>
<td>Hansen, M.</td>
<td>Lathrop</td>
<td>Pansing</td>
<td>Brooks</td>
</tr>
<tr>
<td>Chambers</td>
<td>Howard</td>
<td>McCollister</td>
<td>Quick</td>
<td></td>
</tr>
</tbody>
</table>

Voting in the negative, 10:

<table>
<thead>
<tr>
<th>Albrecht</th>
<th>Briese</th>
<th>Erdman</th>
<th>Geist</th>
<th>Groene</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brewer</td>
<td>Clements</td>
<td>Friesen</td>
<td>Gragert</td>
<td>Linehan</td>
</tr>
</tbody>
</table>

Present and not voting, 19:

<table>
<thead>
<tr>
<th>Arch</th>
<th>Halloran</th>
<th>Hughes</th>
<th>Lowe</th>
<th>Slama</th>
</tr>
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<td>Koltermann</td>
<td>Moser</td>
<td>Stinner</td>
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<td>Hilgers</td>
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<td>Murman</td>
<td>Williams</td>
</tr>
<tr>
<td>Dorn</td>
<td>Hilkemann</td>
<td>Lindstrom</td>
<td>Scheer</td>
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</tr>
</tbody>
</table>

Excused and not voting, 1:

Wayne

The committee amendment lost with 19 ayes, 10 nays, 19 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator M. Hansen moved for a call of the house. The motion prevailed with 27 ayes, 3 nays, and 19 not voting.

Senator Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 19:

<table>
<thead>
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<td>Chambers</td>
<td>Howard</td>
<td>McCollister</td>
<td>Quick</td>
<td></td>
</tr>
</tbody>
</table>

Voting in the negative, 23:
Failed to advance to Enrollment and Review Initial with 19 ayes, 23 nays, 6 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 63.** Title read. Considered.

Committee AM77, found on page 366, was offered.

Senator Chambers requested a roll call vote on the committee amendment.

The committee amendment was adopted with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

Senator Chambers offered the following motion:

**MO5**

Reconsider the vote taken on AM77.

Senator Chambers moved for a call of the house. The motion prevailed with 16 ayes, 3 nays, and 30 not voting.

Senator Chambers requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 3:

Chambers    Kolowski    Wayne

Voting in the negative, 42:
Present and not voting, 3:

Bolz    Crawford    Lathrop

Excused and not voting, 1:

Howard

The Chambers motion to reconsider failed with 3 ayes, 42 nays, 3 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 49. Placed on Final Reading.
LEGISLATIVE BILL 67. Placed on Final Reading.

LEGISLATIVE BILL 77. Placed on Final Reading.
ST1
The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 3, "and" has been stricken and "76-3203, 76-3203.01, 76-3204, and 76-3216," inserted after the last comma.
2. On page 14, line 15, "the" has been inserted after "of".

(Signed) Julie Slama, Chairperson

NOTICE OF COMMITTEE HEARING(S)
Government, Military and Veterans Affairs
Room 1507

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

LB415
Thursday, February 14, 2019 1:30 p.m.

LB381
LB411
LB511
LB109

(Signed) Tom Brewer, Chairperson
General Affairs
Room 1510

Monday, February 11, 2019 1:30 p.m.

Todd Zohner - Nebraska Commission on Problem Gambling
LB635
LB538
LB584

(Signed) Tom Briese, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 33A. Placed on Select File.

(Signed) Julie Slama, Chairperson

COMMITTEE REPORT(S)
Transportation and Telecommunications

LEGISLATIVE BILL 111. Placed on General File.
LEGISLATIVE BILL 192. Placed on General File.

LEGISLATIVE BILL 80. Placed on General File with amendment.
AM72
1 1. On page 4, lines 2 and 3, strike "a photograph or digital image"
2 and insert "one or more photographs or digital images".

LEGISLATIVE BILL 81. Placed on General File with amendment.
AM73
1 1. On page 3, line 1, strike "or" and show as stricken; and in line
2 3 after "crossing" insert ";
3 (e) A stop sign is erected at such crossing; or
4 (f) A passive warning device is located at or in advance of such crossing and an approaching railroad train or on-track equipment is audible as described in subdivision (c) of this subsection or plainly visible and in hazardous proximity to such crossing. For purposes of this subdivision, passive warning device means the type of traffic control device, including a sign, marking, or other device, located at or in advance of a railroad grade crossing to indicate the presence of such crossing but which does not change aspect upon the approach or presence of a railroad train or on-track equipment”.

(Signed) Curt Friesen, Chairperson

AMENDMENT(S) - Print in Journal

Senator Chambers filed the following amendment to LB63:
FA1
Page 5, line 21, strike "at least" and insert "no more than."

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Crawford name added to LB15.
Senator Albrecht name added to LB41.
Senator Hunt name added to LB283.
Senator Erdman name added to LB445.
Senator Quick name added to LB477.
Senator Kolterman name added to LB604.
Senator Kolterman name added to LB605.

ADJOURNMENT

At 11:56 a.m., on a motion by Senator Hughes, the Legislature adjourned until 9:00 a.m., Tuesday, February 5, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
NINETEENTH DAY - FEBRUARY 5, 2019

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

NINETEENTH DAY

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

PRAYER

The prayer was offered by Pastor Bill Reeves, North Platte Baptist Church.

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 Briese, M. Hansen, Morfeld, Slama, and Vargas who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighteenth day was approved.

COMMITTEE REPORT(S)

Government, Military and Veterans Affairs

LEGISLATIVE BILL 214. Placed on General File.

LEGISLATIVE BILL 52. Placed on General File with amendment.

AM120
1 1. Insert the following new sections:
2 2 Sec. 2. Section 85-1807, Reissue Revised Statutes of Nebraska, is
3 amended to read:
4 85-1807 (1) The State Treasurer shall deposit money received by the
5 Nebraska educational savings plan trust into three funds: The College
6 Savings Plan Program Fund, the College Savings Plan Expense Fund, and the
7 College Savings Plan Administrative Fund. The State Treasurer shall
8 deposit money received by the trust into the appropriate fund. The State
9 Treasurer and Accounting Administrator of the Department of
10 Administrative Services shall determine the state fund types necessary to
11 comply with section 529 of the Internal Revenue Code and state policy.
12 The money in the funds shall be invested by the state investment officer
13 pursuant to policies established by the Nebraska Investment Council. The
14 program fund, the expense fund, and the administrative fund shall be
15 separately administered. The Nebraska educational savings plan trust
16 shall be operated with no General Fund appropriations.
17 (2) The College Savings Plan Program Fund is created. All money paid
18 by participants in connection with participation agreements and all
19 investment income earned on such money shall be deposited as received
20 into separate accounts within the program fund. Contributions to the
21 trust made by participants may only be made in the form of cash. All
22 funds generated in connection with participation agreements shall be
23 deposited into the appropriate accounts within the program fund. A
24 participant or beneficiary shall not provide investment direction
25 regarding program contributions or earnings held by the trust. Money
26 accrued by participants in the program fund may be used for payments to
27 any eligible educational institution. Any money in the program fund
1 available for investment shall be invested by the state investment
2 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
3 State Funds Investment Act.
4 (3) The College Savings Plan Administrative Fund is created. Money
5 from the trust transferred from the expense fund to the administrative
6 fund in an amount authorized by an appropriation from the Legislature
7 shall be utilized to pay for the costs of administering, operating, and
8 maintaining the trust, to the extent permitted by section 529 of the
9 Internal Revenue Code. The administrative fund shall not be credited with
10 any money other than money transferred from the expense fund in an amount
11 authorized by an appropriation by the Legislature or any interest income
12 earned on the balances held in the administrative fund. Any money in the
13 administrative fund available for investment shall be invested by the
14 state investment officer pursuant to the Nebraska Capital Expansion Act
15 and the Nebraska State Funds Investment Act.
16 (4) The College Savings Plan Expense Fund is created. The expense
17 fund shall be used to pay costs associated with the Nebraska educational
18 savings plan trust and shall be funded with fees assessed to the program
19 fund. The State Treasurer shall transfer from the expense fund to the
20 State Investment Officer's Cash Fund an amount equal to the pro rata
21 share of the budget appropriated to the Nebraska Investment Council as
22 permitted in section 72-1249.02, to cover reasonable expenses incurred
23 for investment management of the Nebraska educational savings plan trust.
24 Annually and prior to such transfer to the State Investment Officer's
25 Cash Fund, the State Treasurer shall report to the budget division of the
26 Department of Administrative Services and to the Legislative Fiscal
27 Analyst the amounts transferred during the previous fiscal year. The
28 report submitted to the Legislative Fiscal Analyst shall be submitted
29 electronically. Transfers may be made from the expense fund to the
30 General Fund at the direction of the Legislature. Any money in the
31 expense fund available for investment shall be invested by the state
1 investment officer pursuant to the Nebraska Capital Expansion Act and the
2 Nebraska State Funds Investment Act.
3 Sec. 3. Section 85-1813, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 85-1813 The assets of the Nebraska educational savings plan trust,
6 including the program fund and excluding the administrative fund and the
expense fund, shall at all times be preserved, invested, and expended solely and only for the purposes of the trust and shall be held in trust for the participants and beneficiaries. No property rights in the trust shall exist in favor of the state. Assets of the trust, including the program fund, the administrative fund, and the expense fund, shall not be transferred or used by the state for any purposes other than the purposes of the trust.

Sec. 4. Original sections 85-1807 and 85-1813, Reissue Revised Statutes of Nebraska, are repealed.

2. On page 2, line 4, strike the second "and"; in line 7 strike "appropriated" and insert "used"; and in line 8 after "funds" insert "; and

(c) Trust funds means all trust funds identified by Nebraska statutes, all funds pledged for the payment of bonds, all accounts held by a trustee related to a bond issue, and all funds held related to a lease financing or other similar financing.

LEGISLATIVE BILL 152. Placed on General File with amendment. AM96
1 1. On page 2, line 13, after "84-712.05" insert ". if the member is acting as a law enforcement officer pursuant to subdivision (3) of this section".

LEGISLATIVE BILL 186. Placed on General File with amendment. AM111
1 1. Insert the following new section:
2 Sec. 24. Section 86-611, Reissue Revised Statutes of Nebraska, is amended to read:
3 86-611 (1) It is the intent of the Legislature to promote economic growth and the efficient operation of business and government in Nebraska through the electronic exchange of information and legally binding electronic transactions. In order to facilitate the electronic exchange of information, Nebraska must establish means to ensure that electronic transactions are legally binding and enforceable, while ensuring that security measures are in place to prevent opportunities for fraud and misuse.
4 (2) In any written communication in which a signature is required or used, any party to the communication may affix a signature by use of a digital signature that complies with the requirements of this section. The use of a digital signature shall have the same force and effect as the use of a manual signature if and only if it embodies all of the following attributes:
5 (a) It is unique to the person using it;
6 (b) It is capable of verification;
7 (c) It is under the sole control of the person using it;
8 (d) It is linked to data in such a manner that if the data is changed, the digital signature is invalidated; and
9 (e) It conforms to rules and regulations adopted and promulgated by the Secretary of State.
10 (3) In any communication in which a signature is required or used, a
26 state agency or political subdivision may accept a digital signature or
27 an electronic signature and may accept the communication in electronic
1 format. Any use of a digital signature, an electronic signature, or an
2 electronic communication by a court is subject to the rules of the
3 Supreme Court.
4 (4) The Secretary of State shall adopt and promulgate rules and
5 regulations to carry out this section which:
6 (a) Identify and define the type of signature which may be used in
7 the electronic communications governed by the rules and regulations;
8 (b) Identify and define the type of electronic communications for
9 which a digital signature or an electronic signature may be used; and
10 (c) Provide a degree of security reasonably related to the risks and
11 consequences of fraud or misuse for the type of electronic communication
12 which, at a minimum, shall require the maintenance of an audit trail of
13 the assignment or approval and the use of the unique access code or
14 unique electronic identifier.
15 (5) This section shall not be construed to invalidate digital
16 signatures, electronic signatures, or electronic communications which are
17 valid under any other applicable law.
18 (6) Unless otherwise provided by law, the use or acceptance of a
19 digital signature or an electronic signature shall be at the option of
20 the parties to the communication. This section shall not be construed to
21 require a person to use or permit the use of a digital signature or
22 electronic signature.
23 (7) In developing the rules and regulations, the Secretary of State
24 shall seek the advice of public and private entities, including the
25 Department of Administrative Services.
26 (8) The register of deeds or county clerk of each county shall
27 provide one or more electronic recording services for the purpose of
28 accepting electronically submitted real estate documents for recording.
29 (9) For purposes of this section:
30 (a) Electronic signature means a unique access code or other unique
31 electronic identifier assigned or approved by the state agency for use in
1 communications with the state agency;
2 (b) Digital signature means an electronic identifier, created by
3 computer, intended by the person using it to have the same force and
4 effect as a manual signature; and
5 (c) State agency means any agency, board, court, or constitutional
6 officer of the executive, judicial, and legislative branches of state
7 government, except individual members of the Legislature.
8 2. On page 4, line 15, strike "January" and insert "July".
9 3. On page 7, line 9, strike "seven" and insert "ten".
10 4. On page 12, strike beginning with "be" in line 7 through
11 "measuring" in line 8, show as stricken, and insert "measure"; and in
12 line 10 after "on" insert "a white background if submitted electronically
13 or on".
14 5. On page 13, lines 1 through 3, strike the new matter and
15 reinstate the stricken matter.
16 6. On page 17, line 9, strike "January" and insert "July".
17 7. Renumber the remaining sections and correct the repealer
LEGISLATIVE BILL 223. Placed on General File with amendment.

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

Section 1. (1) For purposes of this section, state-sponsored life insurance program means the life insurance program exclusively offered to all members of the Nebraska National Guard through the National Guard Association of Nebraska pursuant to the federal Veterans' Insurance Act of 1974, Public Law 93-289.

(2) Pursuant to this section, the Adjutant General shall:

(a) Allow efforts to make the state-sponsored life insurance program available to all members of the Nebraska National Guard;

(b) Provide an opportunity for members of the Nebraska National Guard to purchase state-sponsored life insurance program products; and

(c) Allow state-sponsored life insurance program representatives to provide Nebraska National Guard members with state-sponsored life insurance program briefings during annual training and inactive duty training periods to educate members on the state-sponsored life insurance program.

(Signed) Tom Brewer, Chairperson

NOTICE OF COMMITTEE HEARING(S)
Judiciary

Warner Chamber

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

LB282
LB335
LB457
LB500
LB579
LB646

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

LB132
LB230
LB390
LB391
LB589
LB651
Wednesday, February 20, 2019 1:30 p.m.
LB240
LB510
LB548
LB553
LB649
LB659

Thursday, February 21, 2019 1:30 p.m.
LB421
LB474
LB514
LB533
LB593
LB621

Friday, February 22, 2019 1:30 p.m.
LB43
LB249
LB516
LB532
LB539
LB680

(Signed) Steve Lathrop, Chairperson
Health and Human Services
Room 1510

Wednesday, February 13, 2019 1:00 p.m.
Division of Behavioral Health Briefing

Wednesday, February 13, 2019 1:30 p.m.
LB556
LB557
LB567

Thursday, February 14, 2019 1:30 p.m.
LB422
LB449
LB607
LB312

(Signed) Sara Howard, Chairperson
MESSAGE(S) FROM THE GOVERNOR

January 28, 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 Nebraska State Fair Board:

Dawn Caldwell, 30660 Road T, Edgar, NE 68935

Contingent upon your approval, the following individual is being reappointed to the Nebraska State Fair Board:

Chris Kircher, 15715 California Street, Omaha, NE 68118

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

SELECT FILE

LEGISLATIVE BILL 33A. Advanced to Enrollment and Review for Engrossment.

ANNOUNCEMENT

The Chair announced the birthday of Senator Williams.

GENERAL FILE

LEGISLATIVE BILL 63. Senator Chambers offered his amendment, FA1, found on page 413.

Senator Chambers moved for a call of the house. The motion prevailed with 18 ayes, 1 nay, and 30 not voting.

Senator Chambers requested a roll call vote on his amendment.
Voting in the affirmative, 0.

Voting in the negative, 39:

Abrecht  Clements  Halloran  Lathrop  Quick
Arch     Crawford  Hansen, B.  Lindstrom  Scheer
Blood    DeBoer   Hilgers   Linehan  Slama
Boz      Dorn     Hilkemann  Lowe    Stinner
Bostelman Erdman  Hughes  McCollister  Walz
Brandt   Geist    Hunt     McDonnell  Williams
Brewer   Gragert  Koltermann  Moser    Wishart
Cavanaugh Groene  La Grone  Murman

Present and not voting, 5:

Chambers  Howard  Kolowski  Pansing Brooks  Wayne

Excused and not voting, 5:

Briese  Friesen  Hansen, M.  Morfeld  Vargas

The Chambers amendment lost with 0 ayes, 39 nays, 5 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Pending.

**COMMITTEE REPORT(S)**

Banking, Commerce and Insurance

**LEGISLATIVE BILL 172.** Placed on General File.
**LEGISLATIVE BILL 442.** Placed on General File.
**LEGISLATIVE BILL 536.** Placed on General File.
**LEGISLATIVE BILL 622.** Placed on General File.

(Signed) Matt Williams, Chairperson

Revenue

**LEGISLATIVE BILL 4.** Placed on General File.
**LEGISLATIVE BILL 185.** Placed on General File.
**LEGISLATIVE BILL 372.** Placed on General File.

**LEGISLATIVE BILL 103.** Placed on General File with amendment.

AM116
1 1. Strike the original sections and insert the following new 2 sections:
Section 1. Section 77-1601.02, Reissue Revised Statutes of Nebraska, is amended to read:

If the annual assessment of property would result in an increase in the total property taxes levied by a county, municipality, school district, learning community, sanitary and improvement district, natural resources district, educational service unit, or community college, as determined using the previous year's rate of levy, such political subdivision's property tax request for the current year shall be no more than its property tax request in the prior year, and the political subdivision's rate of levy for the current year shall be decreased accordingly when such rate is set by the county board of equalization pursuant to section 77-1601. The governing body of the political subdivision shall pass a resolution or ordinance to set the amount of its property tax request after holding the public hearing required in subsection (3) of this section. If the governing body of a political subdivision seeks to set its property tax request at an amount that exceeds its property tax request in the prior year, it may do so after holding the public hearing required in subsection (3) of this section and by passing a resolution or ordinance that complies with subsection (4) of this section. If the annual assessment of property would result in no change or a decrease in the total property taxes levied by a county, municipality, school district, learning community, sanitary and improvement district, natural resources district, educational service unit, or community college, as determined using the previous year's rate of levy, such political subdivision's property tax request for the current year shall be no more than its property tax request in the prior year, and the political subdivision's rate of levy for the current year shall be adjusted accordingly when such rate is set by the county board of equalization pursuant to section 77-1601. The governing body of the political subdivision shall pass a resolution or ordinance to set the amount of its property tax request after holding the public hearing required in subsection (3) of this section. If the governing body of a political subdivision seeks to set its property tax request at an amount that exceeds its property tax request in the prior year, it may do so after holding the public hearing required in subsection (3) of this section and by passing a resolution or ordinance that complies with subsection (4) of this section. (3) The resolution or ordinance required under this section (1) The property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the county board of equalization in section 77-1601 unless the governing body of the county, municipality, school district, learning community, sanitary and improvement district, natural resources district, educational service unit, or community college passes by a majority vote a resolution or ordinance setting the tax request at a different amount. Such resolution or ordinance shall only be passed after a special public hearing called for such purpose is held and after notice is published in a newspaper of general circulation in the area of the political subdivision at least...
five days prior to the hearing. If the political subdivision's total operating budget, not including reserves, does not exceed ten thousand dollars per year or twenty thousand dollars per biennial period, the notice may be posted at the governing body's principal headquarters. The hearing notice shall contain the following information: The certified taxable valuation under section 13-509 for the prior year, the certified taxable valuation under section 13-509 for the current year, and the percentage increase or decrease in such valuations from the prior year to the current year; the dollar amount of the prior year's tax request and the property tax rate that was necessary to fund that tax request; the property tax rate that would be necessary to fund last year's tax request if applied to the current year's valuation; and the proposed dollar amount of the tax request for the current year and the property tax rate that will be necessary to fund that tax request; the percentage increase or decrease in the property tax rate from the prior year to the current year; and the percentage increase or decrease in the total operating budget from the prior year to the current year.

(4) Any resolution or ordinance setting a political subdivision's property tax request at an amount that exceeds the political subdivision's property tax request in the prior year shall include, but not be limited to, the following information:

(a) The name of the political subdivision;
(b) The amount of the property tax request;
(c) The following statements:
(i) The total assessed value of property differs from last year's total assessed value by ..... percent;
(ii) The tax rate which would levy the same amount of property taxes as last year, when multiplied by the new total assessed value of property, would be $..... per $100 of assessed value;
(iii) The (name of political subdivision) proposes to adopt a property tax request that will cause its tax rate to be $..... per $100 of assessed value; and
(iv) Based on the proposed property tax request and changes in other revenue, the total operating budget of (name of political subdivision) will exceed last year's by ..... percent; and
(d) The record vote of the governing body in passing such resolution or ordinance.

(5) Any resolution or ordinance setting a property tax request under this section shall be certified and forwarded to the county clerk on or before October 13 of the year for which the tax request is to apply.

(6) Any levy which is not in compliance with this section and section 77-1601 shall be construed as an unauthorized levy under section 77-1606.

Sec. 2. Original section 77-1601.02, Reissue Revised Statutes of Nebraska, is repealed.

LEGISLATIVE BILL 183. Placed on General File with amendment.

AM158
1 1. Strike the original sections and insert the following new
Section 1. Section 77-201, Reissue Revised Statutes of Nebraska, is amended to read:

77-201 (1) Except as provided in subsections (2) through (4) of this section, all real property in this state, not expressly exempt therefrom, shall be subject to taxation and shall be valued at its actual value.

(2) Agricultural land and horticultural land as defined in section 77-1359 shall constitute a separate and distinct class of property for purposes of property taxation, shall be subject to taxation, unless expressly exempt from taxation, and shall be valued at seventy-five percent of its actual value, except that for school district taxes levied to pay the principal and interest on bonds that are issued on or after the operative date of this act, such land shall be valued at thirty percent of its actual value.

(3) Agricultural land and horticultural land actively devoted to agricultural or horticultural purposes which has value for purposes other than agricultural or horticultural uses and which meets the qualifications for special valuation under section 77-1344 shall constitute a separate and distinct class of property for purposes of property taxation, shall be subject to taxation, and shall be valued for taxation at seventy-five percent of its special valuation value as defined in section 77-1343, except that for school district taxes levied to pay the principal and interest on bonds that are issued on or after the operative date of this act, such land shall be valued at thirty percent of its special valuation as defined in section 77-1343.

(4) Historically significant real property which meets the qualifications for historic rehabilitation valuation under sections 77-1385 to 77-1394 shall be valued for taxation as provided in such sections.

(5) Tangible personal property, not including motor vehicles, trailers, and semitrailers registered for operation on the highways of this state, shall constitute a separate and distinct class of property for purposes of property taxation, shall be subject to taxation, unless expressly exempt from taxation, and shall be valued at its net book value. Tangible personal property transferred as a gift or devise or as part of a transaction which is not a purchase shall be subject to taxation based upon the date the property was acquired by the previous owner and at the previous owner's Nebraska adjusted basis. Tangible personal property acquired as replacement property for converted property shall be subject to taxation based upon the date the converted property was acquired and at the Nebraska adjusted basis of the converted property unless insurance proceeds are payable by reason of the conversion. For purposes of this subsection, (a) converted property means tangible personal property which is compulsorily or involuntarily converted as a result of its destruction in whole or in part, theft, seizure, requisition, or condemnation, or the threat or imminence thereof, and no gain or loss is recognized for federal or state income tax purposes by the holder of the property as a result of the conversion and (b) replacement property means tangible personal property acquired within two
24 years after the close of the calendar year in which tangible personal
property was converted and which is, except for date of construction or
manufacture, substantially the same as the converted property.
Sec. 2. Section 77-5023, Reissue Revised Statutes of Nebraska, is
amended to read:
77-5023 (1) Pursuant to section 77-5022, the commission shall have
the power to increase or decrease the value of a class or subclass of
real property in any county or taxing authority or of real property
valued by the state so that all classes or subclasses of real property in
all counties fall within an acceptable range.
(2) An acceptable range is the percentage of variation from a
standard for valuation as measured by an established indicator of central
tendency of assessment. Acceptable ranges are: (a) For agricultural land
and horticultural land as defined in section 77-1359, sixty-nine to
seventy-five percent of actual value, except that for school district
taxes levied to pay the principal and interest on bonds that are issued
on or after the operative date of this act, the acceptable range is
twenty-four to thirty percent of actual value; (b) for lands receiving
special valuation, sixty-nine to seventy-five percent of special
valuation as defined in section 77-1343, except that for school district
taxes levied to pay the principal and interest on bonds that are issued
on or after the operative date of this act, the acceptable range is
twenty-four to thirty percent of special valuation as defined in section
77-1343; and (c) for all other real property, ninety-two to one hundred
percent of actual value.
(3) Any increase or decrease shall cause the level of value
determined by the commission to be at the midpoint of the applicable
acceptable range.
(4) Any decrease or increase to a subclass of property shall also
cause the level of value determined by the commission for the class from
which the subclass is drawn to be within the applicable acceptable range.
(5) Whether or not the level of value determined by the commission
falls within an acceptable range or at the midpoint of an acceptable
range may be determined to a reasonable degree of certainty relying upon
generally accepted mass appraisal techniques.
Sec. 3. This act becomes operative on January 1, 2020.
Sec. 4. Original sections 77-201 and 77-5023, Reissue Revised
Statutes of Nebraska, are repealed.

(Signed) Lou Ann Linehan, Chairperson
Government, Military and Veterans Affairs

LEGISLATIVE BILL 450. Placed on General File.

LEGISLATIVE BILL 406. Placed on General File with amendment.
AM159
1 1. Strike original section 3.
2 2. On page 6, strike beginning with "auditing" in line 2 through
3 "property" in line 3, show as stricken, and insert "expenses related to unclaimed property."
4 3. On page 8, line 8, strike "(1)" and show as stricken and after "costs" insert "related to unclaimed property"; and strike beginning with "in" in line 8 through "charges" in line 11 and show as stricken.
5 4. On page 9, line 6, strike "69-1310, ."
6 5. Renumber the remaining sections accordingly.

(Signed) Tom Brewer, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 70. Placed on Select File with amendment.
ER13
1 1. On page 8, line 29, after "9" insert "of this act."
2 2. On page 10, line 2, after "or" insert "subsection."

LEGISLATIVE BILL 78. Placed on Select File with amendment.
ER10
1 1. On page 1, line 9, strike "an operative date" and insert "operative dates."

LEGISLATIVE BILL 221. Placed on Select File.

LEGISLATIVE BILL 42. Placed on Select File with amendment.
ER11
1 1. On page 1, lines 6 and 7, strike "to provide for filing fees; ."

LEGISLATIVE BILL 115. Placed on Select File with amendment.
ER9
1 1. On page 6, line 18, strike "shall" and show as stricken.
2 2. On page 7, line 12, strike "under the provisions of" and insert "pursuant to."

LEGISLATIVE BILL 188. Placed on Select File.

LEGISLATIVE BILL 258. Placed on Select File with amendment.
ER12
1 1. On page 1, line 11, strike "and" and after the second comma 2 insert "and ."
3 2. On page 2, line 26, strike "the", show as stricken, and insert 4 "such ."
5 3. On page 5, line 26, strike "the" and insert "such ."

(Signed) Julie Slama, Chairperson
NOTICE OF COMMITTEE HEARING(S)
Education
Room 1525
Tuesday, February 12, 2019 1:30 p.m.

LB695
LB662
LR5CA
LB430

(Signed) Mike Groene, Chairperson

GENERAL FILE

LEGISLATIVE BILL 63. Senator Chambers offered the following motion:
MO6
Reconsider the vote taken on FA1.

Senator Chambers moved for a call of the house. The motion prevailed with 15 ayes, 6 nays, and 28 not voting.

Senator Chambers requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 2:
Chambers        Wayne

Voting in the negative, 42:
Albrecht  Clements  Halloran  Linehan  Scheer
Arch  Crawford  Hansen, B.  Lowe  Slama
Blood  DeBoer  Hilgers  McCollister  Vargas
Bolz  Dorn  Hilkemann  McDonnell  Walz
Bostelman  Erdman  Hughes  Morfeld  Williams
Brandt  Friesen  Kolterman  Moser  Wishart
Brewer  Geist  La Grone  Murman
Briese  Gragert  Lathrop  Pansing Brooks
Cavanaugh  Groene  Lindstrom  Quick

Present and not voting, 3:
Howard     Hunt     Kolowski

Excused and not voting, 2:
Hansen, M.  Stinner
The Chambers motion to reconsider failed with 2 ayes, 42 nays, 3 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment:

FA2
Page 5, line 21, strike "three" and insert "five".

Senator Chambers withdrew his amendment.

Senator Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 41:

<table>
<thead>
<tr>
<th>Name</th>
<th>Name</th>
<th>Name</th>
<th>Name</th>
<th>Name</th>
</tr>
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<tbody>
<tr>
<td>Albrecht</td>
<td>Crawford</td>
<td>Hilgers</td>
<td>Lowe</td>
<td>Stinner</td>
</tr>
<tr>
<td>Arch</td>
<td>DeBoer</td>
<td>Hilkemann</td>
<td>McCollister</td>
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<td>Blood</td>
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<td>Hughes</td>
<td>Moser</td>
<td>Wayne</td>
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<td>Brandt</td>
<td>Friesen</td>
<td>Hunt</td>
<td>Murman</td>
<td>Williams</td>
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<td>Brewer</td>
<td>Geist</td>
<td>Kolterman</td>
<td>Pansing</td>
<td>Brooks</td>
</tr>
<tr>
<td>Briese</td>
<td>Friesen Hun</td>
<td>Kolterman</td>
<td>Pansing</td>
<td>Quick</td>
</tr>
<tr>
<td>Cavanaugh</td>
<td>Halloran</td>
<td>Lathrop</td>
<td>Scheer</td>
<td></td>
</tr>
<tr>
<td>Clements</td>
<td>Hansen, B.</td>
<td>Linehan</td>
<td>Slama</td>
<td></td>
</tr>
</tbody>
</table>

Voting in the negative, 0.

Present and not voting, 6:

<table>
<thead>
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<th>Name</th>
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</thead>
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<tr>
<td>Bolz</td>
<td>Groene</td>
</tr>
<tr>
<td>Chambers</td>
<td>Groene Lindstrom</td>
</tr>
<tr>
<td>Kolowski</td>
<td>Wishrom</td>
</tr>
</tbody>
</table>

Excused and not voting, 2:

<table>
<thead>
<tr>
<th>Name</th>
<th>Name</th>
</tr>
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<tbody>
<tr>
<td>Hansen, M.</td>
<td>Morfeld</td>
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</tbody>
</table>

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 32.** Title read. Considered.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 65.** Title read. Considered.

Senator Chambers offered the following amendment:

FA3
Page 3, line 6, strike "A" and insert "Any".
Senator Chambers moved for a call of the house. The motion prevailed with 18 ayes, 3 nays, and 28 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 0.

Voting in the negative, 43:

<table>
<thead>
<tr>
<th>Albrecht</th>
<th>Clements</th>
<th>Halloran</th>
<th>Linehan</th>
<th>Slama</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arch</td>
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<td>Hansen, B.</td>
<td>Lowe</td>
<td>Stinner</td>
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<tr>
<td>Blood</td>
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<td>Bostelman</td>
<td>Erdman</td>
<td>Hughes</td>
<td>Moser</td>
<td>Wayne</td>
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<td>Brandt</td>
<td>Friesen</td>
<td>Kolterman</td>
<td>Murman</td>
<td>Williams</td>
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<td>Brewer</td>
<td>Geist</td>
<td>La Grone</td>
<td>Pansing</td>
<td>Brooks</td>
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<tr>
<td>Briese</td>
<td>Gragert</td>
<td>Lathrop</td>
<td>Quick</td>
<td></td>
</tr>
<tr>
<td>Cavanaugh</td>
<td>Groene</td>
<td>Lindstrom</td>
<td>Scheer</td>
<td></td>
</tr>
</tbody>
</table>

Present and not voting, 5:

| Chambers   | Hansen, M.| Howard  | Hunt   | Kolowski |

Excused and not voting, 1:

| Morfeld    |           |         |        |         |

The Chambers amendment lost with 0 ayes, 43 nays, 5 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO7
Reconsider the vote taken on FA3.

Senator Chambers moved for a call of the house. The motion prevailed with 20 ayes, 4 nays, and 25 not voting.

Senator Chambers requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 1:

| Chambers |           |         |        |         |

Voting in the negative, 39:
Albrecht  Clements  Halloran  Linehan  Scheer
Arch  Crawford  Hansen, M.  Lowe  Slama
Blood  DeBoer  Hilgers  McCollister  Stinner
Bolz  Dorn  Hilkemann  McDonnell  Vargas
Bostelman  Erdman  Hughes  Moser  Walz
Brandt  Friesen  La Grone  Murman  Wayne
Brewer  Geist  Lathrop  Pansing Brooks Wishart
Briese  Gragert  Lindstrom  Quick

Present and not voting, 3:

Cavanaugh  Howard  Hunt

Excused and not voting, 6:

Groene  Kolowski  Morfeld
Hansen, B.  Kolterman  Williams

The Chambers motion to reconsider failed with 1 aye, 39 nays, 3 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

NOTICE OF COMMITTEE HEARING(S)
Revenue
Room 1524

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

LB276
LB182
LB310
LB477
LB357

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

LB314
LB497
LB677

(Signed) Lou Ann Linehan, Chairperson
ENROLLMENT AND REVIEW
LEGISLATIVE BILL 259. Placed on Select File.
LEGISLATIVE BILL 355. Placed on Select File.
LEGISLATIVE BILL 56. Placed on Select File.
LEGISLATIVE BILL 75. Placed on Select File.
LEGISLATIVE BILL 11. Placed on Select File.
LEGISLATIVE BILL 57. Placed on Select File.
LEGISLATIVE BILL 121. Placed on Select File.

(Signed) Julie Slama, Chairperson

AMENDMENT(S) - Print in Journal

Senator Pansing Brooks filed the following amendment to LB154:
AM36
1 1. Strike the original section and insert the following new section:
2 Section 1. The Nebraska State Patrol shall conduct a study to
3 determine how to increase state criminal justice protective and
4 investigative resources for reporting and identifying missing Native
5 American women and children in Nebraska. The Nebraska State Patrol shall
6 work with the Commission on Indian Affairs to convene meetings with
7 tribal and local law enforcement partners, federally recognized tribes,
8 and urban Indian organizations to determine the scope of the problem,
9 identify barriers, and find ways to create partnerships to increase
10 reporting and investigation of missing Native American women and
11 children. Consultation and collaboration with federally recognized tribes
12 shall be conducted with respect for government-to-government relations.
13 The Nebraska State Patrol shall work with the United States Department of
14 Justice to increase information sharing and resource coordination to
15 focus on reporting and investigating missing Native American women and
16 children in Nebraska. The Nebraska State Patrol shall submit a report
17 electronically to the Executive Board of the Legislative Council by June
18 1, 2020, on the results of such study. Such report shall include data and
19 analysis of the number of missing Native American women and children in
20 Nebraska, identification of barriers in providing state resources to
21 address the issue, and recommendations, including any proposed
22 legislation, to improve the reporting and identification of missing
23 Native American women and children in Nebraska.

Senator Crawford filed the following amendment to LB122:
AM164
1 (Amendments to Standing Committee amendments, AM 8)
2 1. Strike amendment 1 and insert the following new amendment:
3 1. Strike the original sections and insert the following new
4 sections:
5 Section 1. Section 85-502.01, Revised Statutes Cumulative
6 Supplement, 2018, is amended to read:
A person who enrolls in a public college or university in this state and who is (a) a veteran as defined in Title 38 of the United States Code and was discharged or released from a period of not fewer than ninety days of service in the active military, naval, or air service less than three years before the date of initial enrollment, (b) a spouse or dependent of such a veteran, (c) an eligible recipient entitled to educational assistance as provided in 38 U.S.C. 3319 while the transferor is on active duty in the uniformed services or as provided in 38 U.S.C. 3311(b)(9), as such sections existed on March 1, 2019 January 1, 2017, or (d) entitled to rehabilitation pursuant to 38 U.S.C. 3102(a), as such section existed on March 1, 2019, shall be considered a resident student notwithstanding the provisions of section 85-502 if the person is (a) registered to vote in Nebraska and (b) demonstrates objective evidence of intent to be a resident of Nebraska, except that a person who is otherwise described in subsection (1) of this section and is under eighteen years of age is not required to register to vote in Nebraska comply with subdivision (1)(a) of this section.

For purposes of this section, objective evidence of intent to be a resident of Nebraska includes either a Nebraska driver's license, a Nebraska or state identification card, or a Nebraska motor vehicle registration, or documentation that the individual is registered to vote in Nebraska.

Sec. 2. Original section 85-502.01, Revised Statutes Cumulative Supplement, 2018, is repealed.

Sec. 3. Since an emergency exists, this act takes effect when passed and approved according to law.

Senator Bolz filed the following amendment to LB108:

AM154

1. On page 2, after line 12 insert the following new subsection:
"(3) The director shall prioritize for placement in county jails any persons committed to the department who meet all of the following criteria:
(a) The person's sentence includes a term of post-release supervision;
(b) The person is three months or less from his or her mandatory release date; and
(c) The person can be housed in a county jail that is located:
(i) Within the county where such person was originally sentenced; or
(ii) Within one hundred miles of the county described in subdivision (3)(c)(i) of this section.".

Senator Chambers filed the following amendment to LB65:

FA4

Page 3, line 3 strike "boring" and insert "interesting".
UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Hunt name added to LB41.
Senator Hunt name added to LB235.
Senator Pansing Brooks name added to LB486.
Senator Lowe name added to LB605.
Senator Stinner name added to LB605.
Senator Pansing Brooks name added to LB614.
Senator Pansing Brooks name added to LR18.
Senator Linehan name added to LR18.

VISITOR(S)

Visitors to the Chamber were Girl Scouts Troop 20854 from Lincoln; and physical therapy students from UNMC and Creighton and members of the Nebraska Association of Physical Therapists.

ADJOURNMENT

At 11:54 a.m., on a motion by Senator Arch, the Legislature adjourned until 9:00 a.m., Wednesday, February 6, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
TWENTIETH DAY - FEBRUARY 6, 2019

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

TWENTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 6, 2019

PRAYER

The prayer was offered by Reverend Scott Jones, First Central Congregational Church, Omaha.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Scheer presiding.

The roll was called and all members were present except Senator Halloran who was excused; and Senator Wishart who was excused until she arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the nineteenth day was approved.

GENERAL FILE

LEGISLATIVE BILL 65. Senator Chambers offered his amendment, FA4, found on page 433.

Senator Chambers withdrew his amendment.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 102. Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 301. Title read. Considered.

SENATOR LINDSTROM PRESIDING

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 4 present and not voting, and 7 excused and not voting.
COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 33. Placed on Final Reading.
LEGISLATIVE BILL 33A. Placed on Final Reading.
LEGISLATIVE BILL 79. Placed on Final Reading.
LEGISLATIVE BILL 82. Placed on Final Reading.
LEGISLATIVE BILL 117. Placed on Final Reading.
LEGISLATIVE BILL 190. Placed on Final Reading.

(Signed) Julie Slama, Chairperson

COMMITTEE REPORT(S)
Banking, Commerce and Insurance

LEGISLATIVE BILL 159. Placed on General File.
LEGISLATIVE BILL 380. Placed on General File.
LEGISLATIVE BILL 469. Placed on General File.

(Signed) Matt Williams, Chairperson

NOTICE OF COMMITTEE HEARING(S)
Executive Board

Room 1525

Thursday, February 14, 2019 12:00 p.m.
LB253
LB261
LB466
LB467

(Signed) Mike Hilgers, Chairperson

Natural Resources

Room 1525

Wednesday, February 13, 2019 1:30 p.m.
Bradley B. Bird - Nebraska Ethanol Board
Michael S. Thede - Nebraska Ethanol Board
Walter Dennis Strauch - Nebraska Natural Resources Commission
John Heaston - Nebraska Natural Resources Commission
LB48
Thursday, February 14, 2019 1:30 p.m.

Bradley A. Arrowsmith - Niobrara Council
Don Kraus - Nebraska Natural Resources Commission
LB53
LB177

(Signed) Dan Hughes, Chairperson

GENERAL FILE

LEGISLATIVE BILL 359. Title read. Considered.
Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 7 present
and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 306. Title read. Considered.
Committee AM71, found on page 377, was offered.

PRESIDENT FOLEY PRESIDING

Pending.

ANNOUNCEMENT(S)

Priority designation(s) received:
Brewer - LB155

AMENDMENT(S) - Print in Journal

Senator Cavanaugh filed the following amendment to LB532:
AM54
1 1. Insert the following new section:
2 Sec. 3. Section 28-1206, Revised Statutes Cumulative Supplement,
3 2018, is amended to read:
4 28-1206 (1) A person commits the offense of possession of a deadly
5 weapon by a prohibited person if he or she:
6 (a) Possesses a firearm, a knife, or brass or iron knuckles and he
7 or she:
8 (i) Has previously been convicted of a felony;
9 (ii) Is a fugitive from justice; or
10 (iii) Is the subject of a current and validly issued domestic
11 violence protection order, harassment protection order, or sexual assault
12 protection order of which the person has actual notice and, in the case
13 of possession of a firearm, such order enjoins the person from possessing
14 or purchasing a firearm and is knowingly violating such order; or
15 (b) Possesses a firearm or brass or iron knuckles and he or she has
16 been convicted within the past seven years of a misdemeanor crime of
domestic violence.

(2) The felony conviction may have been had in any court in the
United States, the several states, territories, or possessions, or the
District of Columbia.

(3)(a) Possession of a deadly weapon which is not a firearm by a
prohibited person is a Class III felony.

(b) Possession of a deadly weapon which is a firearm by a prohibited
person is a Class ID felony for a first offense and a Class IB felony for
a second or subsequent offense.

(4) Subdivision (1)(a)(i) of this section shall not prohibit:

(a) Possession of archery equipment for lawful purposes; or
(b) If in possession of a recreational license, possession of a
knife for purposes of butchering, dressing, or otherwise processing or
harvesting game, fish, or furs.

(5)(a) For purposes of this section, misdemeanor crime of domestic
violence means a crime that:

(i) Is classified as a misdemeanor under the laws of the United
States or the District of Columbia or the laws of any state, territory,
possession, or tribe;

(ii) Has, as an element, the use or attempted use of physical force
or the threatened use of a deadly weapon; and

(iii) Is committed by another against his or her spouse, his or her
former spouse, a person with whom he or she has a child in common whether
or not they have been married or lived together at any time, or a person
with whom he or she is or was involved in a dating relationship as
defined in section 28-323.

(b) For purposes of this section, misdemeanor crime of domestic
violence also includes the following offenses, if committed by a person
against his or her spouse, his or her former spouse, a person with whom
he or she is or was involved in a dating relationship as defined in
section 28-323, or a person with whom he or she has a child in common
whether or not they have been married or lived together at any time:

(i) Assault in the third degree under section 28-310;

(ii) Stalking under subsection (1) of section 28-311.04;

(iii) False imprisonment in the second degree under section 28-315;

(iv) First offense domestic assault in the third degree under
subsection (1) of section 28-323; or

(v) Any attempt or conspiracy to commit any of such offenses.

(c) A person shall not be considered to have been convicted of a
misdemeanor crime of domestic violence unless:

(i) The person was represented by counsel in the case or knowingly
and intelligently waived the right to counsel in the case; and

(ii) In the case of a prosecution for a misdemeanor crime of
domestic violence for which a person was entitled to a jury trial in the
jurisdiction in which the case was tried, either:

(A) The case was tried to a jury; or

(B) The person knowingly and intelligently waived the right to have
the case tried to a jury.

(6) In addition, for purposes of this section:
8 (a) Archery equipment means:
9 (i) A longbow, recurve bow, compound bow, or nonelectric crossbow
10 that is drawn or cocked with human power and released by human power; and
11 (ii) Target or hunting arrows, including arrows with broad, fixed,
12 or removable heads or that contain multiple sharp cutting edges;
13 (b) Domestic violence protection order means a protection order
14 issued pursuant to section 42-924;
15 (c) Harassment protection order means a protection order issued
16 pursuant to section 28-311.09 or that meets or exceeds the criteria set
17 forth in section 28-311.10 regarding protection orders issued by a court
18 in any other state or a territory, possession, or tribe;
19 (d) Recreational license means a state-issued license, certificate,
20 registration, permit, tag, sticker, or other similar document or
21 identifier evidencing permission to hunt, fish, or trap for furs in the
22 State of Nebraska; and
23 (e) Sexual assault protection order means a protection order issued
24 pursuant to section 28-311.11 or that meets or exceeds the criteria set
25 forth in section 28-311.12 regarding protection orders issued by a court
26 in any other state or a territory, possession, or tribe.
27 2. On page 5, line 30, strike ", the" and insert "or" and strike the
28 last comma; and in line 31 after "and" insert "the respondent".
29 3. On page 6, line 20, strike beginning with "The" through
30 "petitioner" and insert "When provided by the petitioner, the court shall
31 make"; in line 22 after the comma insert "available"; and in line 24
1 strike the comma.
2 4. On page 11, line 6, strike ", the" and insert "or" and strike the
3 last comma; and in line 7 after "and" insert "the respondent".
4 5. On page 13, lines 4 and 5, strike "(2) and (3)", show as
5 stricken, and insert "(4) and (5)"; and in line 31 after ")(2)" insert
6 "Upon the issuance of a final protection order or an order deemed a final
7 protection order under subsection (2) of section 42-925, the court shall
8 enjoin the respondent from possessing or purchasing a firearm as defined
9 in section 28-1201 for the duration of the order.
10 (3)".
11 6. On page 14, line 4, strike "(3)(a)", show as stricken, and insert
12 "(4)(a)"; and in line 30 strike "(4)", show as stricken, and insert
13 "(5)".
14 7. On page 15, line 5, strike "(5)", show as stricken, and insert
15 "(6)".
16 8. On page 17, line 15, strike "(3)", show as stricken, and insert
17 "(4)".
18 9. On page 18, line 27, strike "(4)", show as stricken, and insert
19 "(5)".
20 10. On page 19, line 5, after the second comma insert "28-1206,.
21 11. Renumber the remaining sections accordingly.

Senator Pansing Brooks filed the following amendment to LB55:
AM191
1 1. Strike the original sections and all amendments thereto and
insert the following new sections:

Section 1. Section 30-2478, Reissue Revised Statutes of Nebraska, is amended to read:

30-2478 If two or more persons are appointed corepresentatives and unless the will provides otherwise, the concurrence of all is required on all acts connected with the administration and distribution of the estate. This restriction does not apply when any corepresentative receives and receipts for property due the estate, when the concurrence of all cannot readily be obtained in the time reasonably available for emergency action necessary to preserve the estate, or when a corepresentative has been delegated to act for the others, or as provided in section 2 of this act. Persons dealing with a corepresentative, if actually unaware that another has been appointed to serve with him or her or if advised by the personal representative with whom they deal that he or she has authority to act alone for any of the reasons mentioned herein, are as fully protected as if the person with whom they dealt had been the sole personal representative.

Sec. 2. On and after January 1, 2020, in any case in which copersonal representatives, cotrustees, coguardians, or coconservators have been appointed, unless specifically restricted in a will, a trust, or an order of appointment, such copersonal representatives, cotrustees, coguardians, or coconservators shall have the authority to act independently with respect to, and shall not be required to act in concert with respect to, banking transactions involving trust or estate assets.

Sec. 3. Section 30-2723, Reissue Revised Statutes of Nebraska, is amended to read:

30-2723 (a) Except as otherwise provided in sections 30-2716 to 30-2733, on death of a party sums on deposit in a multiple-party account belong to the surviving party or parties. If two or more parties survive and one is the surviving spouse of the decedent, the amount to which the decedent, immediately before death, was beneficially entitled under section 30-2722 belongs to the surviving spouse. If two or more parties survive and none is the surviving spouse of the decedent, the amount to which the decedent, immediately before death, was beneficially entitled under such section belongs to the surviving parties in equal shares, and augments the proportion to which each survivor, immediately before the decedent's death, was beneficially entitled under section 30-2722, and the right of survivorship continues between the surviving parties.

(b) In an account with a POD designation:

1. On death of one of two or more parties, the rights in sums on deposit are governed by subsection (a) of this section.

2. On death of the sole party or the last survivor of two or more parties, sums on deposit belong to the surviving beneficiary or beneficiaries. If two or more beneficiaries survive, sums on deposit belong to them in such proportions as specified in the POD designation or, if the POD designation does not specify different proportions, in equal and undivided shares, and there is no right of survivorship in the event of death of a beneficiary thereafter. If no beneficiary survives,
24 sums on deposit belong to the estate of the last surviving party.
25 (B) Except as otherwise specified in the POD designation, if there
26 are two or more beneficiaries, and if any beneficiary fails to survive
27 the sole party or the last survivor of two or more parties, sums on
28 deposit belong to the surviving beneficiaries in proportion to their
29 respective interests as beneficiaries under subdivision (2)(A) of this
30 subsection.
31 (c) Sums on deposit in a single-party account without a POD
1 designation, or in a multiple-party account that, by the terms of the
2 account, is without right of survivorship, are not affected by death of a
3 party, but the amount to which the decedent, immediately before death,
4 was beneficially entitled under section 30-2722 is transferred as part of
5 the decedent's estate. A POD designation in a multiple-party account
6 without right of survivorship is ineffective. For purposes of this
7 section, designation of an account as a tenancy in common establishes
8 that the account is without right of survivorship.
9 (d) The ownership right of a surviving party or beneficiary, or of
10 the decedent's estate, in sums on deposit is subject to requests for
11 payment made by a party before the party's death, whether paid by the
12 financial institution before or after death, or unpaid. The surviving
13 party or beneficiary, or the decedent's estate, is liable to the payee of
14 an unpaid request for payment. The liability is limited to a
15 proportionate share of the amount transferred under this section, to the
16 extent necessary to discharge the request for payment.
17 Sec. 4. Section 30-3859, Reissue Revised Statutes of Nebraska, is
18 amended to read:
19 30-3859 (UTC 703) (a) Cotrustees who are unable to reach a unanimous
20 decision may act by majority decision, except that any cotrustee may act
21 independently as provided in section 2 of this act.
22 (b) If a vacancy occurs in a cotrusteeship, the remaining cotrustees
23 may act for the trust.
24 (c) A cotrustee must participate in the performance of a trustee's
25 function unless the cotrustee is unavailable to perform the function
26 because of absence, illness, disqualification under other law, or other
27 temporary incapacity or the cotrustee has properly delegated the
28 performance of the function to another trustee.
29 (d) If a cotrustee is unavailable to perform duties because of
30 absence, illness, disqualification under other law, or other temporary
31 incapacity, and prompt action is necessary to achieve the purposes of the
1 trust or to avoid injury to the trust property, the remaining cotrustee
2 or a majority of the remaining cotrustees may act for the trust.
3 (e) A trustee may not delegate to a cotrustee the performance of a
4 function the settlor reasonably expected the trustees to perform jointly.
5 Unless a delegation was irrevocable, a trustee may revoke a delegation
6 previously made.
7 (f) Except as otherwise provided in subsection (g) of this section,
8 a trustee who does not join in an action of another trustee is not liable
9 for the action.
10 (g) Each trustee shall exercise reasonable care to:
(1) prevent a cotrustee from committing a serious breach of trust;
(2) compel a cotrustee to redress a serious breach of trust.
(b) A dissenting trustee who joins in an action at the direction of
the majority of the trustees and who notified any cotrustee of the
dissent at or before the time of the action is not liable for the action
unless the action is a serious breach of trust.
Sec. 5. Section 43-2101, Revised Statutes Cumulative Supplement,
2018, is amended to read:
(1) All persons under nineteen years of age are declared to
be minors, but in case any person marries under the age of nineteen
years, his or her minority ends.
(2) Upon becoming the age of majority, a person is considered an
adult and acquires all rights and responsibilities granted or imposed by
statute or common law, except that a person;
(A) Eighteen (1) eighteen years of age or older and who is not a
ward of the state may:
(i) Enter into a binding contract or lease of whatever kind or
nature and shall be legally responsible for such contract or lease,
including legal responsibility to third parties;
(ii) Execute, sign, authorize, or otherwise authenticate (A) an
effective financing statement, (B) a promissory note or other instrument
evidencing an obligation to repay, or (C) a mortgage, trust deed,
security agreement, financing statement, or other security instrument to
grant a lien or security interest in real or personal property or
fixtures, and shall be legally responsible for such document, including
legal responsibility to third parties; and
(iii) Acquire or convey title to real property and shall have legal
responsibility for such acquisition or conveyance, including legal
responsibility to third parties; be legally responsible therefore and
(b) Eighteen (2) eighteen years of age or older may consent to
mental health services for himself or herself without the consent of his
or her parent or guardian.
Sec. 6. Original sections 30-2478, 30-2723, and 30-3859, Reissue
Revised Statutes of Nebraska, and section 43-2101, Revised Statutes
Cumulative Supplement, 2018, are repealed.
WHEREAS, on August 2, 1919, during a special legislative session, Nebraska became the fourteenth state to ratify the Nineteenth Amendment to the Constitution of the United States, granting women the right to vote; and

WHEREAS, on February 14, 1920, the national League of Women Voters was founded at the annual convention of the National American Woman Suffrage Association; and

WHEREAS, in June of 1920, the Nebraska Woman Suffrage Association reorganized as the Nebraska League of Women Voters to "unite all parties on certain issues" and to "establish a reputation for power as an organization"; and

WHEREAS, on August 26, 1920, United States Secretary of State Bainbridge Colby issued a proclamation officially declaring the Nineteenth Amendment to be part of the Constitution of the United States after Tennessee became the thirty-sixth state to ratify the Nineteenth Amendment; and

WHEREAS, the League of Women Voters of Nebraska will launch a year-long celebration of woman's suffrage and the right to vote enshrined in the Nineteenth Amendment.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature recognizes August 2019 as Nebraska Woman's Suffrage Month.

Laid over.

ANNOUNCEMENT(S)

Senator Linehan announced the Revenue Committee will meet February 14, 2019, at 12:30 p.m. instead of 1:30 p.m. in Room 1524.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator B. Hansen name added to LB153.

VISITOR(S)

Visitors to the Chamber were former Senator Mike Gloor from Grand Island; groups from Scottsbluff, Gering, Chadron, and Alliance; management trainees and executive development associates from First National Bank of Omaha; students from Bryan Elementary, Lexington; and Taylor Bushnell from Elkhorn.

The Doctor of the Day was Dr. Jeff Gotschall from Columbus.
ADJOURNMENT

At 11:52 a.m., on a motion by Senator Kolterman, the Legislature adjourned until 9:00 a.m., Thursday, February 7, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
TWENTY-FIRST DAY - FEBRUARY 7, 2019

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

TWENTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 7, 2019

PRAYER

The prayer was offered by Chaplain Franklin Krause, Bryan West Medical Center, Lincoln.

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 Friesen, Stinner, Vargas, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twentieth day was approved.

GENERAL FILE

LEGISLATIVE BILL 306. Committee AM71, found on page 377 and considered on page 437, was renewed.

The committee amendment was adopted with 33 ayes, 2 nays, 10 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 11 nays, 6 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 122. Title read. Considered.

Committee AM8, found on page 388, was offered.

Senator Crawford offered her amendment, AM164, found on page 432, to the committee amendment.

The Crawford amendment was adopted with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.
The committee amendment, as amended, was adopted with 43 ayes, 0 nays, 2 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 44 ayes, 0 nays, 1 present and not voting, and 4 excused and not voting.

**LEGISLATIVE RESOLUTION 1CA.** Read. Considered.

Senator Wayne moved for a call of the house. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Senator Wayne requested a roll call vote on the advancement of the resolution.

Voting in the affirmative, 44:

<table>
<thead>
<tr>
<th>Albrecht</th>
<th>Clements</th>
<th>Hansen, B.</th>
<th>La Grone</th>
<th>Murman</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arch</td>
<td>Crawford</td>
<td>Hansen, M.</td>
<td>Lathrop</td>
<td>Pansing Brooks</td>
</tr>
<tr>
<td>Blood</td>
<td>DeBoer</td>
<td>Hilgers</td>
<td>Lindstrom</td>
<td>Quick</td>
</tr>
<tr>
<td>Bolz</td>
<td>Dorn</td>
<td>Hilkemann</td>
<td>Linehan</td>
<td>Scheer</td>
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<tr>
<td>Bostelman</td>
<td>Erdman</td>
<td>Howard</td>
<td>Lowe</td>
<td>Slama</td>
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<tr>
<td>Brandt</td>
<td>Geist</td>
<td>Hughes</td>
<td>McCollister</td>
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<td>Brewer</td>
<td>Gragert</td>
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<td>Chambers</td>
<td>Halloran</td>
<td>Kolterman</td>
<td>Moser</td>
<td></td>
</tr>
</tbody>
</table>

Voting in the negative, 0.

Excused and not voting, 5:

<table>
<thead>
<tr>
<th>Briese</th>
<th>Friesen</th>
<th>Stinner</th>
<th>Vargas</th>
<th>Wishart</th>
</tr>
</thead>
</table>

Advanced to Enrollment and Review Initial with 44 ayes, 0 nays, and 5 excused and not voting.

The Chair declared the call raised.

**BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 186A.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 186, One Hundred Sixth Legislature, First Session, 2019.
LEGISLATIVE BILL 192A. Introduced by McCollister, 20.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 192, One Hundred Sixth Legislature, First Session, 2019.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 63. Placed on Select File with amendment.
ER14
1 1. On page 1, strike beginning with "to" in line 5 through "and" in line 6; and in line 6 after "sections" insert "; and to declare an emergency".

LEGISLATIVE BILL 32. Placed on Select File.
LEGISLATIVE BILL 65. Placed on Select File.
LEGISLATIVE BILL 102. Placed on Select File.

(Signed) Julie Slama, Chairperson

NOTICE OF COMMITTEE HEARING(S)
Judiciary

Warner Chamber
Friday, February 22, 2019 1:30 p.m.
LB539 (cancel)

(Signed) Steve Lathrop, Chairperson

EXECUTIVE BOARD REPORT

Senator Hilgers, Chairperson of the Executive Board, reported the appointment of the following member of the Legislature to the following special committee:

Rural Broadband Task Force
Senator Bruce Bostelman

(Signed) Mike Hilgers, Chairperson
Legislative Council, Executive Board
COMMITTEE REPORT(S)  
Natural Resources

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

Loren Taylor - Nebraska Natural Resources Commission

Aye: 7 Albrecht, Bostelman, Geist, Gragert, Hughes, Moser, Quick. Nay: 0.  
Absent: 1 Halloran. Present and not voting: 0.

(Signed) Dan Hughes, Chairperson

MOTION(S) - Print in Journal

Senator Hunt filed the following motion to LB168:  
MO8  
Withdraw bill.

GENERAL FILE

LEGISLATIVE BILL 71. Title read. Considered.

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

SPEAKER SCHEER PRESIDING

LEGISLATIVE BILL 146. Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 154. Title read. Considered.

PRESIDENT FOLEY PRESIDING

Senator Pansing Brooks offered her amendment, AM36, found on page 432.

The Pansing Brooks amendment was adopted with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 4 present and not voting, and 5 excused and not voting.
LEGISLATIVE BILL 264. Title read. Considered.
Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

COMMITTEE REPORT(S)
Health and Human Services

LEGISLATIVE BILL 25. Placed on General File.

LEGISLATIVE BILL 119. Placed on General File with amendment.
AM211
1 1. Strike original section 5 and insert the following new sections:
2 Sec. 5. Section 71-7910, Reissue Revised Statutes of Nebraska, is
3 amended to read:
4 71-7910  (1) Peer review committee means a utilization review
5 committee, quality assessment committee, performance improvement
6 committee, tissue committee, credentialing committee, or other committee
7 established by a professional health care service entity or by the
8 governing board of a facility which is a health care provider that does
9 either of the following:
10 (a) (1) Conducts professional credentialing or quality review
11 activities involving the competence of, professional conduct of, or
12 quality of care provided by a health care provider, including both an
13 individual who provides health care and an entity that provides health
14 care; or
15 (b) (2) Conducts any other attendant hearing process initiated as a
16 result of a peer review committee's recommendations or actions.
17 (2) To conduct peer review pursuant to the Health Care Quality
18 Improvement Act, a professional health care service entity shall adopt
19 and adhere to written policies and procedures governing the peer review
20 committee of the professional health care service entity.
21 Sec. 8. Section 71-7913, Reissue Revised Statutes of Nebraska, is
22 amended to read:
23 71-7913  (1) An incident report or risk management report and the
24 contents of an incident report or risk management report are not subject
25 to discovery in, and are not admissible in evidence in the trial of, a
26 civil action for damages for injury, death, or loss to a patient of a
27 health care provider. A person who prepares or has knowledge of the
28 contents of an incident report or risk management report shall not
29 testify and shall not be required to testify in any civil action as to
30 the contents of the report.
31 (2) A health care provider or individual claiming the privileges
32 under this section has the burden of proving that the communications and
33 documents are protected.
34 2. On page 4, line 2, strike "organization" and insert "entity";
35 after line 15 insert:
36 "(3) A health care provider or individual claiming the privileges
37 under this section has the burden of proving that the communications and
11 documents are protected.; and in line 17 strike "and 71-7912" and insert 71-7912, and 71-7913.
13 3. Renumber the remaining section accordingly.

(Signed)  Sara Howard, Chairperson

NOTICE OF COMMITTEE HEARING(S)
Health and Human Services

Room 1510

Wednesday, February 20, 2019 1:00 p.m.
Division of Medicaid and Long Term Care Briefing

Wednesday, February 20, 2019 1:30 p.m.
LB716
LB726

Thursday, February 21, 2019 1:30 p.m.
LB260
LB423
LB439

Friday, February 22, 2019 1:30 p.m.
LB554
LB498

Wednesday, February 27, 2019 1:30 p.m.
LB220
LB248

Thursday, February 28, 2019 1:00 p.m.
Division of Developmental Disabilities Briefing

Thursday, February 28, 2019 1:30 p.m.
LB323
LB570
LB540
Friday, March 1, 2019 1:30 p.m.

LB468
LB571
LB597

(Signed) Sara Howard, Chairperson

EXPLANATION(S) OF VOTE(S)

Had I been present, I would have voted "aye" on the advancement of LR1CA to Enrollment and Review Initial.

(Signed) Tony Vargas

GENERAL FILE

LEGISLATIVE BILL 7. Title read. Considered.

Committee AM139, found on page 389, was adopted with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

Senator Blood withdrew her amendment, AM10, found on page 257.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 55. Title read. Considered.

Committee AM47, found on page 389, was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Senator Pansing Brooks offered her amendment, AM191, found on page 439.

The Pansing Brooks amendment was adopted with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

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

LEGISLATIVE BILL 22. Title read. Considered.

Committee AM18, found on page 389, was adopted with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.
LEGISLATIVE BILL 60. Title read. Considered.

Committee AM17, found on page 389, was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

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

LEGISLATIVE BILL 74. Title read. Considered.

Committee AM91, found on page 390, was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 302. Title read. Considered.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

COMMITTEE REPORT(S)

Agriculture

LEGISLATIVE BILL 333. Placed on General File.

(Signed) Steve Halloran, Chairperson

AMENDMENT(S) - Print in Journal

Senator Friesen filed the following amendment to LB192:
AM213
1 1. On page 15, line 20, strike "2020" and insert "2021".

Senator Wayne filed the following amendment to LB490:
AM190 is available in the Bill Room.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator B. Hansen name added to LB112.
Senator Howard name added to LB312.
Senator Brewer name added to LB445.
Senator Bostelman name added to LB516.
Senator Bostelman name added to LB517.
Senator Quick name added to LB563.
Senator Albrecht name added to LB605.
Senator Pansing Brooks name added to LR1CA.
Senator Blood name added to LR1CA.
Senator M. Hansen name added to LR1CA.
Senator Crawford name added to LR1CA.
Senator Williams name added to LR1CA.
Senator Howard name added to LR1CA.

VISITOR(S)

Visitors to the Chamber were presidents and board members of Western Community College, Mid-Plains Community College, Central Community College, Northeast Community College, and Southeast Community College; delegates from Ukraine hosted by Friendship Force of Lincoln; and a group from Black Hills Energy from across the state.

The Doctor of the Day was Dr. Blake Cover from Omaha.

ADJOURNMENT

At 11:53 a.m., on a motion by Senator Clements, the Legislature adjourned until 9:00 a.m., Friday, February 8, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
TWENTY-SECOND DAY - FEBRUARY 8, 2019

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

TWENTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 8, 2019

PRAYER

The prayer was offered by Senator Williams.

ROLL CALL

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

The roll was called and all members were present except Senator Lowe who was excused; and Senator Morfeld who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-first day was approved.

NOTICE OF COMMITTEE HEARING(S)

Business and Labor
Room 1003

Monday, March 4, 2019 1:30 p.m.

LB526
LB448
LB487
LB418
LB364
LB408

Monday, March 18, 2019 1:30 p.m.

LB577
LB19
LB576
LB360
LB363
REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 7, 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

Ashford, Brad
   Houghton Bradford Whitted PC, LLO
Benjamin, Connie
   AARP Nebraska
Blythe, Dustin
   AT&T, Inc.
Cole, Jeff
   Nebraska Children and Families Foundation
Forbes, Meagan
   Institute for Justice
Harr, Burke
   Houghton Bradford Whitted PC, LLO
Hatfield, Scott S.
   CWB Holdings
   Medterra
   Zilis Global
Houghton Bradford Whitted PC, LLO
   Burlington Capital
Husch Blackwell Strategies
   League of Nebraska Municipalities
Mueller Robak
   Google
   Grow Nebraska Tax Coalition
   Nebraska Machinery Company (Withdrawn 02/06/2019)
Nebraska Strategies
   USIC
Pappas, James E.
   Independent Cattlemen of Nebraska (ICON)
Radcliffe, Walter H. of Radcliffe and Associates
   Lincoln Clean Energy
Wheeler, Douglas A.
   New York Life Insurance Company
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

GENERAL FILE

LEGISLATIVE BILL 200. Title read. Considered.
Committee AM90, found on page 390, was adopted with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.
Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 307. Title read. Considered.
Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 256. Title read. Considered.
Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 2 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 111. Title read. Considered.
Advanced to Enrollment and Review Initial with 32 ayes, 1 nay, 12 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 192. Title read. Considered.
Senator Friesen offered his amendment, AM213, found on page 452.
The Friesen amendment was adopted with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.
Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 192A. Title read. Considered.
Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.
LEGISLATIVE BILL 80. Title read. Considered.

Committee AM72, found on page 412, was adopted with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 81. Title read. Considered.

Committee AM73, found on page 412, was adopted with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

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

RESOLUTION(S)

LEGISLATIVE RESOLUTION 21. Introduced by Geist, 25; Albrecht, 17.

WHEREAS, Jane Polson has served as the president of Keep Nebraska Beautiful for twenty-eight years and has been a consistent advocate of the mission of Keep Nebraska Beautiful: to inspire Nebraskans to take actions that improve and beautify our communities; and

WHEREAS, Jane Polson's work supports a statewide network of more than twenty local affiliate organizations who look to her for answers on everything from programming to innovative ways to educate local communities; and

WHEREAS, Jane Polson spearheaded the Materials Exchange Program, which diverts useable materials away from landfills by facilitating peer-to-peer reuse and recycling of industrial waste stream materials by facilitating the donation of gently used but serviceable equipment, furniture, and supplies to Nebraska schools and nonprofit organizations; and

WHEREAS, Jane Polson was a leader in opening used oil collection sites across the state, providing Nebraskans with a safe and legal way to dispose of used oil; and

WHEREAS, Jane Polson has directed the School Chemical Cleanout Campaign for the last ten years, helping schools identify and catalog chemicals on premises and safely dispose of dangerous or outdated chemicals, making over three hundred Nebraska schools safer for students and staff; and

WHEREAS, Jane Polson has served as the statewide coordinator of national environmental cleanup initiatives including the Great American Cleanup, America Recycles Day, and the International Coastal Cleanup; and

WHEREAS, Jane Polson has been a tireless environmental educator throughout her career at Keep Nebraska Beautiful, spreading the word about how to recycle right, safely dispose of hazardous waste, reduce food waste, and end litter across the state; and
WHEREAS, in her many years of service, Jan Polson spread her passion for environmental education across the state and leaves behind a legacy of community stewardship; and
WHEREAS, Jane Polson will enjoy a well-deserved retirement spending time with her husband, children, and grandchildren.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature thanks Jane Polson for her hard work and commitment to keeping Nebraska beautiful.
2. That the Legislature encourages Nebraskans to participate in the many programs available through Keep Nebraska Beautiful.
3. That a copy of this resolution be sent to Jane Polson.

Laid over.

COMMITTEE REPORT(S)
Natural Resources

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

Richard S. Mercure - Niobrara Council

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

(Signed) Dan Hughes, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 301. Placed on Select File.
LEGISLATIVE BILL 359. Placed on Select File.
LEGISLATIVE BILL 306. Placed on Select File.

(Signed) Julie Slama, Chairperson

AMENDMENT(S) - Print in Journal

Senator Hilgers filed the following amendment to LB616:
AM203
1 1. Strike the original sections and insert the following new 2 sections:
3 Section 1. Section 39-1349, Reissue Revised Statutes of Nebraska, is 4 amended to read:
5 39-1349 (1) Except as provided in subsections (5) (4) and (6) (4) of 6 this section, all contracts for the construction, reconstruction,
7 improvement, maintenance, or repair of state highway system roads and
8 bridges and their appurtenances shall be let by the department to the
9 lowest responsible bidder. Bidders on such contracts must be prequalified
10 to bid by the department except as provided in subsection (2) of section
11 39-1351. The department may reject any or all bids and cause the work to
12 be done as may be directed by the department.
13 (2) Except as provided in subsection (3) of this section, if the
14 contractor has furnished the department all required records and reports,
15 the department shall pay to the contractor interest at a rate three
16 percentage points above the average annual Federal Reserve composite
17 prime lending rate for the previous calendar year rounded to the nearest
18 one-tenth of one percent on the amount retained and on the final payment
19 due the contractor beginning sixty days after the work under the contract
20 has been completed as evidenced by the completion date established in the
21 department's letter of tentative acceptance or, when tentative acceptance
22 has not been issued, beginning sixty days after completion of the work
23 and running until the date when payment is tendered to the contractor.
24 (3) Subsection (2) of this section shall not apply to contracts
25 which provide for payment pursuant to a set schedule over a period of
26 time that extends beyond the completion of construction.
27 (4) When the department is required by acts of Congress and
1 rules and regulations made by an agent of the United States in pursuance
2 of such acts to predetermine minimum wages to be paid laborers and
3 mechanics employed on highway construction, the Director-State Engineer
4 shall cause minimum rates of wages for such laborers and mechanics to be
5 predetermined and set forth in contracts for such construction. The
6 minimum rates shall be the scale of wages which the Director-State
7 Engineer finds are paid and maintained by at least fifty percent of the
8 contractors in performing highway work contracted with the department
9 unless the Director-State Engineer further finds that such scale of wages
10 so determined would unnecessarily increase the cost of such highway work
11 to the state, in which event he or she shall reduce such determination to
12 such scale of wages as he or she finds is required to avoid such
13 unnecessary increase in the cost of such highway work.
14 (5) The department, in its sole discretion, may permit a city or
15 county to let state or federally funded contracts for the construction,
16 improvement, maintenance, or repair of state highways, 
17 bridges, and their appurtenances located within the jurisdictional 
18 boundaries of such city or county, to the lowest responsible bidder when
19 the work to be let is primarily local in nature and the department
20 determines that it is in the public interest that the contract be let by
21 the city or the county. Bidders on such contracts must be prequalified to
22 bid by the department except as provided in subsection (2) of section
23 39-1351.
24 (6) The department, in its sole discretion, may permit a federal
25 agency to let contracts for the construction, reconstruction,
26 improvement, maintenance, or repair of state highways, bridges, and their
27 appurtenances and may permit such federal agency to perform any and all
28 other aspects of the project to which such contract relates, including,
but not limited to, preliminary engineering, environmental clearance, final design, and construction engineering, when the department determines that it is in the public interest to do so. Bidders on such contracts must be prequalified to bid by the department except as provided in subsection (2) of section 39-1351.

Sec. 2. Section 81-1701, Revised Statutes Cumulative Supplement, 2018, is amended to read:

The purpose of the Nebraska Consultants' Competitive Negotiation Act is to provide managerial control over competitive negotiations by the state for acquisition of professional architectural, engineering, landscape architecture, or land surveying services. The act does not apply to (1) contracts under section 57-1503, (2) contracts under subsection (6) (4) of section 39-1349, (3) contracts under sections 39-2808 to 39-2823 except as provided in section 39-2810, or (4) contracts under the State Park System Construction Alternatives Act except as provided in section 37-1719.

Sec. 3. Original section 39-1349, Reissue Revised Statutes of Nebraska, and section 81-1701, Revised Statutes Cumulative Supplement, 2018, are repealed.

COMMITTEE REPORT(S)
General Affairs

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

Paul Leckband - Nebraska Commission on Problem Gambling


(Signed) Tom Briese, Chairperson

COMMITTEE REPORT(S)
General Affairs

LEGISLATIVE BILL 203. Placed on General File.
LEGISLATIVE BILL 235. Placed on General File.
LEGISLATIVE BILL 624. Placed on General File.

(Signed) Tom Briese, Chairperson

GENERAL FILE

LEGISLATIVE BILL 214. Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.
LEGISLATIVE BILL 52. Title read. Considered.
Committee AM120, found on page 415, was adopted with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.
Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 152. Title read. Considered.
Committee AM96, found on page 417, was adopted with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.
Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 186. Title read. Considered.
Committee AM111, found on page 417, was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.
Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 186A. Title read. Considered.
Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 223. Title read. Considered.
Committee AM61, found on page 419, 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 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 442. Title read. Considered.
Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 536. Title read. Considered.
Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.
LEGISLATIVE BILL 622. Title read. Considered.

Senator Williams offered the following amendment:

AM225

1. On page 6, line 11, after "substitute" insert ", exchange, or release"; in line 12 after "substituted" insert ", exchanged, or released"; in line 13 after "act" insert "and such substitution, exchange, or release shall not reduce the market value of the securities to an amount that is less than one hundred two percent of the total amount of public money or public funds less the portion of such public money or public funds insured or guaranteed by the Federal Deposit Insurance Corporation"; in lines 13 and 15 after "substitution" insert ", exchange, or release"; in line 14 after "section" insert "by a bank, capital stock financial institution, or qualifying mutual financial institution utilizing the dedicated method as provided in subdivision (2) (a) of section 77-2398,"; and in lines 15 and 16 strike the new matter.

2. On page 7, line 10, after the last comma insert "and"; in line 11 strike "which", show as stricken, and insert "such deposit guaranty bond and the market value of such securities"; in line 22 strike "to the", show as stricken, and insert "pursuant to the Public Funds Deposit Security Act", strike "director", and after the last comma insert "and"; and in line 23 strike "which", show as stricken, and insert "such deposit guaranty bond and the market value of such securities".

3. On page 8, line 19, strike the new matter.

4. On page 10, line 13, strike "his or her designee" and insert "the administrator"; in line 17 strike "be authorized to delegate to any" and insert "designate a"; in line 20 strike "such of his or her rights and responsibilities" and insert "to serve as the administrator"; in line 21 strike "as the director deems appropriate" and after "expenses" insert "of such administrator"; strike beginning with "of" in line 22 through "subsection" in line 24; and in line 31 strike "director" and insert "administrator".

5. On page 11, after line 2, insert the following new subdivision:

"(iv) The single bank pooled method shall not be utilized by any bank, capital stock financial institution, or qualifying mutual financial institution unless an administrator has been designated by the director pursuant to subdivision (2) (b) (ii) of this section and is acting as the administrator."

6. On page 12, line 7, strike "his or her designee" and insert "the administrator".

7. On page 13, lines 1, 10, and 26 and 27, strike the new matter and insert "administrator".

8. On page 15, line 1, after the first "the" insert "total combined"; and in line 22, strike "It", show as stricken, and insert "The director".

9. On page 17, lines 4 and 7 and 8, strike "his or her designee" and insert "the administrator"; strike beginning with "In" in line 9 through "to" in line 11 and insert "The director may"; and in line 12 strike the second "and" and after "forms" insert ", or issue orders".
The Williams amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 4. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 1 nay, 12 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 185. Title read. Considered.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 372. Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

COMMITTEE REPORT(S)

Urban Affairs

LEGISLATIVE BILL 160. Placed on General File.

LEGISLATIVE BILL 195. Placed on General File.

LEGISLATIVE BILL 124. Placed on General File with amendment.

AM199

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 13-3210, Revised Statutes Cumulative Supplement,
4 2018, is amended to read:
5 13-3210 (1) Two or more municipalities may enter into an agreement
6 pursuant to the Interlocal Cooperation Act to jointly create, administer,
7 or create and administer for the creation, administration, or creation
8 and administration of clean energy assessment districts. Notwithstanding
9 subsection (1) of section 13-3204, the following provisions shall apply
10 to jointly created districts:
11 (a) Such districts may be separate, overlapping, or coterminous and
12 may be created anywhere within the municipalities that entered into the
13 agreement or within their extraterritorial zoning jurisdictions, except
14 that such districts shall not include any area within the corporate
15 boundaries or extraterritorial zoning jurisdiction of any city or village
16 unless such city or village is one of the municipalities that entered
17 into the agreement; and
18 (b) The agreement shall provide for a governing body for any such
19 district, which shall be made up of members of the governing bodies of
20 the municipalities that entered into the agreement.
21 (2) If the creation of clean energy assessment districts is
22 implemented jointly by two or more municipalities, a single public
23 hearing held jointly by the cooperating municipalities is sufficient to
24 satisfy the requirements of subsection (2) of section 13-3204.
25 (3) A municipality or municipalities may contract with a third party
26 for the administration of clean energy assessment districts.
27 Sec. 2. Original section 13-3210, Revised Statutes Cumulative
1 Supplement, 2018, is repealed.

(Signed) Justin Wayne, Chairperson
Natural Resources

LEGISLATIVE BILL
127. Placed on General File with amendment.
AM184
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 37-455, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 37-455 (1) The commission may issue a limited permit for deer,
6 antelope, wild turkey, or elk to a person who is a qualifying landowner
7 or leaseholder or a member of such person's and his or her immediate
8 family as described in this section. The commission may issue nonresident
9 landowner limited permits after preference has been given for the
10 issuance of resident permits as provided in rules and regulations adopted
11 and promulgated by the commission. A permit shall be valid during the
12 predetermined period established by the commission pursuant to sections
13 37-447 to 37-450, 37-452, 37-456, or 37-457. Upon receipt of an
14 application in proper form as prescribed by the rules and regulations of
15 the commission, the commission may issue (a) a limited deer, antelope, or
16 wild turkey permit valid for hunting on all of the land which is owned or
17 leased by the qualifying landowner or leaseholder if such lands are
18 identified in the application or (b) a limited elk permit valid for
19 hunting on the entire elk management unit of which the land of the
20 qualifying landowner or leaseholder included in the application is a
21 part.
22 (2)(a) The commission shall adopt and promulgate rules and
23 regulations prescribing procedures and forms and create requirements for
24 documentation by an applicant or permittee to determine whether the
25 applicant or permittee is a Nebraska resident and is a qualifying
26 landowner or leaseholder of the described property or is a member of the
27 immediate family of such qualifying landowner or leaseholder. The
1 commission may adopt and promulgate rules and regulations that create
2 requirements for documentation to designate one qualifying landowner
3 among partners of a partnership or officers or shareholders of a
4 corporation that owns or leases eighty acres or more of farm or ranch
5 land for agricultural purposes and among beneficiaries of a trust that
6 owns or leases eighty acres or more of farm or ranch land for
7 agricultural purposes. Only a person who is a qualifying landowner or leaseholder or a member of and such person's immediate family may apply for a limited permit. An applicant may apply for no more than one permit per species per year except as otherwise provided in the rules and regulations of the commission. For purposes of this section, member of a person's immediate family means and is limited to the spouse of such person, any child or stepchild of such person or of the spouse of such person, any spouse of any such child or stepchild, any sibling of such person sharing ownership in the property, and any spouse of any such sibling a husband and wife and their children or siblings sharing ownership in the property.

(b) The conditions applicable to permits issued pursuant to sections 37-447 to 37-450, 37-452, 37-456, or 37-457, whichever is appropriate, shall apply to limited permits issued pursuant to this section, except that the commission may pass commission orders for species harvest allocation pertaining to the sex and age of the species harvested which are different for a limited permit than for other hunting permits. For purposes of this section, white-tailed deer and mule deer shall be treated as one species.

(3)(a) To qualify for a limited permit to hunt deer or antelope, the applicant shall be a Nebraska resident who (i) owns or leases eighty acres or more of farm or ranch land for agricultural purposes or a member of such person's immediate family or (ii) is the partner, officer, shareholder, or beneficiary designated as the qualifying landowner by a partnership, corporation, or trust as provided in the rules and regulations under subdivision (2)(a) of this section or a member of the immediate family of the partner, officer, shareholder, or beneficiary.

The number of limited permits issued annually per species for each farm or ranch shall not exceed the total acreage of the farm or ranch divided by eighty. The fee for a limited permit to hunt deer or antelope shall be one-half the fee for the regular permit for such species.

(b) A nonresident of Nebraska who owns three hundred twenty acres or more of farm or ranch land in the State of Nebraska for agricultural purposes or a member of such person's immediate family may apply for a limited deer or antelope permit. The number of limited permits issued annually per species for each farm or ranch shall not exceed the total acreage of the farm or ranch divided by three hundred twenty. The fee for such a permit to hunt deer or antelope shall be one-half the fee for a nonresident permit to hunt such species.

(c) The commission may adopt and promulgate rules and regulations providing for the issuance of an additional limited deer permit to a qualified individual for the taking of a deer without antlers at a fee equal to or less than the fee for the original limited permit.

(4)(a) To qualify for a limited permit to hunt wild turkey, the applicant shall be a Nebraska resident who (i) owns or leases eighty acres or more of farm or ranch land for agricultural purposes or a member of such person's immediate family or (ii) is the partner, officer, shareholder, or beneficiary designated as the qualifying landowner by a partnership, corporation, or trust as provided in the rules and regulations.
25 regulations under subdivision (2)(a) of this section or a member of the 26 immediate family of the partner, officer, shareholder, or beneficiary. 27 The number of limited permits issued annually per season for each farm or 28 ranch shall not exceed the total acreage of the farm or ranch divided by 29 eighty. An applicant may apply for no more than one limited permit per 30 season. The fee for a limited permit to hunt wild turkey shall be one- 31 half the fee for the regular permit to hunt wild turkey. 1 (b) A nonresident of Nebraska who owns three hundred twenty acres or 2 more of farm or ranch land in the State of Nebraska for agricultural 3 purposes or a member of such person's immediate family may apply for a 4 limited permit to hunt wild turkey. Only one limited wild turkey permit 5 per three hundred twenty acres may be issued annually for each wild 6 turkey season under this subdivision. The fee for such a permit to hunt 7 shall be one-half the fee for a nonresident permit to hunt wild turkey. 8 (5) To qualify for a limited permit to hunt elk, (a) the applicant 9 shall be (i) a Nebraska resident who owns three hundred twenty acres or 10 more of farm or ranch land for agricultural purposes, (ii) a Nebraska 11 resident who leases six hundred forty acres or more of farm or ranch land 12 for agricultural purposes or has a leasehold interest and an ownership 13 interest in farm or ranch land used for agricultural purposes which when 14 added together totals at least six hundred forty acres, (iii) a 15 nonresident of Nebraska who owns at least one thousand two hundred eighty 16 acres of farm or ranch land for agricultural purposes, or (iv) a member 17 of such owner's or lessee's immediate family and (b) the qualifying farm 18 or ranch land of the applicant shall be within an area designated as an 19 elk management zone by the commission in its rules and regulations. An 20 applicant shall not be issued a limited bull elk permit more than once 21 every three years, and the commission may give preference to a person who 22 did not receive a limited elk permit or a specified type of limited elk 23 permit during the previous years. The fee for a resident landowner 24 limited permit to hunt elk shall not exceed one-half the fee for the 25 regular permit to hunt elk. The fee for a nonresident landowner limited 26 permit to hunt elk shall not exceed three times the cost of a resident 27 elk permit. The number of applications allowed for limited elk permits 28 for each farm or ranch shall not exceed the total acreage of the farm or 29 ranch divided by the minimum acreage requirements established for the 30 property. No more than one person may qualify for the same described 31 property. 1 Sec. 2. Original section 37-455, Reissue Revised Statutes of 2 Nebraska, is repealed.

 (Signed) Dan Hughes, Chairperson

 Business and Labor

LEGISLATIVE BILL 139. Placed on General File with amendment.

AM170

1 1. Strike the original sections and insert the following new 2 sections:
Section 1. Section 48-2117, Reissue Revised Statutes of Nebraska, is amended to read:
48-2117 (1) The Department of Labor, in conjunction with the Department of Revenue, shall create a data base of contractors who are registered under the Contractor Registration Act and the Nebraska Revenue Act of 1967.
(2) The data base shall be accessible on the web site of the Department of Labor.
(3) The data base shall include, but not be limited to, the following information with respect to each registered contractor:
(a) Whether the contractor carries workers' compensation insurance in accordance with the Nebraska Workers' Compensation Act;
(b) Whether the contractor is self-insured in accordance with the Nebraska Workers' Compensation Act; or
(c) Whether the contractor is a sole proprietor with no employees and does not carry workers' compensation insurance pursuant to the Nebraska Workers' Compensation Act.
(4) The information described in subdivision (3)(c) of this section, as it is listed in the data base, creates a presumption of no coverage that may be rebutted by an insurer acknowledging coverage for a claimed covered event.
(5) The information required under subsection (3) of this section is solely for the purpose of establishing premiums for workers' compensation insurance and shall not affect liability under the Nebraska Workers' Compensation Act or compliance efforts pursuant to section 48-145.01.
(6) Any contractor that fails to comply with the requirements of the Contractor Registration Act or Nebraska Revenue Act of 1967 shall be removed from the data base.
Sec. 2. Original section 48-2117, Reissue Revised Statutes of Nebraska, is repealed.

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 122. Placed on Select File with amendment.
ER15
1 1. In the Crawford amendment, AM164, on page 1, line 23, strike "(3)" and insert "(2)".
3 2. On page 1, line 4, strike "and"; and in line 5 after "section" insert "; and to declare an emergency".

LEGISLATIVE RESOLUTION 1CA. Placed on Select File.

(Signed) Julie Slama, Chairperson
REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Caldwell, Dawn - Nebraska State Fair Board - Agriculture
Kircher, Chris - Nebraska State Fair Board - Agriculture

(Signed) Mike Hilgers, Chairperson
Executive Board

RESOLUTION(S)

LEGISLATIVE RESOLUTION 22. Introduced by Vargas, 7; 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; Erdman, 47; Friesen, 34; Geist, 25; Gragert, 40; 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; McCollister, 20; McDonnell, 5; Morfeld, 46; Moser, 22; Murman, 38; Pansing Brooks, 28; Quick, 35; Scheer, 19; Slama, 1; Stinner, 48; Walz, 15; Wayne, 13; Williams, 36; Wishart, 27.

WHEREAS, Anne Boyle of Omaha was a dedicated public servant who devoted her life to advocating on the behalf of others; and
WHEREAS, Anne Boyle was a pioneering woman in Nebraska politics, a dynamic leader, a passionate public servant, and a loving wife, mother, and grandmother; and
WHEREAS, Anne Boyle was a mentor for women of Nebraska looking to enter politics; and
WHEREAS, Anne Boyle spent her life advocating for underprivileged and marginalized Nebraskans; and
WHEREAS, Anne Boyle was the great-granddaughter of Edward Howell, an Omaha City Councilman and former Nebraska State Senator; and
WHEREAS, Anne Boyle was the granddaughter of Sam J. Howell, a former Nebraska State Senator; and
WHEREAS, Anne Boyle was the daughter of Sam J. Howell, Jr., a former Douglas County Treasurer; and
WHEREAS, Anne Boyle graduated from Cathedral High School in Omaha in 1961; and
WHEREAS, Anne Boyle married Mike Boyle in 1965; and
WHEREAS, Anne Boyle was elected three times to the Public Service Commission, serving from 1996 until her retirement in 2015; and
WHEREAS, Anne Boyle was the first woman elected in the 130-year history of the Public Service Commission; and
WHEREAS, Anne Boyle bolstered the Lifeline Fund, helping low-income Nebraskans gain access to cell phone services in emergencies; and
WHEREAS, Anne Boyle was the chair of the Consumer Affairs Committee of the National Association of Regulatory Utility Commissioners; and
WHEREAS, Anne Boyle was the mother of five children, Maureen, Michael, Pat, Jim, and Maggie; and
WHEREAS, Anne Boyle was the grandmother of eighteen grandchildren.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature recognizes the significant and important contributions Anne Boyle made to the State of Nebraska and its citizens.
2. That the Legislature recognizes the thousands of Nebraskans uplifted by the dedication and work of Anne Boyle.
3. That the Legislature offers its condolences to the family of Anne Boyle.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator McCollister name added to LB15.
Senator Hunt name added to LB154.
Senator McCollister name added to LB154.
Senator McCollister name added to LB306.
Senator McCollister name added to LB463.
Senator McCollister name added to LR1CA.
Senator Dorn name added to LR1CA.

VISITOR(S)

Visitors to the Chamber were Senator Linehan's sister, Kay Ebeler, from Crab Orchard; a group of Nebraska veterans and auxiliary from across the state; Sara and Meagan Macklin from Blue Hill and Audrey and Elisabeth Berns from Bladen; and members of the Nebraska State Bar Association Leadership Academy from across the state.

The Doctor of the Day was Dr. Doug Dunning from Omaha.

ADJOURNMENT

At 11:44 a.m., on a motion by Senator Williams, the Legislature adjourned until 9:00 a.m., Monday, February 11, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
TWENTY-THIRD DAY - FEBRUARY 11, 2019

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

TWENTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 11, 2019

PRAYER

The prayer was offered by Reverend Kent Little, First United Methodist Church, Omaha.

ROLL CALL

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

The roll was called and all members were present except Senator Stinner who was excused; and Senators Briese, Friesen, M. Hansen, Vargas, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-second day was approved.

MESSAGE(S) FROM THE GOVERNOR

January 31, 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 appointed to the Nebraska Educational Telecommunications Commission:

Greg Adams, 831 West 4th Street, York, NE 68467
Paul Turman, Nebraska State College System, 1327 H Street, Suite 200, Lincoln, NE 68508

Contingent upon your approval, the following individual is being
reappointed to the Nebraska Educational Telecommunications Commission:

Patricia Kircher, 15715 California Street, Omaha, NE 68118

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

January 31, 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 Nebraska Game and Parks Commission:

John M. Hoggatt, 10210 14th Avenue, Kearney, NE 68845

Contingent upon your approval, the following individual is being reappointed to the Nebraska Game and Parks Commission:

Robert E. Allen, 1 Plum Creek Canyon DR12G, Eustis, NE 69028

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

January 31, 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 reappointed to the Nebraska Power Review Board:

Frank Reida, 1122 Turner Blvd., Omaha, NE 68105

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

January 31, 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 Boiler Safety Code Advisory Board:

Scott Hollman, 1021 W. Burt Drive, Lincoln, NE 68521

Contingent upon your approval, the following individuals are being reappointed to the Boiler Safety Code Advisory Board:

Thomas Phipps, 3724 North 101 Street, Omaha, NE 68134
Steven Bley, 8609 Highway 1, Nehawka, NE 68413

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
February 4, 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 Nebraska State Fair Board:

Jeremy Jensen, 2207 Woodridge Lane, Grand Island, NE 68801

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

February 6, 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 as the Executive Director of the Nebraska Crime Commission:

Don Arp Jr., MA, 7220 Tallgrass Parkway, Apt. 301E, Lincoln, NE 68521

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
RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 18 and 19 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 18 and 19.

MOTION(S) - Confirmation Report(s)

Senator Groene moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 401:

Technical Advisory Committee for Statewide Assessment
- Robert Henson
- Jeffrey Nellhaus
- Linda Poole

Voting in the affirmative, 40:
- Albrecht
- Clements
- Halloran
- La Grone
- Murman
- Arch
- Crawford
- Hansen, B.
- Lathrop
- Pansing
- Brooks
- Blood
- DeBoer
- Hilgers
- Lindstrom
- Quick
- Bostelman
- Dorn
- Howard
- Lowe
- Scheer
- Brandt
- Erdman
- Hughes
- McCollister
- Slama
- Brewer
- Geist
- Hunt
- McDonnell
- Walz
- Cavanaugh
- Gragert
- Kolowski
- Morfeld
- Wayne
- Chambers
- Groene
- Koltermann
- Moser
- Williams

Voting in the negative, 0.

Present and not voting, 3:
- Bolz
- Hilkemann
- Linehan

Excused and not voting, 6:
- Briese
- Hansen, M.
- Vargas
- Friesen
- Stinner
- Wishart

The appointments were confirmed with 40 ayes, 0 nays, 3 present and not voting, and 6 excused and not voting.

Senator Hughes moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 448:

Nebraska Natural Resources Commission
- Loren Taylor
Voting in the affirmative, 41:

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

Voting in the negative, 0.

Present and not voting, 3:

Bolz  Hilkemann  Morfeld

Excused and not voting, 5:

Friesen  Hansen, M.  Stinner  Vargas  Wishart

The appointment was confirmed with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 193.** ER3, found on page 373, was adopted.

Senator Wayne offered his amendment, AM87, found on page 391.

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

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 194.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 196.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 61.** ER8, found on page 404, was adopted.

Advanced to Enrollment and Review for Engrossment.
**LEGISLATIVE BILL 70.** ER13, found on page 427, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 78.** ER10, found on page 427, was adopted.

Advanced to Enrollment and Review for Engrossment.

**ANNOUNCEMENT**

The Chair announced the birthday of Senator M. Hansen.

**SELECT FILE**

**LEGISLATIVE BILL 221.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 42.** ER11, found on page 427, was adopted.

Pending.

**LEGISLATIVE BILL 115.** ER9, found on page 427, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 188.** Considered.

Senator Chambers offered the following motion:

MO9

Indefinitely postpone.

Pending.

**LEGISLATIVE BILL 42.** Senator Hilkemann offered the following amendment:

AM195

1. On page 3, line 2, after "located" insert "a condominium
2 statement listing the name of such board or other administrative body
3 and"; and in line 11 strike "to each building in" and insert ", main
4 office, or other prominent location in the common area of"
5. On page 5, line 16, after "located" insert "a condominium
6 statement listing the name of the association and"; and strike beginning
7 with "to" in line 23 through "in" in line 24 and insert ", main office,
8 or other prominent location in the common area of".

The Hilkemann amendment was adopted with 37 ayes, 0 nays, 5 present and not voting, and 7 excused and not voting.
Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 258.** ER12, found on page 427, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 259.** Considered.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 355.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 56.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 75.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 11.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 57.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 121.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 63.** ER14, found on page 447, was adopted.

Senator Groene offered the following amendment:

AM187
1 1. Insert the following new section:
2 Sec. 5. Section 35-1207, Reissue Revised Statutes of Nebraska, is
3 amended to read:
4 35-1207 (1) Any rural or suburban fire protection district or mutual
5 finance organization seeking funds pursuant to the Mutual Finance
6 Assistance Act shall submit an application and any forms required by the
7 State Treasurer. Such application and forms shall be submitted for
8 funding to the State Treasurer by July 1. The State Treasurer shall
9 develop the application which requires calculations showing assumed
10 population eligibility under section 35-1205 and the distribution amount
11 under section 35-1206. If the applicant is a mutual finance organization,
12 it shall attach to its first application a copy of the agreement pursuant
13 to section 35-1204 and attach to any subsequent application a copy of an
14 amended agreement or an affidavit stating that the previously submitted
15 agreement is still accurate and effective. Any mutual finance
16 organization making application pursuant to this section shall include
with the application additional financial information regarding the manner in which any funds received by the mutual finance organization based upon the prior year's application pursuant to the act have been expended or distributed by that mutual finance organization. The State Treasurer shall provide electronic copies of such reports on mutual finance organization expenditures and distributions to the Clerk of the Legislature by December 1 of each year in which any reports are filed.

(2) The State Treasurer shall review all applications for eligibility for funds under the act and approve any application which is accurate and demonstrates that the applicant is eligible for funds. On or before August 15, the State Treasurer shall notify the applicant of approval or denial of the application and certify the amount of funds for which an approved applicant is eligible. The decision of the State Treasurer may be appealed as provided in the Administrative Procedure Act.

(3) Except as provided in subsection (4) of this section, funds shall be disbursed by the State Treasurer in two payments which are as nearly equal as possible, to be paid on or before November 1 and May 1. If the Mutual Finance Assistance Fund is insufficient to make all payments to all applicants in the amounts provided in section 35-1206, the State Treasurer shall prorate payments to approved applicants. Funds remaining in the Mutual Finance Assistance Fund on June 1 shall be transferred to the General Fund before July 1.

(4) No funds shall be disbursed to an eligible mutual finance organization until it has provided to the State Treasurer the financial information regarding the manner in which it has expended or distributed prior disbursements made pursuant to the Mutual Finance Assistance Act as provided in subsection (2) of this section.

2. Renumber the remaining sections and correct the repealer accordingly.

The Groene amendment was adopted with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 32. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 65. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 102. Advanced to Enrollment and Review for Engrossment.
COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL  71. Placed on Select File.
LEGISLATIVE BILL 146. Placed on Select File.

(Signed) Julie Slama, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 4A. Introduced by Stinner, 48.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 4, One Hundred Sixth Legislature, First Session, 2019.

LEGISLATIVE BILL 450A. Introduced by Wishart, 27.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 450, One Hundred Sixth Legislature, First Session, 2019.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 23. Introduced by Crawford, 45; Blood, 3.

WHEREAS, Paul Hartnett began his education career in 1951 teaching elementary school in Hubbard and Brunswick. His career flourished during the ten years he spent as an administrator with Bellevue Public Schools from 1958 to 1968. He then went on to mentor teachers as a professor of education at Creighton University for thirty-eight years, while serving on the school board for the Bellevue Public Schools for eighteen years and, later, on the coordinating council for the Learning Community of Sarpy and Douglas Counties for ten years; and
WHEREAS, in 1984, Paul Hartnett was elected to represent the 45th legislative district. While serving the state for twenty years as a member of the Legislature, Senator Paul Hartnett was committed to helping children, increasing community action, and fostering opportunities for education; and
WHEREAS, Paul Hartnett has been a member of many fraternal, civic, and religious organizations, including the Knights of Columbus, Fraternal Order of Eagles, Optimists, Phi Delta Kappa, and Chamber of Commerce; and
WHEREAS, Paul Hartnett exemplifies public service and was recognized with the 2018 Champion for Children Award by Voices for Children; and
WHEREAS, Paul Hartnett has dedicated five decades to education and public service in Bellevue and the surrounding area.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE
ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST
SESSION:
1. That the Legislature thanks Paul Hartnett for his years of service to the
state and the Bellevue community.
2. That a copy of this resolution be sent to Paul Hartnett.

Laid over.

NOTICE OF COMMITTEE HEARING(S)
Judiciary
Warner Chamber

Wednesday, February 27, 2019 1:30 p.m.
LB133
LB262
LB286
LB331
LB365
LB739

Thursday, February 28, 2019 1:30 p.m.
LB54
LB58
LB198
LB343
LB275
LB582

Friday, March 1, 2019 1:30 p.m.
LB395
LB396
LB433
LB434
LB435
LB689

Wednesday, March 6, 2019 1:30 p.m.
LB179
LB231
LB352
LB377
LB595
LB690
Thursday, March 7, 2019 1:30 p.m.

LB44
LB207
LB238

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

LB164
LB173
LB475
LB478
LB519
LB630

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

LB387
LB427
LB471
LB643
LB708
LB712

Friday, March 15, 2019 1:30 p.m.

LB131
LB176
LB458
LB479
LB484
LB496

Wednesday, March 20, 2019 1:30 p.m.

LB89
LB90
LB91
LB209
LB503
LB652
LB684

Thursday, March 21, 2019 1:30 p.m.

LB308
LB324
LB392
Wednesday, March 27, 2019 1:30 p.m.

LB455
LB539
LB578
LB686

Thursday, March 28, 2019 1:30 p.m.

LB106
LB353
LB369
LB502
LB658

(Signed) Steve Lathrop, Chairperson

Government, Military and Veterans Affairs
Room 1507

Wednesday, February 20, 2019 1:30 p.m.

LB151
LB99
LB452
LB21

Thursday, February 21, 2019 1:30 p.m.

LB9
LB337
LB386
LB609
LB273

Friday, February 22, 2019 1:30 p.m.

LB342
LB101
LB175
LB618

(Signed) Tom Brewer, Chairperson
LEGISLATIVE BILL 319. Placed on General File.

(Signed) Dan Hughes, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 699. Placed on General File.

LEGISLATIVE BILL 8. Placed on General File with amendment.

AM33
1 1. On page 2, line 9, after "director" insert an underscored comma;
2 and in line 10 after "sheriff" insert "and, with respect to a physician
3 medical director, such person has successfully completed an emergency
4 vehicle operator course".

LEGISLATIVE BILL 156. Placed on General File with amendment.

AM19
1 1. Insert the following new section:
2 Sec. 9. Section 60-3,104, Revised Statutes Cumulative Supplement,
3 2018, is amended to read:
4 60-3,104 The department shall issue the following types of license
5 plates:
6 (1) Amateur radio station license plates issued pursuant to section
7 60-3,126;
8 (2) Apportionable vehicle license plates issued pursuant to section
9 60-3,203;
10 (3) Autocycle license plates issued pursuant to section 60-3,100;
11 (4) Boat dealer license plates issued pursuant to section 60-379;
12 (5) Breast Cancer Awareness Plates issued pursuant to sections
13 60-3,230 and 60-3,231;
14 (6) Bus license plates issued pursuant to section 60-3,144;
15 (7) Choose Life License Plates issued pursuant to sections 60-3,232
16 and 60-3,233;
17 (8) Commercial motor vehicle license plates issued pursuant to
18 section 60-3,147;
19 (9) Dealer or manufacturer license plates issued pursuant to
20 sections 60-3,114 and 60-3,115;
21 (10) Disabled veteran license plates issued pursuant to section
22 60-3,124;
23 (11) Farm trailer license plates issued pursuant to section
24 60-3,151;
25 (12) Farm truck license plates issued pursuant to section 60-3,146;
26 (13) Farm trucks with a gross weight of over sixteen tons license
27 plates issued pursuant to section 60-3,146;
1 (14) Fertilizer trailer license plates issued pursuant to section
2 60-3,151;
Former military vehicle license plates issued pursuant to section 10 of this act;
Gold Star Family license plates issued pursuant to sections 60-3,122.01 and 60-3,122.02;
Handicapped or disabled person license plates issued pursuant to section 60-3,113;
Historical vehicle license plates issued pursuant to sections 60-3,130 to 60-3,134;
Local truck license plates issued pursuant to section 60-3,145;
Metropolitan utilities district license plates issued pursuant to section 60-3,228;
Military Honor Plates issued pursuant to sections 60-3,122.03 and 60-3,122.04;
Minitruck license plates issued pursuant to section 60-3,100;
Motor vehicle license plates for motor vehicles owned or operated by the state, counties, municipalities, or school districts issued pursuant to section 60-3,105;
Motor vehicles exempt pursuant to section 60-3,107;
Motorcycle license plates issued pursuant to section 60-3,100;
Mountain Lion Conservation Plates issued pursuant to sections 60-3,226 and 60-3,227;
Native American Cultural Awareness and History Plates issued pursuant to sections 60-3,234 and 60-3,235;
Nebraska Cornhusker Spirit Plates issued pursuant to sections 60-3,127 to 60-3,129;
Nebraska 150 Sesquicentennial Plates issued pursuant to sections 60-3,223 to 60-3,225;
Nonresident owner thirty-day license plates issued pursuant to section 60-382;
Passenger car having a seating capacity of ten persons or less and not used for hire issued pursuant to section 60-3,143 other than autocycles;
Passenger car having a seating capacity of ten persons or less and used for hire issued pursuant to section 60-3,143 other than autocycles;
Pearl Harbor license plates issued pursuant to section 60-3,122;
Personal-use dealer license plates issued pursuant to section 60-3,116;
Personalized message license plates for motor vehicles, trailers, and semitrailers, except motor vehicles, trailers, and semitrailers registered under section 60-3,198, issued pursuant to sections 60-3,118 to 60-3,121;
Prisoner-of-war license plates issued pursuant to section 60-3,123;
Public power district license plates issued pursuant to
section 60-3,228;
22 (38) (47) Purple Heart license plates issued pursuant to section
23 60-3,125;
24 (39) (48) Recreational vehicle license plates issued pursuant to
25 section 60-3,151;
26 (40) (49) Repossession license plates issued pursuant to section
27 60-375;
28 (41) (50) Special interest motor vehicle license plates issued
29 pursuant to section 60-3,135.01;
30 (42) (51) Specialty license plates issued pursuant to sections
31 60-3,104.01 and 60-3,104.02;
1 (43) (52) Trailer license plates issued for trailers owned or
2 operated by the state, counties, municipalities, or school districts
3 issued pursuant to section 60-3,106;
4 (44) (53) Trailer license plates issued pursuant to section
5 60-3,100;
6 (45) (54) Trailer license plates issued for trailers owned or
7 operated by a metropolitan utilities district or public power district
8 pursuant to section 60-3,228;
9 (46) (55) Trailers exempt pursuant to section 60-3,108;
10 (47) (56) Transporter license plates issued pursuant to section
11 60-378;
12 (48) (57) Trucks or combinations of trucks, truck-tractors, or
13 trailers which are not for hire and engaged in soil and water
14 conservation work and used for the purpose of transporting pipe and
15 equipment exclusively used by such contractors for soil and water
16 conservation construction license plates issued pursuant to section
17 60-3,149;
18 (49) (58) Utility trailer license plates issued pursuant to section
19 60-3,151; and
20 (50) (59) Well-boring apparatus and well-servicing equipment license
21 plates issued pursuant to section 60-3,109.
22 2. On page 2, line 11, after "a" insert "motor".
23 3. On page 4, line 15, after "a" insert "motor"; and in line 21
24 after the period insert "Former military vehicle license plates shall
25 display, in addition to the registration number, the designation former
26 military vehicle.".
27 4. On page 11, line 2, after "a" insert "motor".
28 5. On page 15, line 15, after "a" insert "motor".
29 6. Renumber the remaining sections, correct internal references, and
30 correct the repealer accordingly.

(Signed) Curt Friesen, Chairperson
Senator Crawford filed the following amendment to LB122:
AM247
(Amendments to AM164)
1 1. On page 1, lines 14 and 16, strike "March" and insert "January".

Senator Crawford filed the following amendment to LB614:
AM186
1 1. On page 15, lines 22, 29, 30, and 31, strike the new matter and
2 reinstate the stricken matter.
3 2. On page 16, lines 1, 28, 29, and 31, strike the new matter and
4 reinstate the stricken matter.

GENERAL FILE

LEGISLATIVE BILL 103. Title read. Considered.

Committee AM116, found on page 422, was adopted with 35 ayes, 1 nay,
10 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 2 nays, 9 present
and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 183. Title read. Considered.

Committee AM158, found on page 424, was offered.

Pending.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Blood name added to LB16.
Senator La Grone name added to LB16.
Senator Blood name added to LB150.
Senator Kolterman name added to LB227.
Senator La Grone name added to LB511.
Senator Bostelman name added to LB519.
Senator Walz name added to LR1CA.
Senator La Grone name added to LR1CA.
Senator Erdman name added to LR5CA.
ADJOURNMENT

At 11:55 a.m., on a motion by Senator Kolowski, the Legislature adjourned until 9:00 a.m., Tuesday, February 12, 2019.

    Patrick J. O'Donnell
    Clerk of the Legislature
PRAYER

The prayer was offered by Senator Kolterman.

PRESENTATION OF COLORS

In recognition of the 210th anniversary of the birth of Abraham Lincoln, born February 12, 1809, the Colors are being posted by the Nebraska Department of the Sons of Union Veterans of the Civil War.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Scheer presiding.

The roll was called and all members were present except Senators Cavanaugh, Groene, and Pansing Brooks who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-third day was approved.

NOTICE OF COMMITTEE HEARING(S)

Education

Room 1525

Tuesday, February 19, 2019 1:30 p.m.

LB161
LB398
LB728
LB727

(Signed) Mike Groene, Chairperson
Priority designation(s) received:

Kolterman - LB720  
Nebraska Retirement Systems - LB31  
Nebraska Retirement Systems - LB34

GENERAL FILE

LEGISLATIVE BILL 183. Committee AM158, found on page 424 and considered on page 487, was renewed.

SENATOR LINDSTROM PRESIDING

SENATOR HUGHES PRESIDING

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 154. Placed on Select File.

LEGISLATIVE BILL 264. Placed on Select File with amendment.

ER16
1 1. On page 2, line 8, strike "shall mean", show as stricken, and insert "means".

LEGISLATIVE BILL 7. Placed on Select File with amendment.

ER17
1 1. On page 2, line 6, strike "This" and insert "sections 2 to 5 of this".
2 2. On page 3, line 14, strike the comma and insert "or"; and in line 15 strike the comma.

LEGISLATIVE BILL 55. Placed on Select File with amendment.

ER19
1 1. In the Pansing Brooks amendment, AM191, on page 4, line 26, strike "(A)" and insert "(a)".
2 2. On page 1, strike beginning with "minors" in line 1 through "section" in line 4 and insert "property; to amend sections 30-2478, 30-2723, and 30-3859, Reissue Revised Statutes of Nebraska, and section 43-2101, Revised Statutes Cumulative Supplement, 2018; to change powers 7 of copersonal representatives, cotrustees, coguardians, and coconservators; to change provisions relating to accounts with POD designations; to authorize persons eighteen years of age to acquire or convey title to real property and to enter into and execute related legal
RESOLUTION(S)

LEGISLATIVE RESOLUTION 24. Introduced by Howard, 9.

WHEREAS, Lieutenant Colonel Ervin H. Goeden joined the Army Air Corps during his senior year of high school in 1942; and
WHEREAS, Lt. Col. Goeden flew B-17 bombers during World War II with the Eighth Air Force in Europe; and
WHEREAS, Lt. Col. Goeden continued his service to the United States flying B-29 bombers and RB-47 reconnaissance aircraft as a navigator in the 55th Reconnaissance Wing, retiring after 29 years of honorable active service in the Army Air Corps and United States Air Force; and
WHEREAS, Lt. Col. Goeden lived a life of service to his country and his family.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature recognizes the lifetime service of Lieutenant Colonel Ervin H. Goeden.
2. That the Legislature extends its condolences to the Goeden family.
3. That a copy of this resolution be sent to the Goeden family.

Laid over.

NOTICE OF COMMITTEE HEARING(S)
Judiciary
Warner Chamber
Friday, March 1, 2019 1:30 p.m.

Michelle Schindler - Crime Victim's Reparations Committee
Shawn Eatherton - Crime Victim's Reparations Committee
Thomas Parker - Crime Victim's Reparations Committee

(Signed) Steve Lathrop, Chairperson

COMMITTEE REPORT(S)
Banking, Commerce and Insurance

LEGISLATIVE BILL 224. Placed on General File.

(Signed) Matt Williams, Chairperson
LEGISLATIVE BILL 183. Committee AM158, found on page 424 and considered on page 487 and in this day's Journal, was renewed.

Senator Wayne offered the following motion:

MO11
Bracket until April 1, 2019.

Pending.

LEGISLATIVE BILL 450. Title read. Considered.

SPEAKER SCHEER PRESIDING

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 450A. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 406. Title read. Considered.

Committee AM159, found on page 426, was adopted with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 159. Title read. Considered.

SENATOR HUGHES PRESIDING

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 380. Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 469. Title read. Considered.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.
LEGISLATIVE BILL 25. Title read. Considered.
Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 119. Title read. Considered.
Committee AM211, found on page 449, was adopted with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.
Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 333. Title read. Considered.
Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 203. Title read. Considered.
Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 235. 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 624. Title read. Considered.
Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

COMMITTEE REPORT(S)
Government, Military and Veterans Affairs

LEGISLATIVE BILL 16. Placed on General File.

(Signed) Tom Brewer, Chairperson

NOTICE OF COMMITTEE HEARING(S)
Executive Board
Room 1525

Wednesday, February 20, 2019 12:00 p.m.

LB313
LB330
LB596
Friday, February 22, 2019 12:00 p.m.

LB631
LR15

(Signed) Mike Hilgers, Chairperson

AMENDMENT(S) - Print in Journal

Senator Crawford filed the following amendment to LB183:
FA5
Amend AM158
Line 14, strike thirty replace with seventy.

Senator Lathrop filed the following amendment to LB301:
AM257
1 1. On page 20, line 4, strike "greater", show as stricken, and
2 insert "less" and strike "one", show as stricken, and insert "three".

Senator Lathrop filed the following amendment to LB139:
AM260
(Amendments to Standing Committee amendments, AM170)
1 1. On page 1, line 24, strike "is" and insert "and the presumption
2 provided in subsection (4) of this section are".

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Chambers name added to LB83.
Senator Hunt name added to LB160.
Senator Hunt name added to LB450.
Senator Chambers name added to LR1CA.

WITHDRAW - Cointroducer(s)

Senator Hunt name withdrawn from LB149.

VISITOR(S)

Visitors to the Chamber were a group from the Nebraska Health Care
Association; Veronica Chapman from Lincoln; Mick Hale and Randy Bretz
from Leadership Lincoln; former five term Republican Congressman from
South Carolina and Executive Director of RepublicEn, Bob Inglis; students
and sponsor from Wayne High School and Wayne State College; a group
from Leadership Wayne; a group from Leadership Sarpy; members from the
Nebraska Bankers Association Leadership Program class from across the
state; retired members of the Nebraska State Education Association from across the state; and former Senator Dave Bloomfield from Hoskins.

ADJOURNMENT

At 11:47 a.m., on a motion by Senator Stinner, the Legislature adjourned until 9:00 a.m., Wednesday, February 13, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
TWENTY-FIFTH DAY - FEBRUARY 13, 2019

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

TWENTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 13, 2019

PRAYER

The prayer was offered by Senator Clements.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Williams presiding.

The roll was called and all members were present except Senators Hilgers and Lindstrom who were excused; and Senator Vargas who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-fourth day was approved.

NOTICE OF COMMITTEE HEARING(S)

Judiciary

Warner Chamber

Friday, February 22, 2019 1:30 p.m.

Robert W. Twiss - Board of Parole

(Signed) Steve Lathrop, Chairperson

Nebraska Retirement Systems

Room 1507

Wednesday, March 27, 2019 12:00 p.m.

Presentation of the Nebraska Investment Council Annual Report to the Nebraska Retirement Systems Committee pursuant to section 72-1243(2).
Presentation of the Nebraska Public Employees Retirement System's Annual Report to the Nebraska Retirement Systems Committee pursuant to section 84-1503(3).

(Signed) Mark Kolterman, Chairperson

MESSAGE(S) FROM THE GOVERNOR

February 11, 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 State College System Board of Trustees:

John Chaney, 405 South 16th Street, Omaha, NE 68102
Robert Engles, 2308 McConnell Avenue, Auburn, NE 68305

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

MOTION(S) - Confirmation Report(s)

Senator Hughes moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 459:

Niobrara Council
Richard S. Mercure

Voting in the affirmative, 35:

Albrecht  Cavanaugh  Halloran  Lathrop  Murman
Arch  Chambers  Hansen, B.  Linehan  Pansing  Brooks
Blood  Clements  Hilkemann  Lowe  Quick
Bolz  Crawford  Howard  McCollister  Slama
Brandt  Erdman  Hughes  McDonnell  Stinner
Brewer  Friesen  Hunt  Morfeld  Wayne
Briese  Geist  Kolowski  Moser  Williams
The appointment was confirmed with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Senator Briese moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 461:

Nebraska Commission on Problem Gambling
Paul Leckband

Voting in the affirmative, 34:

<table>
<thead>
<tr>
<th>Albrecht</th>
<th>Clements</th>
<th>Hansen, B.</th>
<th>Lathrop</th>
<th>Scheer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arch</td>
<td>DeBoer</td>
<td>Hansen, M.</td>
<td>Linehan</td>
<td>Slama</td>
</tr>
<tr>
<td>Blood</td>
<td>Dorn</td>
<td>Hilkemann</td>
<td>McCollister</td>
<td>Stinner</td>
</tr>
<tr>
<td>Bolz</td>
<td>Erdman</td>
<td>Hughes</td>
<td>Moser</td>
<td>Walz</td>
</tr>
<tr>
<td>Brandt</td>
<td>Friesen</td>
<td>Hunt</td>
<td>Murman</td>
<td>Wayne</td>
</tr>
<tr>
<td>Briese</td>
<td>Geist</td>
<td>Kolowski</td>
<td>Pansing</td>
<td>Brooks</td>
</tr>
<tr>
<td>Cavanaugh</td>
<td>Halloran</td>
<td>Kolterman</td>
<td>Quick</td>
<td></td>
</tr>
</tbody>
</table>

Voting in the negative, 0.

Present and not voting, 12:

<table>
<thead>
<tr>
<th>Bostelman</th>
<th>Crawford</th>
<th>Howard</th>
<th>McDonnell</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brewer</td>
<td>Gragert</td>
<td>La Grone</td>
<td>Morfeld</td>
</tr>
<tr>
<td>Chambers</td>
<td>Groene</td>
<td>Lowe</td>
<td>Wishart</td>
</tr>
</tbody>
</table>

Excused and not voting, 3:

<table>
<thead>
<tr>
<th>Hilgers</th>
<th>Lindstrom</th>
<th>Vargas</th>
</tr>
</thead>
</table>

The appointment was confirmed with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.
LEGISLATIVE BILL 4A. Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 1 nay, 16 present and not voting, and 3 excused and not voting.

COMMITTEE REPORT(S)
Education

LEGISLATIVE BILL 430. Placed on General File.

(Signed) Mike Groene, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 22. Placed on Select File.

LEGISLATIVE BILL 60. Placed on Select File with amendment.
ER22
1 1. On page 3, line 26, before "including" insert an underscored comma.

LEGISLATIVE BILL 74. Placed on Select File.

LEGISLATIVE BILL 302. Placed on Select File.

LEGISLATIVE BILL 200. Placed on Select File with amendment.
ER20
1 1. On page 1, line 4, strike "alcoholism centers" and insert "mental health substance use treatment centers".
3 2. On page 3, line 4, strike "an" and insert "a".

LEGISLATIVE BILL 307. Placed on Select File.
LEGISLATIVE BILL 256. Placed on Select File.
LEGISLATIVE BILL 111. Placed on Select File.
LEGISLATIVE BILL 192. Placed on Select File.
LEGISLATIVE BILL 192A. Placed on Select File.
LEGISLATIVE BILL 80. Placed on Select File.
LEGISLATIVE BILL 81. Placed on Select File.

(Signed) Julie Slama, Chairperson

AMENDMENT(S) - Print in Journal

Senator Linehan filed the following amendment to LB288:
AM268
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 77-2716.01, Reissue Revised Statutes of Nebraska,
4 is amended to read:
5 77-2716.01 (1)(a) Through tax year 2017, every individual shall be
6 allowed to subtract from his or her income tax liability an amount for
7 personal exemptions. The amount allowed to be subtracted shall be the
8 credit amount for the year as provided in this subdivision multiplied by
9 the number of exemptions allowed on the federal return. For tax year
10 1993, the credit amount shall be sixty-five dollars; for tax year 1994,
11 the credit amount shall be sixty-nine dollars; for tax year 1995, the
12 credit amount shall be sixty-nine dollars; for tax year 1996, the credit
13 amount shall be seventy-two dollars; for tax year 1997, the credit amount
14 shall be eighty-six dollars; for tax year 1998, the credit amount shall
15 be eighty-eight dollars; for tax year 1999, and each year thereafter
16 through tax year 2017, the credit amount shall be adjusted for inflation
17 by the method provided in section 151 of the Internal Revenue Code of
18 1986, as it existed prior to December 22, 2017. The eighty-eight-dollar
19 credit amount shall be adjusted for cumulative inflation since 1998. If
20 any credit amount is not an even dollar amount, the amount shall be
21 rounded to the nearest dollar. For nonresident individuals and partial-
22 year resident individuals, the personal exemption credit shall be
23 subtracted as specified in subsection (3) of section 77-2715.
24 (b) Beginning with tax year 2018, every individual, except an
25 individual who can be claimed for a child credit or dependent credit on
26 the federal return of another taxpayer, shall be allowed to subtract from
27 his or her income tax liability an amount for personal exemptions. The
28 amount allowed to be subtracted shall be the credit amount for the year
29 as provided in this subdivision multiplied by the sum of the number of
30 child credits and dependent credits taken on the federal return, plus two
31 for a married filing jointly return or plus one for a single or head of
32 household return. For tax year 2018, the credit amount shall be one
33 hundred thirty-four dollars. For tax year 2019 and each tax year
34 thereafter, the credit amount shall be adjusted for inflation based on
35 the percentage change in the Consumer Price Index for All Urban Consumers
36 published by the federal Bureau of Labor Statistics from the twelve
37 months ending on August 31, 2017, to the twelve months ending on August
38 31 of the year preceding the taxable year. If any credit amount is not an
39 even dollar amount, the amount shall be rounded to the nearest dollar.
40 For nonresident individuals and partial-year resident individuals, the
41 personal exemption credit shall be subtracted as specified in subsection
42 (3) of section 77-2715.
43 (2)(a) For tax years beginning or deemed to begin on or after
44 January 1, 2003, and before January 1, 2004, under the Internal Revenue
45 Code of 1986, as amended, every individual who did not itemize deductions
46 on his or her federal return shall be allowed to subtract from federal
47 adjusted gross income a standard deduction based on the filing status
48 used on the federal return except as the amount is adjusted under section
49 77-2716.03. The standard deduction shall be the smaller of the federal
50 standard deduction actually allowed or (i) for single taxpayers four
twenty-four thousand seven hundred fifty dollars, (ii) for head of household taxpayers seven thousand dollars, (iii) for married filing jointly taxpayers seven thousand nine hundred fifty dollars, and (iv) for married filing separately taxpayers three thousand nine hundred seventy-five dollars. Taxpayers who are allowed additional federal standard deduction amounts because of age or blindness shall be allowed an increase in the Nebraska standard deduction for each additional amount allowed on the federal return. The additional amounts shall be for married taxpayers, nine hundred fifty dollars, and for single or head of household taxpayers, one thousand one hundred fifty dollars.

(b) For tax years beginning or deemed to begin on or after January 1, 2007, and before January 1, 2018, under the Internal Revenue Code of 1986, as amended, every individual who did not itemize deductions on his or her federal return shall be allowed to subtract from federal adjusted gross income a standard deduction based on the filing status used on the federal return. The standard deduction shall be the smaller of the federal standard deduction actually allowed or (i) for single taxpayers three thousand dollars and (ii) for head of household taxpayers four thousand four hundred dollars. The standard deduction for married filing jointly taxpayers shall be double the standard deduction for single taxpayers, and for married filing separately taxpayers, the standard deduction shall be the same as single taxpayers. Taxpayers who are allowed additional federal standard deduction amounts because of age or blindness shall be allowed an increase in the Nebraska standard deduction for each additional amount allowed on the federal return. The additional amounts shall be for married taxpayers six hundred dollars and for single or head of household taxpayers seven hundred fifty dollars. The amounts in this subdivision will be indexed using 1987 as the base year.

(c) For tax years beginning or deemed to begin on or after January 1, 2018, every individual who did not itemize deductions on his or her federal return shall be allowed to subtract from federal adjusted gross income a standard deduction based on the filing status used on the federal return. The standard deduction shall be the smaller of the federal standard deduction actually allowed or (i) six thousand seven hundred fifty dollars for single taxpayers and (ii) nine thousand nine hundred dollars for head of household taxpayers. The standard deduction for married filing jointly taxpayers shall be double the standard deduction for single taxpayers, and the standard deduction for married filing separately taxpayers shall be the same as the standard deduction for single taxpayers. Taxpayers who are allowed additional federal standard deduction amounts because of age or blindness shall be allowed an increase in the Nebraska standard deduction for each additional amount allowed on the federal return. The additional amounts shall be for married taxpayers three thousand dollars and for single or head of household taxpayers four thousand one hundred fifty dollars. The amounts in this subdivision will be indexed using 1987 as the base year.
allowed on the federal return. The additional amounts shall be one thousand three hundred dollars for married taxpayers and one thousand six hundred dollars for single or head of household taxpayers.

(b) For tax years beginning or deemed to begin on or after January 1, 2019, the standard deduction amounts, including the additional standard deduction amounts, in this subsection shall be adjusted for inflation based on the percentage change in the Consumer Price Index for All Urban Consumers published by the federal Bureau of Labor Statistics from the twelve months ending on August 31, 2017, to the twelve months ending on August 31 of the year preceding the taxable year. If any amount is not a multiple of fifty dollars, the amount shall be rounded to the next lowest multiple of fifty dollars.

(4)(a) For tax years beginning or deemed to begin before January 1, 2019, every individual who itemized deductions on his or her federal return shall be allowed to subtract from federal adjusted gross income the greater of either:

(i) The standard deduction allowed in this section; or

(ii) His or her federal itemized deductions as defined in section 63(d) of the Internal Revenue Code of 1986, as amended, except for the amount for state or local income taxes included in federal itemized deductions before any federal disallowance.

(b) For tax years beginning or deemed to begin on or after January 1, 2019, and before January 1, 2020, every individual who itemized deductions on his or her federal return shall be allowed to subtract from federal adjusted gross income the greater of either:

(i) The standard deduction allowed in this section; or

(ii) The sum of:

(A) His or her federal itemized deductions as defined in section 63(d) of the Internal Revenue Code of 1986, as amended, except for the amount for state or local income taxes included in federal itemized deductions before any federal disallowance;

(B) The total amount of state and local property taxes reported on his or her federal return before any federal disallowance or cap, less the amount of state and local property taxes actually included in federal itemized deductions; and

(C) The total amount of state and local property taxes reported on his or her federal return for the immediately preceding tax year before any federal disallowance or cap, less the amount of state and local property taxes actually included in federal itemized deductions for such tax year.

(c) For tax years beginning or deemed to begin on or after January 1, 2020, every individual who itemized deductions on his or her federal return shall be allowed to subtract from federal adjusted gross income the greater of either:

(i) The standard deduction allowed in this section; or

(ii) The sum of:

(A) His or her federal itemized deductions as defined in section 63(d) of the Internal Revenue Code of 1986, as amended, except for the amount for state or local income taxes included in federal itemized
29 deductions before any federal disallowance; and
30 (B) The total amount of state and local property taxes reported on
31 his or her federal return before any federal disallowance or cap, less
1 the amount of state and local property taxes actually included in federal
2 itemized deductions.
3 Sec. 2. Original section 77-2716.01, Reissue Revised Statutes of
4 Nebraska, is repealed.

NOTICE OF COMMITTEE HEARING(S)
Natural Resources
Room 1525
Wednesday, February 20, 2019 1:30 p.m.
Lana S. Arrowsmith - Niobrara Council
LB368

(Signed) Dan Hughes, Chairperson
Revenue
Room 1524
Wednesday, February 20, 2019 1:30 p.m.
LB615
LB661
LB664
AM268
Note: Amendment to LB288
Thursday, February 21, 2019 1:30 p.m.
LB444
LB420
LB530
LB663
LB483
Friday, February 22, 2019 1:30 p.m.
LB187
LB242
LB218
LB236
LB237

(Signed) Lou Ann Linehan, Chairperson
LEGISLATIVE BILL 116. Placed on General File with amendment.
AM266
1 1. On page 2, line 22, after the comma insert "certificate of
mailing."; and strike beginning with "A" in line 22 through the period in
line 23.
2 2. On page 5, line 24, strike "An insurer" and insert "A producer".
3 3. On page 6, lines 1 and 4, before "property" insert "life
insurance policies, annuity contracts, and"; in line 11 strike "insurer"
and insert "producer"; and in line 17 after "insured" insert "and
producer of record".

LEGISLATIVE BILL 145. Placed on General File with amendment.
AM282
1 1. Insert the following new section:
Section 1. Section 30-4020, Reissue Revised Statutes of Nebraska, is
amended to read:
4 30-4020 (1) Except as otherwise provided in subsection (2) of this
section:
6 (a) A person shall either accept an acknowledged power of attorney
7 or request a certification, a translation, or an opinion of counsel under
8 subsection (4) of section 30-4019 no later than seven business days after
9 presentation of the power of attorney for acceptance;
10 (b) If a person requests a certification, a translation, or an
11 opinion of counsel under subsection (4) of section 30-4019, the person
12 shall accept the power of attorney no later than five business days after
13 receipt of the certification, translation, or opinion of counsel; and
14 (c) A person may not require an additional or different form of
15 power of attorney for authority granted in the power of attorney
16 presented, except as provided in section 30-4031.
17 (2) A person is not required to accept an acknowledged power of
18 attorney if:
19 (a) The person is not otherwise required to engage in a transaction
20 with the principal in the same circumstances;
21 (b) Engaging in a transaction with the agent or the principal in the
22 same circumstances would be inconsistent with state or federal law;
23 (c) The person has actual knowledge of the termination of the
24 agent's authority or of the power of attorney before exercise of the
25 power;
26 (d) A request for a certification, a translation, or an opinion of
27 counsel under subsection (4) of section 30-4019 is refused;
1 (e) The person in good faith believes that the power is not valid or
2 that the agent does not have the authority to perform the act requested,
3 whether or not a certification, a translation, or an opinion of counsel
4 under subsection (4) of section 30-4019 has been requested or provided;
5 (f) The person makes, or has actual knowledge that another person
6 has made, a report to the local adult protective services office stating
7 a good faith belief that the principal may be subject to physical or
8 financial abuse, neglect, exploitation, or abandonment by the agent or a
9 person acting for or with the agent;
10 (g) The person brought, or has actual knowledge that another person
11 has brought, a judicial proceeding for construction of a power of
12 attorney or review of the agent's conduct; or
13 (h) The power of attorney becomes effective upon the occurrence of
14 an event or contingency, and neither a certification nor evidence of the
15 occurrence of the event or contingency is presented to the person being
16 asked to accept the power of attorney.
17 (3) A person may not refuse to accept an acknowledged power of
18 attorney if any of the following applies:
19 (a) The person's reason for refusal is based exclusively upon the
20 date the power of attorney was executed; or
21 (b) The person's refusal is based exclusively on a mandate that an
22 additional or different power of attorney form must be used.
23 (4) A person that refuses in violation of this section to accept an
24 acknowledged power of attorney is subject to:
25 (a) A court order mandating acceptance of the power of attorney; and
26 (b) Liability for reasonable attorney's fees and costs incurred in
27 any action or proceeding that confirms the validity of the power of
28 attorney or mandates acceptance of the power of attorney.
29 2. On page 3, line 18, strike "section" and insert "sections 30-4020
30 and"; and in line 19 strike "is" and insert "are".
31 3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 384. Placed on General File with amendment.
AM272
1 1. On page 2, line 14, strike "five" and reinstate the stricken
2 "two"; and in line 24 strike "five" and insert "two".
3 2. On page 3, line 7, strike "(3)(a)(ii)" and insert "(3)(b)(ii)".

(Signed) Matt Williams, Chairperson

GENERAL FILE

LEGISLATIVE BILL 160. Title read. Considered.

SPEAKER SCHEER PRESIDING

SENATOR WILLIAMS PRESIDING

Senator Wayne offered the following amendment:

FA6
On page 3, line 12 strike "of known quality".
On page 3, strike lines 16-18.
On page 4, line 10 strike "quality".
On page 4, line 10 strike "For purposes of this".
On page 4, strike lines 11-13.
The Wayne amendment was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

**COMMITTEE REPORT(S)**

**Education**

**LEGISLATIVE BILL 399.** Placed on General File with amendment. AM286

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

Section 1. Section 79-724, Reissue Revised Statutes of Nebraska, is amended to read:

79-724 It is the responsibility of society to ensure that youth are given the opportunity to become competent, responsible, patriotic, and civil citizens to ensure a citizenry is necessary to a strong, stable, just, and prosperous America. Such a citizenry necessitates that every member thereof be fully literate about our acquaintances with the nation's history, government, geography, and economic system. The youth in our state should be committed to the ideals and values of our country's democracy and the constitutional republic established by the people. Schools should help prepare our youth to make informed and reasoned decisions for the public good. Civic competence is necessary to sustain and improve our democratic way of life and must be taught in all public, private, denominational, and parochial schools. A central role of schools is to impart civic knowledge and skills that help our youth to see the relevance of a civic dimension for their lives. Students should be made and that he or she be in full accord with our form of government and fully aware of the liberties, opportunities, and advantages we possess of which we are possessed and the sacrifices and struggles of those through whose efforts these benefits were gained. Since youth is the time people are most susceptible to the acceptance of principles and doctrines that will influence them men and women throughout their lives, it is one of the first duties of our educational system to conduct its activities, choose its textbooks, and arrange its curriculum in such a way that the youth of our state have the opportunity to become competent, responsible, patriotic, and civil American citizens love of liberty, justice, democracy, and America will be instilled in the hearts and minds of the youth of the state.

4. (1) The board of each school district shall, at the beginning of each calendar school year, appoint from its members a committee of three, to be known as the committee on American civics Americanism. The committee on American civics Americanism shall:

(a) Hold no fewer than two public meetings annually, at least one where public testimony is accepted:

(b) Keep minutes of each meeting showing the time and place of the
11 meeting, which members were present or absent, and the substance and
details of all matters discussed;
12 (c) Carefully examine and ensure that the social studies curriculum
13 used in the district is aligned to the social studies standards adopted
14 pursuant to section 79-760.01 and teaches foundational knowledge in
civics, history, economics, financial literacy, and geography;
15 (d) Review and approve the social studies curriculum to ensure that
16 it adequately stresses (a) Carefully examine, inspect, and approve all
17 textbooks used in the teaching of American history and civil government
18 in the school. Such textbooks shall adequately stress the services of the
19 men and women who achieved our national independence, established our
20 constitutional government, and preserved our union and is shall be so
21 written to include the incorporation of multicultural education as set
22 forth in sections 79-719 to 79-723 so contributions by ethnic groups as
23 to develop a pride and respect for our institutions and not be a mere
24 recital of events and dates;
25 (e) Ensure that any curriculum recommended or approved by the
26 committee on American civics is made readily accessible to the public and
27 contains a reference to this section;
28 (f) Ensure that the district develops and utilizes formative,
29 interim, and summative assessments to measure student mastery of the
30 social studies standards adopted pursuant to section 79-760.01;
31 (g) Ensure that the social studies curriculum in the district
32 incorporates one or more of the following for each student:
33 (i) Administration of a written test that is identical to the entire
34 civics portion of the naturalization test used by United States
35 Citizenship and Immigration Services prior to the completion of eighth
36 grade and again prior to the completion of twelfth grade with the
37 individual score from each test for each student made available to a
38 parent or guardian of such student; or
39 (ii) Attendance or participation between the commencement of eighth
40 grade and completion of twelfth grade in a meeting of a public body as
41 defined by section 84-1409 followed by the completion of a project or
42 paper in which each student demonstrates or discusses the personal
43 learning experience of such student related to such attendance or
44 participation; or
45 (iii) Completion of a project or paper and a class presentation
46 between the commencement of eighth grade and the completion of twelfth
47 grade on a person or persons or an event commemorated by a holiday listed
48 in subdivision (6) of this section or on a topic related to such person
49 or persons or event;
50 (h) (i) Assure themselves as to the character of all teachers
51 employed and their knowledge and acceptance of the American form of
52 government; and
53 (ii) Take all such other steps as will assure the carrying out of
54 the provisions of this section and provide a report to the school board
55 regarding the committee’s findings and recommendations.
56 (2) All social studies American history courses approved for grade
57 levels as provided by this section shall include and adequately stress
29 contributions of all ethnic groups (a) to the development and growth of
30 America into a great nation, (b) to art, music, education, medicine,
31 literature, science, politics, and government, and (c) to the war
services in all wars of this nation.
2 (3) All grades of all public, private, denominational, and parochial
3 schools, below the sixth grade, shall devote at least one hour per week
4 to exercises or teaching periods for the following purpose:
5 (a) The discussion recital of stories having to do with American
6 history or the deeds and exploits of American heroes;
7 (b) The historical background, memorization, and singing of
8 patriotic songs such as and the insistence that every pupil memorize the
9 Star-Spangled Banner and America the Beautiful; and
10 (c) The development of respect reverence for the American flag as a
11 symbol of freedom and the sacrifices of those who secured that freedom;
12 and
13 (d) Instruction instruction as to proper conduct in the its
14 presentation of the American flag.
15 (4) In at least two of the three grades from the fifth grade to the
16 eighth grade in all public, private, denominational, and parochial
17 schools, time at least three periods per week shall be set aside for to
18 be devoted to the teaching of American history from the social studies
19 curriculum approved textbooks, which shall be taught in such a way that
20 all students are given the opportunity to (a) become competent,
21 responsible, patriotic, and civil citizens who possess a deep
22 understanding of and respect for the United States Constitution and the
23 Constitution of Nebraska and (b) prepare to preserve, protect, and defend
24 freedom and democracy in our nation and our world as to make the course
25 interesting and attractive and to develop a love of country.
26 (5) In at least two courses in grades of every high school, time at
27 least three periods per week shall be devoted to the teaching of civics
28 and American history as outlined in the social studies standards adopted
29 pursuant to section 79-760.01, during which courses specific attention
30 shall be given to the following matters:
31 (a) The Declaration of Independence, the United States Constitution,
32 and the Constitution of Nebraska, and the structure and function of local
33 government in this state;
34 (b) The benefits and advantages of our form of government, and the
35 rights and responsibilities of citizenship in our government, and the
36 dangers and fallacies of forms of government that restrict individual
37 freedoms or possess antidemocratic ideals such as, but not limited to,
38 Nazism and communism, dangers and fallacies of Nazism, Communism, and
39 similar ideologies; and
40 (c) The duties of citizenship, including active participation in the
41 improvement of a citizen's community, state, country, and world and the
42 value and practice of civil discourse between opposing interests; and
43 (d) The application of knowledge in civics, history, economics,
44 financial literacy, and geography in order to address meaningful issues
45 within our society.
46 (6) Appropriate patriotic exercises suitable to the occasion shall
16 be held under the direction of the superintendent in every public,  
17 private, denominational, and parochial school on George Washington's  
18 birthday, Abraham Lincoln's birthday, Dr. Martin Luther King, Jr.'s  
19 birthday, Native American Heritage Day, Constitution Day, Memorial Day,  
20 Veterans Day, and Thanksgiving Day, or on the day or week Lincoln's  
21 birthday, Washington's birthday, Flag Day, Memorial Day, and Veterans  
22 Day, or on the day preceding or following such holiday, if the school is  
23 in session.  
24 (7) Every school board, the State Board of Education, and the  
25 superintendent of each school district in the state shall be held  
26 directly responsible in the order named for carrying out this section,  
27 and neglect thereof by any employee or appointed official shall be  
28 considered a dereliction of duty and may be considered a cause for  
29 dismissal.  
30 Sec. 2. Section 79-727, Reissue Revised Statutes of Nebraska, is  
31 amended to read:  
32 79-727 The State Board of Education shall adopt and promulgate  
33 rules and regulations to carry out the provisions of sections 79-724  
34 through 79-726. The State Department of Education shall ensure that all  
35 requirements of such sections and such rules and regulations are carried  
36 out by each school district. Any person violating the provisions of  
37 sections 79-724 to 79-726 is guilty of a Class III misdemeanor.  
38 Sec. 3. Original sections 79-724 and 79-727, Reissue Revised  
39 Statutes of Nebraska, are repealed.

(Signed) Mike Groene, Chairperson

GENERAL FILE

LEGISLATIVE BILL 195. Title read. Considered.
Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 11 present  
and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 124. Title read. Considered.
Committee AM199, found on page 464, was adopted with 32 ayes, 0 nays,  
13 present and not voting, and 4 excused and not voting.
Advanced to Enrollment and Review Initial with 34 ayes, 1 nay, 10 present  
and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 127. Title read. Considered.
Committee AM184, found on page 465, was adopted with 37 ayes, 0 nays, 7  
present and not voting, and 5 excused and not voting.
Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 3 present  
and not voting, and 5 excused and not voting.
LEGISLATIVE BILL 139. Title read. Considered.

Committee AM170, found on page 467, was offered.

Senator Lathrop offered his amendment, AM260, found on page 494, to the committee amendment.

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

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

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 2 present and not voting, and 5 excused and not voting.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 214. Placed on Select File.

LEGISLATIVE BILL 52. Placed on Select File with amendment.

ER21
1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. (1) For purposes of this section:
4 (a) Public funds means money belonging to the state by operation of
5 general state law and collected by virtue of state-imposed taxes, fees,
6 and similar charges;
7 (b) Special purpose funds means money in the state treasury which is
8 received from an outside source, which is held in trust or escrow or
9 segregated for a particular purpose, and which must be used for purposes
10 defined by the source of the funds; and
11 (c) Trust funds means all trust funds identified by Nebraska
12 statutes, all funds pledged for the payment of bonds, all accounts held
13 by a trustee related to a bond issue, and all funds held related to a
14 lease financing or other similar financing.
15 (2) The State Treasurer shall have custody in the state treasury of
16 all public funds and all special purpose funds, other than pension and
17 trust funds, of all state officials, state agencies, state boards, state
18 commissions, and other state entities. Each state official, agency,
19 board, commission, or other entity shall remit all public funds and all
20 special purpose funds, other than pension and trust funds, to the State
21 Treasurer for credit to the appropriate fund as provided in section
22 84-602.
23 (3) Each state official, agency, board, commission, or other entity
24 shall record all revenue, fund balances, and expenditures from all public
25 funds and all special purpose funds, other than pension and trust funds,
in the state accounting system administered by the accounting division of the Department of Administrative Services pursuant to section 81-1110.01.

As provided in section 72-1243, the state investment officer shall invest all funds available for investment pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(5) The accounting division shall notify the budget division of the Department of Administrative Services if any state official, agency, board, commission, or other entity has failed to comply with this section. The budget division shall withhold up to ten percent of any appropriation to such state official, agency, board, commission, or other entity until it complies with this section.

Sec. 2. Section 85-1807, Reissue Revised Statutes of Nebraska, is amended to read:

(1) The State Treasurer shall deposit money received by the Nebraska educational savings plan trust into three funds: The College Savings Plan Program Fund, the College Savings Plan Expense Fund, and the College Savings Plan Administrative Fund. The State Treasurer shall deposit money received by the trust into the appropriate fund. The State Treasurer and Accounting Administrator of the Department of Administrative Services shall determine the state fund types necessary to comply with section 529 of the Internal Revenue Code and state policy.

The money in the funds shall be invested by the state investment officer pursuant to policies established by the Nebraska Investment Council. The program fund, the expense fund, and the administrative fund shall be separately administered. The Nebraska educational savings plan trust shall be operated with no General Fund appropriations.

(2) The College Savings Plan Program Fund is created. All money paid by participants in connection with participation agreements and all investment income earned on such money shall be deposited as received into separate accounts within the program fund. Contributions to the trust made by participants may only be made in the form of cash. All funds generated in connection with participation agreements shall be deposited into the appropriate accounts within the program fund. A participant or beneficiary shall not provide investment direction regarding program contributions or earnings held by the trust. Money accrued by participants in the program fund may be used for payments to any eligible educational institution. Any money in the program fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(3) The College Savings Plan Administrative Fund is created. Money from the trust transferred from the expense fund to the administrative fund in an amount authorized by an appropriation from the Legislature shall be utilized to pay for the costs of administering, operating, and maintaining the trust, to the extent permitted by section 529 of the Internal Revenue Code. The administrative fund shall not be credited with any money other than money transferred from the expense fund in an amount authorized by an appropriation by the Legislature or any interest income earned on the balances held in the administrative fund. Any money in the
17 administrative fund available for investment shall be invested by the
18 state investment officer pursuant to the Nebraska Capital Expansion Act
19 and the Nebraska State Funds Investment Act.
20 (4) The College Savings Plan Expense Fund is created. The expense
21 fund shall be used to pay costs associated with the Nebraska educational
22 savings plan trust and shall be funded with fees assessed to the program
23 fund. The State Treasurer shall transfer from the expense fund to the
24 State Investment Officer's Cash Fund an amount equal to the pro rata
25 share of the budget appropriated to the Nebraska Investment Council as
26 permitted in section 72-1249.02, to cover reasonable expenses incurred
27 for investment management of the Nebraska educational savings plan trust.
28 Annually and prior to such transfer to the State Investment Officer's
29 Cash Fund, the State Treasurer shall report to the budget division of the
30 Department of Administrative Services and to the Legislative Fiscal
31 Analyst the amounts transferred during the previous fiscal year. The
1 report submitted to the Legislative Fiscal Analyst shall be submitted
2 electronically. Transfers may be made from the expense fund to the
3 General Fund at the direction of the Legislature. Any money in the
4 expense fund available for investment shall be invested by the state
5 investment officer pursuant to the Nebraska Capital Expansion Act and the
6 Nebraska State Funds Investment Act.
7 Sec. 3. Section 85-1813, Reissue Revised Statutes of Nebraska, is
8 amended to read:
9 85-1813 The assets of the Nebraska educational savings plan trust,
10 including the program fund and excluding the administrative fund and the
11 expense fund, shall at all times be preserved, invested, and expended
12 solely and only for the purposes of the trust and shall be held in trust
13 for the participants and beneficiaries. No property rights in the trust
14 shall exist in favor of the state. Assets Such assets of the trust,
15 including the program fund, the administrative fund, and the expense
16 fund, shall not be transferred or used by the state for any purposes
17 other than the purposes of the trust.
18 Sec. 4. Original sections 85-1807 and 85-1813, Reissue Revised
19 Statutes of Nebraska, are repealed.
20 2. On page 1, line 1, after the first semicolon insert "to amend
21 sections 85-1807 and 85-1813, Reissue Revised Statutes of Nebraska;"; in
22 line 3 strike the second "and"; and in line 4 after "enforcement" insert
23 "; to change and eliminate provisions relating to the transfer and use of
24 funds under the Nebraska educational savings plan trust; and to repeal
25 the original sections".

LEGISLATIVE BILL 152. Placed on Select File.

LEGISLATIVE BILL 186. Placed on Select File with amendment.

ER23
1 1. On page 1, line 1, strike "notaries public" and insert
2 "documents"; in line 2 strike "and 64-205" and insert "64-205, and
3 86-611"; and in line 6 after the first semicolon insert "to provide
4 duties relating to real estate documents;".
On page 17, line 10, strike "and 64-205" and insert "64-205, and 686-611".

**LEGISLATIVE BILL 186A.** Placed on Select File.

(Signed) Julie Slama, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 319.** Title read. Considered.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 2 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 699.** Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 8.** Title read. Considered.

Committee AM33, found on page 484, was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 156.** Title read. Considered.

Committee AM19, found on page 484, was adopted with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 301.** Senator Lathrop asked unanimous consent to withdraw his amendment, AM257, found on page 494, and replace it with his substitute amendment, AM299. No objections. So ordered.

AM299

1. On page 19, line 31, strike "an amount", show as stricken, and 2 insert "amounts" and strike "amount per occurrence as", show as stricken, 3 and insert "amounts".

2. On page 20, line 1, strike "amount", show as stricken, and insert 5 "amounts"; in line 3 strike "amount", show as stricken, and insert 6 "amounts"; and in line 4 strike "greater", show as stricken, and insert 7 "less" and after "occurrence" insert "and three million dollars aggregate".
The Lathrop amendment was adopted with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

Senator Lowe offered the following amendment:

AM165
1 1. Insert the following new section:
2 Sec. 80. Any appropriation and salary limit provided in any
3 legislative bill enacted by the One Hundred Sixth Legislature, First
4 Session, to Agency No. 23 — Department of Labor, in any of the following
5 program classifications, shall be null and void, and any such amounts are
6 hereby appropriated to Agency No. 21, State Fire Marshal, Program 230 —
7 Safety Inspection Program; Program No. 194, Division for Protection of
8 People and Property, Subprogram 009 — Conveyance; and Program No. 194,
9 Division for Protection of People and Property, Subprogram 010 — Boiler
10 Inspection. Any financial obligations of the Department of Labor that
11 remain unpaid as of June 30, 2019, and that are subsequently certified as
12 valid encumbrances to the accounting division of the Department of
13 Administrative Services pursuant to sections 81-138.01 to 81-138.04,
14 shall be paid by the State Fire Marshal, Program 230 — Safety Inspection
15 Program from the unexpended balance of appropriations existing in such
16 program classifications on June 30, 2019.
17 2. On page 47, line 27, strike "80" and insert "81".
18 3. Renumber the remaining sections accordingly.

The Lowe amendment was adopted with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 359.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 306.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 122.** ER15, found on page 468, was adopted.

Senator Crawford offered her amendment, AM247, found on page 487.

The Crawford amendment was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE RESOLUTION 1CA.** Advanced to Enrollment and Review for Engrossment.
LEGISLATIVE BILL 71. Advanced to Enrollment and Review for Engrossment.

NOTICE OF COMMITTEE HEARING(S)
Agriculture
Room 1524
Tuesday, February 26, 2019 1:30 p.m.
LB201
LB229
LB157
LB382
(Signed) Steve Halloran, Chairperson

COMMITTEE REPORT(S)
Agriculture

LEGISLATIVE BILL 660. Placed on General File.
(Signed) Steve Halloran, Chairperson

AMENDMENT(S) - Print in Journal

Senator La Grone filed the following amendment to LB294:
AM308
1 1. Strike original section 3.
2 2. Renumber the remaining sections accordingly.

Senator La Grone filed the following amendment to LB294:
AM309
1 1. Strike original section 4.
2 2. Renumber the remaining sections accordingly.

BILL ON FIRST READING

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


A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 25, One Hundred Sixth Legislature, First Session, 2019.
UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Blood name added to LB160.
Senator Hunt name added to LB230.

VISITOR(S)

Visitors to the Chamber were Judy Garlock and Tex Richters from Lincoln; former Senator Paul Hartnett from Bellevue, Joan Hartnett from Kansas City, and Debbie Burchard from Bellevue; Lillian Butler-Hale; students from Syracuse-Dunbar-Avoca High School; Aaron Nygren from Wahoo, Melissa Bartels from Lincoln, and Sandy Archuleta from Brainard; members of the Nebraska Association of County Extension Boards from across the state; and students, teachers, and sponsors from the Family and Consumer Sciences of Nebraska Legislative Workshop.

The Doctor of the Day was Dr. John R. Jacobsen from Kearney.

ADJOURNMENT

At 12:00 p.m., on a motion by Senator Erdman, the Legislature adjourned until 9:00 a.m., Thursday, February 14, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
TWENTY-SIXTH DAY - FEBRUARY 14, 2019

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

TWENTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 14, 2019

PRAYER

The prayer was offered by Senator Crawford.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Scheer presiding.

The roll was called and all members were present except Senators Lindstrom, Vargas, and Wishart who were excused; and Senators Friesen, Groene, La Grone, McCollister, and Morfeld who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 517, line 9, strike "John" and insert "Joan".
The Journal for the twenty-fifth day was approved as corrected.

COMMITTEE REPORT(S)

Education

LEGISLATIVE BILL 486. Placed on General File.

(Signed) Mike Groene, Chairperson

Business and Labor

LEGISLATIVE BILL 254. Placed on General File.

(Signed) Matt Hansen, Chairperson
NOTICE OF COMMITTEE HEARING(S)
Health and Human Services

Room 1510

Friday, February 22, 2019 1:30 p.m.

Michael Allen Sitorius - Nebraska Rural Health Advisory Commission

(Signed) Sara Howard, Chairperson

Education

Room 1525

Tuesday, February 26, 2019 1:30 p.m.

LB675
LB346
LB165

(Signed) Mike Groene, Chairperson

ANNOUNCEMENT(S)

The Economic Development Task Force elected Senator Bolz as Chairperson and Senator Arch as Vice Chairperson.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 13, 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

Dozier, James
  The National Council for Behavioral Health
Glunz, William
  American Airlines
Husch Blackwell Strategies
  Turo
Jarecke, Kate Kulesher
  Sandoz
Keigher & Associates, LLC
  Nebraska Machinery Company
Kelley Plucker, LLC
  Coalition of Ignition Interlock Manufacturers
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

GENERAL FILE

LEGISLATIVE BILL 224. Title read. Considered.

Senator Hunt offered the following amendment:
FA7
Page 5, line 25 strike "creed" insert "religion".
Page 5, line 26 after "gender" insert "sexual orientation".

Senator Hunt withdrew her amendment.

Senator Howard offered the following amendment:
FA8
On page 5, line 25, insert a period after the word "discrimination" and strike the remaining language on lines 25 and 26.

The Howard amendment was adopted with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

Senator Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 37:
Voting in the negative, 0.

Present and not voting, 6:

Brewer  Erdman  La Grone
Clements  Hughes  Lowe

Excused and not voting, 6:

Friesen  Lindstrom  Wayne
Kolterman  Vargas  Wishart

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

COMMITTEE REPORT(S)

Natural Resources

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

Bradley B. Bird - Nebraska Ethanol Board

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

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

John Heaston - Nebraska Natural Resources Commission
Walter Dennis Strauch - Nebraska Natural Resources Commission

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

(Signed) Dan Hughes, Chairperson
COMMITTEE REPORT(S)

Business and Labor

LEGISLATIVE BILL 361. Placed on General File with amendment. AM289
1 1. On page 2, strike lines 2 and 3 and insert "an employee because
2 the employee:"
3 2. On page 4, strike line 13 and insert "employee because the
4 employee:"

(Signed) Matt Hansen, Chairperson

Natural Resources

LEGISLATIVE BILL 48. Placed on General File.
LEGISLATIVE BILL 155. Placed on General File.

(Signed) Dan Hughes, Chairperson

Health and Human Services

LEGISLATIVE BILL 112. Placed on General File.

LEGISLATIVE BILL 29. Placed on General File with amendment. AM86
1 1. On page 3, strike beginning with "the" in line 28 through the
2 first comma in line 29.
3 2. On page 4, line 4, after the comma insert "the Veterinary
4 Medicine and Surgery Practice Act:"

(Signed) Sara Howard, Chairperson

GENERAL FILE

LEGISLATIVE BILL 16. Title read. Considered.

SENATOR WILLIAMS PRESIDING

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 5 present
and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 430. Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 7 present
and not voting, and 6 excused and not voting.
SELECT FILE

LEGISLATIVE BILL 146. Senator M. Hansen offered the following amendment:

AM279
1 1. Strike original section 1 and insert the following new section:
2 Section 1. Section 30-4020, Reissue Revised Statutes of Nebraska, is
3 amended to read:
4 30-4020 (1) Except as otherwise provided in subsection (2) of this
5 section:
6 (a) A person shall either accept an acknowledged power of attorney
7 or request a certification, a translation, or an opinion of counsel under
8 subsection (4) of section 30-4019 no later than seven business days after
9 presentation of the power of attorney for acceptance;
10 (b) If a person requests a certification, a translation, or an
11 opinion of counsel under subsection (4) of section 30-4019, the person
12 shall accept the power of attorney no later than five business days after
13 receipt of the certification, translation, or opinion of counsel; and
14 (c) A person may not require an additional or different form of
15 power of attorney for authority granted in the power of attorney
16 presented.
17 (2) A person is not required to accept an acknowledged power of
18 attorney if:
19 (a) The person is not otherwise required to engage in a transaction
20 with the principal in the same circumstances;
21 (b) Engaging in a transaction with the agent or the principal in the
22 same circumstances would be inconsistent with state or federal law;
23 (c) The person has actual knowledge of the termination of the
24 agent's authority or of the power of attorney before exercise of the
25 power;
26 (d) A request for a certification, a translation, or an opinion of
27 counsel under subsection (4) of section 30-4019 is refused;
1 (e) The person in good faith believes that the power is not valid or
2 that the agent does not have the authority to perform the act requested,
3 whether or not a certification, a translation, or an opinion of counsel
4 under subsection (4) of section 30-4019 has been requested or provided;
5 (f) The person makes, or has actual knowledge that another person
6 has made, a report to the local adult protective services office stating
7 a good faith belief that the principal may be subject to physical or
8 financial abuse, neglect, exploitation, or abandonment by the agent or a
9 person acting for or with the agent;
10 (g) The person brought, or has actual knowledge that another person
11 has brought, a judicial proceeding for construction of a power of
12 attorney or review of the agent's conduct; or
13 (h) The power of attorney becomes effective upon the occurrence of
14 an event or contingency, and neither a certification nor evidence of the
15 occurrence of the event or contingency is presented to the person being
16 asked to accept the power of attorney.
17 (3) A person may not refuse to accept an acknowledged power of
18 attorney if any of the following applies:
19 (a) The person's reason for refusal is based exclusively upon the
date the power of attorney was executed; or
20 (b) The person's refusal is based exclusively on a mandate that an
additional or different power of attorney form must be used.
23 (4)(a) A person may bring an action or proceeding to mandate the
acceptance of an acknowledged power of attorney.
26 (b) In any action or proceeding to mandate the acceptance of an
acknowledged power of attorney or confirm the validity of an acknowledged
power of attorney, a person found liable for refusing to accept such
power of attorney is subject to:
30 (i) Liability to the principal and to the principal's heirs,
31 assigns, and personal representative of the estate of the principal in
the same manner as the person would be liable had the person refused to
accept the authority of the principal to act on the principal's own
behalf;
4 (ii) A court order mandating acceptance of the power of
5 attorney; and
6 (iii) Liability for reasonable attorney's fees and costs
7 incurred in any action or proceeding that confirms the validity of
the power of attorney or mandates acceptance of the power of attorney.
9 (c) In any action or proceeding in which a person's refusal to
accept an acknowledged power of attorney in violation of this section
prevents an agent from completing a transaction requested by the agent
with respect to a security account as defined in section 30-2734, owned
by the principal, such person, in addition to being subject to the
provisions of subdivision (4)(b) of this section, is subject to:
11 (i) Economic damages of the principal proximately caused by the
person's refusal to accept the acknowledged power of attorney and failure
12 to comply with the instructions of the agent designated in such power of
attorney with respect to such security account; and
13 (ii) Reasonable attorney's fees and costs incurred to seek damages
resulting from such person's refusal to accept the acknowledged power of
attorney and failure to comply with the instructions of such agent
designated in the power of attorney with respect to the security account.

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

Advanced to Enrollment and Review for Engrossment

**LEGISLATIVE BILL 154.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 264.** ER16, found on page 490, was adopted.

Advanced to Enrollment and Review for Engrossment.
LEGISLATIVE BILL 7. ER17, found on page 490, was adopted.
Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 55. ER19, found on page 490, was adopted.
Advanced to Enrollment and Review for Engrossment.

NOTICE OF COMMITTEE HEARING(S)
Natural Resources
Room 1525
Thursday, February 21, 2019 1:30 p.m.
Dallas D. Dodson - Niobrara Council
Jason D. Appelt - Niobrara Council
LB46
(Signed) Dan Hughes, Chairperson
Appropriations
Room 1003
Tuesday, February 26, 2019 1:30 p.m.
LB293
LB294
LB295
LB296
LB297
LB298
LB299
(Signed) John Stinner, Chairperson

AMENDMENT(S) - Print in Journal
Senator Halloran filed the following amendment to LB693:
AM305
1 1. Strike original section 1 and insert the following new section:
2 Section 1. (1) This section shall be known and may be cited as the
3 Neighbor Spoofing Protection Act.
4 (2) No person shall, in connection with any telecommunications
5 service or IP-enabled voice service, cause any caller identification
6 service to knowingly transmit misleading or inaccurate caller
7 identification information with the intent to defraud, cause harm, or
8 wrongfully obtain anything of value.
9 (3) Nothing in this section shall be construed to prevent or
10 restrict any person from blocking the capability of any caller
identification service to transmit caller identification information.
11 (4) This section shall not apply:
12 (a) To any authorized activity of a law enforcement agency; or
13 (b) When a court order specifically authorizes the use of caller
identification manipulation.
14 (5) Except as provided in this section, local exchange carriers and
15 telecommunications carriers shall not be responsible for enforcement of
16 this section.
17 (6)(a) Notwithstanding section 75-156, the Public Service Commission
may, after hearing, impose an administrative penalty for a violation of
18 this section. The penalty for a violation shall not exceed two thousand
dollars. Every violation associated with a specific telephone number
within the state shall be considered a separate and distinct violation.
(b) The amount of an administrative penalty shall be based on:
(i) The nature, circumstances, extent, and gravity of a prohibited
act;
(ii) The history of previous violations;
(iii) The amount necessary to deter future violations; and
(iv) Any efforts to correct the violation.
(c) The commission shall remit any administrative penalty collected
under this section to the State Treasurer for distribution in accordance
with Article VII, section 5, of the Constitution of Nebraska.
(d) Any administrative penalty may be appealed. The appeal shall be
in accordance with section 75-136.
(7) Notwithstanding subsection (6) of this section, a violation of
this section shall be considered a violation of section 59-1602 and be
subject to the Consumer Protection Act and any other law which provides
for the implementation and enforcement of section 59-1602. A violation of
this section does not give rise to a private cause of action.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Geist name added to LB445.
Senator Hunt name added to LB657.
Senator Bostelman name added to LR1CA.
Senator Geist name added to LR1CA.

VISITOR(S)

Visitors to the Chamber were Alora Nowlin from Council Bluffs; members
of E.S.U. 10 from Kearney; Fulbright Scholars from Argentina; students and
teacher from the High Ability Learning Program at Papillion Middle School,
La Vista Middle School, and Liberty Middle School; members of the Nebraska League of Women Voters from Omaha, Lincoln, and Plattsmouth; and students from St. Barnabas Classical Academy, Omaha.

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

**ADJOURNMENT**

At 11:18 a.m., on a motion by Senator McDonnell, the Legislature adjourned until 9:00 a.m., Tuesday, February 19, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature
TWENTY-SEVENTH DAY - FEBRUARY 19, 2019

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

TWENTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 19, 2019

PRAYER

The prayer was offered by Pastor Lori Robinson, Faith Presbyterian Church, La Vista.

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 Cavanaugh, Linehan, McCollister, Morfeld, Pansing Brooks, and Vargas who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-sixth day was approved.

AMENDMENT(S) - Print in Journal

Senator Gragert filed the following amendment to LB406:

AM315
1 1. Insert the following new section:
2 Sec. 7. Since an emergency exists, this act takes effect when
3 passed and approved according to law.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRss 20, 21, 22, 23, and 24 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRss 20, 21, 22, 23, and 24.
MOTION(S) - Confirmation Report(s)

Senator Hughes moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 522:

Nebraska Ethanol Board
Bradley B. Bird

Voting in the affirmative, 37:

<table>
<thead>
<tr>
<th>Albrecht</th>
<th>DeBoer</th>
<th>Hansen, B.</th>
<th>Lathrop</th>
<th>Stinner</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arch</td>
<td>Dorn</td>
<td>Hansen, M.</td>
<td>Lindstrom</td>
<td>Walz</td>
</tr>
<tr>
<td>Bolz</td>
<td>Erdman</td>
<td>Hilgers</td>
<td>Lowe</td>
<td>Wayne</td>
</tr>
<tr>
<td>Bostelman</td>
<td>Friesen</td>
<td>Howard</td>
<td>McDonnell</td>
<td>Williams</td>
</tr>
<tr>
<td>Brandt</td>
<td>Geist</td>
<td>Hughes</td>
<td>Moser</td>
<td>Wishart</td>
</tr>
<tr>
<td>Brewer</td>
<td>Gragert</td>
<td>Hunt</td>
<td>Murman</td>
<td></td>
</tr>
<tr>
<td>Clements</td>
<td>Groene</td>
<td>Kolowski</td>
<td>Quick</td>
<td></td>
</tr>
<tr>
<td>Crawford</td>
<td>Halloran</td>
<td>Kolterman</td>
<td>Slama</td>
<td></td>
</tr>
</tbody>
</table>

Voting in the negative, 0.

Present and not voting, 6:

<table>
<thead>
<tr>
<th>Blood</th>
<th>Chambers</th>
<th>La Grone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Briese</td>
<td>Hilkemann</td>
<td>Scheer</td>
</tr>
</tbody>
</table>

Excused and not voting, 6:

<table>
<thead>
<tr>
<th>Cavanaugh</th>
<th>McCollister</th>
<th>Pansing Brooks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Linehan</td>
<td>Morfeld</td>
<td>Vargas</td>
</tr>
</tbody>
</table>

The appointment was confirmed with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

Senator Hughes moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 522:

Nebraska Natural Resources Commission
John Heaston
Walter Dennis Strauch

Voting in the affirmative, 38:
Voting in the negative, 0.
Present and not voting, 6:

Blood  Chambers  Hilkemann
Briese  Hansen, M.  Kolowski

Excused and not voting, 5:

Cavanaugh  Linehan  McCollister  Morfeld  Vargas

The appointments were confirmed with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 116. Title read. Considered.

Committee AM266, found on page 505, was adopted with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

UNANIMOUS CONSENT - Expedite LB430

Senator Scheer asked unanimous consent to expedite LB430. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 145. Title read. Considered.

Committee AM282, found on page 505, was adopted with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.
LEGISLATIVE BILL 384. Title read. Considered.

Committee AM272, found on page 506, was adopted with 31 ayes, 1 nay, 15 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 1 nay, 13 present and not voting, and 2 excused and not voting.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 11. Placed on Final Reading.
LEGISLATIVE BILL 32. Placed on Final Reading.

LEGISLATIVE BILL 42. Placed on Final Reading.
ST5
The following changes, required to be reported for publication in the Journal, have been made:
1. On page 1, line 6, "executive board" was struck and "association" was inserted.

LEGISLATIVE BILL 56. Placed on Final Reading.
LEGISLATIVE BILL 57. Placed on Final Reading.
LEGISLATIVE BILL 61. Placed on Final Reading.

LEGISLATIVE BILL 63. Placed on Final Reading.
ST3
The following changes, required to be reported for publication in the Journal, have been made:
1. On page 1, line 2, "35-1207," has been inserted after the last comma; and in line 4 "and" has been struck and a comma inserted and ", and filings with the State Treasurer" has been inserted after "levies".
2. On page 14, line 14, "35-1207," has been inserted after the last comma.

LEGISLATIVE BILL 65. Placed on Final Reading.
LEGISLATIVE BILL 70. Placed on Final Reading.
LEGISLATIVE BILL 75. Placed on Final Reading.
LEGISLATIVE BILL 78. Placed on Final Reading.
LEGISLATIVE BILL 102. Placed on Final Reading.
LEGISLATIVE BILL 115. Placed on Final Reading.
LEGISLATIVE BILL 121. Placed on Final Reading.

LEGISLATIVE BILL 193. Placed on Final Reading.
ST2
The following changes, required to be reported for publication in the Journal, have been made:
1. In the Wayne amendment, AM87, on page 5, line 21, "and all amendments thereto" has been inserted after "23".
2. In the E & R amendments, ER3, amendment 5 has been struck and the remaining amendments renumbered accordingly.
3. On page 2, lines 6 and 7; and page 183, lines 7 and 8, "and 19-5001" has been struck and "19-5001, and 77-2602" inserted.
4. On page 90, line 16, "plan" has been struck and "form" inserted.
5. On page 125, line 5, "(a)" has been inserted after "that"; and in line 6 "(a)" has been struck and shown as stricken.

LEGISLATIVE BILL 194. Placed on Final Reading.
LEGISLATIVE BILL 196. Placed on Final Reading.
LEGISLATIVE BILL 221. Placed on Final Reading.
LEGISLATIVE BILL 258. Placed on Final Reading.
LEGISLATIVE BILL 259. Placed on Final Reading.
LEGISLATIVE BILL 355. Placed on Final Reading.

(Signed) Julie Slama, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 223. Placed on Select File with amendment.
ER26
1 1. On page 1, strike beginning with the second "to" in line 1
2 through the first "and" in line 3; and in line 3 after "General" insert
3 "relating to a state-sponsored insurance program for guard members; and
4 to define a term”.

LEGISLATIVE BILL 442. Placed on Select File with amendment.
ER25
1 1. On page 3, line 10, strike "medication" and insert "medications".

LEGISLATIVE BILL 536. Placed on Select File.

LEGISLATIVE BILL 622. Placed on Select File with amendment.
ER24 is available in the Bill Room.

LEGISLATIVE BILL 4. Placed on Select File.
LEGISLATIVE BILL 185. Placed on Select File.
LEGISLATIVE BILL 372. Placed on Select File.

LEGISLATIVE BILL 103. Placed on Select File with amendment.
ER27
1 1. On page 1, line 3, strike "provisions relating to property tax
2 requests" and insert "the procedure for setting a political subdivision's
3 property tax request”.

LEGISLATIVE BILL 450. Placed on Select File.
LEGISLATIVE BILL 450A. Placed on Select File.

(Signed) Julie Slama, Chairperson
LEGISLATIVE BILL 575. Placed on General File with amendment.
AM175
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. (1) The school board of each school district shall adopt
4 a policy to provide, except as provided in subdivision (2)(a) of this
5 section, access to routine directory information for each student in a
6 high school grade upon a request made by a military recruiter.
7 (2)(a) Except as provided in subsection (5) of this section, a
8 parent or guardian of a student in a high school grade may submit a
9 written request to the school district that routine directory information
10 for such student shall not be released for purposes of subsection (1) of
11 this section without prior written consent of the parent or guardian.
12 Upon receiving such request, a school district shall not release the
13 routine directory information of such student for such purposes without
14 the prior written consent of the parent or guardian.
15 (b) Within thirty days prior to or following the commencement of
16 each school year and, for a new student who enrolls after the
17 commencement of a school year, within thirty days following such
18 enrollment, each school district shall notify the parents and guardians
19 of each student in a high school grade enrolled in the school district of
20 the option, except as provided in subsection (5) of this section, to make
21 a request pursuant to subdivision (2)(a) of this section.
22 (3) The school board of each school district shall adopt a policy to
23 provide military recruiters the same access to a student in a high school
24 grade as is provided to postsecondary educational institutions or to
25 prospective employers of such students.
26 (4) Nothing in this section shall be construed to allow a school
27 board to adopt a policy to withhold access to routine directory
1 information from a military recruiter by implementing any process that
2 differs from the written consent request process under subdivision (2)(a)
3 of this section.
4 (5) For purposes of this section, when a student reaches eighteen
5 years of age, the permission or consent required of and the rights
6 accorded to the parents or guardians of such student under this section
7 shall only be required of and accorded to such student. Within thirty
8 days prior to or following the commencement of each school year and, for
9 a new student who enrolls after the commencement of a school year, within
10 thirty days following such enrollment, each school district shall notify
11 each student who is at least eighteen years of age or who will reach
12 eighteen years of age during such school year of the option to make a
13 request pursuant to subdivision (2)(a) of this section and that any such
14 request made previously by a parent or guardian for such student expires
15 upon the student reaching eighteen years of age.
16 (6) For purposes of this section, routine directory information
17 means a student's name, address, and telephone number.
18 (7) Except as otherwise provided by federal law, nothing in this
section shall be construed to limit the applicability of the federal
1232g, as such act existed on January 1, 2019.

(Signed) Mike Groene, Chairperson

NOTICE OF COMMITTEE HEARING(S)
Government, Military and Veterans Affairs

Room 1507

Wednesday, February 27, 2019 1:30 p.m.
Richard Grauerholz - State Emergency Response Commission
Tim Hofbauer - State Emergency Response Commission
Trent D. Kleinow - State Emergency Response Commission
LB626
LB144

Thursday, February 28, 2019 1:30 p.m.
LB522
LB524
LB525
LB736

Friday, March 1, 2019 1:30 p.m.
LB637
LB583
LB414
LB633

(Signed) Tom Brewer, Chairperson

GENERAL FILE

LEGISLATIVE BILL 399. Title read. Considered.

Committee AM286, found on page 507, was offered.

Senator Chambers offered the following amendment to the committee
amendment:

Amend AM286
Page 1, lines 9 and 10 strike and show as stricken "fully literate about" and
insert "knowledgeable of".
Senator Chambers moved for a call of the house. The motion prevailed with 14 ayes, 2 nays, and 33 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 43:

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

Voting in the negative, 0.

Present and not voting, 2:

- Chambers
- Erdman

Excused and not voting, 4:

- Blood
- Howard
- Koltermann
- Wayne

The Chambers amendment was adopted with 43 ayes, 0 nays, 2 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Bolz offered the following amendment to the committee amendment:

FA10
Amend AM286
On page 3, strike lines 21 through 23

Senator Chambers requested a roll call vote on the Bolz amendment.

The Bolz amendment was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.
Senator Chambers offered the following amendment to the committee amendment:

FA11
Amend AM286
Page 1, line 6 strike "patriotic"

Pending.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 430. Placed on Select File with amendment.

ER30
1 1. On page 1, line 7, after the first semicolon insert "to eliminate
2 obsolete provisions;".

(Signed) Julie Slama, Chairperson

COMMITTEE REPORT(S)
Judiciary

LEGISLATIVE BILL 125. Placed on General File.
LEGISLATIVE BILL 309. Placed on General File.
LEGISLATIVE BILL 318. Placed on General File.
LEGISLATIVE BILL 339. Placed on General File.
LEGISLATIVE BILL 340. Placed on General File.
LEGISLATIVE BILL 443. Placed on General File.
LEGISLATIVE BILL 627. Placed on General File.

LEGISLATIVE BILL 141. Placed on General File with amendment.

AM145
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 28-115, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 28-115 (1) Except as provided in subsection (2) of this section, any
6 person who commits any of the following criminal offenses against a
7 pregnant woman shall be punished by the imposition of the next higher
8 penalty classification than the penalty classification prescribed for the
9 criminal offense:
10 (a) Assault in the first degree, section 28-308;
11 (b) Assault in the second degree, section 28-309;
12 (c) Assault in the third degree, section 28-310;
13 (d) Assault by strangulation or suffocation, section 28-310.01;
14 (e) Sexual assault in the first degree, section 28-319;
15 (f) Sexual assault in the second or third degree, section
16 28-320;
17 (g) Sexual assault of a child in the first degree, section
18 28-319.01;
19 (h) Sexual assault of a child in the second or third degree, section 28-320.01;
20 (i) Sexual abuse of an inmate or parolee in the first degree, section 28-322.02;
21 (j) Sexual abuse of an inmate or parolee in the second degree, section 28-322.03;
22 (k) Sexual abuse of a protected individual in the first or second degree, section 28-322.04;
23 (l) Domestic assault in the first, second, or third degree, section 28-323;
24 (m) Assault on an officer, an emergency responder, a state correctional employee, a Department of Health and Human Services employee, or a health care professional in the first degree, section 28-929;
25 (n) Assault on an officer, an emergency responder, a state correctional employee, a Department of Health and Human Services employee, or a health care professional in the second degree, section 28-930;
26 (o) Assault on an officer, an emergency responder, a state correctional employee, a Department of Health and Human Services employee, or a health care professional in the third degree, section 28-931;
27 (p) Assault on an officer, an emergency responder, a state correctional employee, a Department of Health and Human Services employee, or a health care professional using a motor vehicle, section 28-931.01;
28 (q) Assault by a confined person, section 28-932;
29 (r) Confined person committing offenses against another person, section 28-933; and
30 (s) Proximately causing serious bodily injury while operating a motor vehicle, section 60-6,198.

The enhancement in subsection (1) of this section does not apply to any criminal offense listed in subsection (1) of this section that is already punishable as a Class I, IA, or IB felony. If any criminal offense listed in subsection (1) of this section is punishable as a Class I misdemeanor, the penalty under this section is a Class IIIA felony.

The prosecution shall allege and prove beyond a reasonable doubt that the victim was pregnant at the time of the offense.

Sec. 2. Section 28-310.01, Reissue Revised Statutes of Nebraska, is amended to read:

1 A person commits the offense of assault by strangulation or suffocation if the person knowingly or intentionally:
2 (a) Intentionally impedes the normal breathing or circulation of the blood of another person by applying pressure on the throat or neck of the other person; or 
3 (b) Impedes the normal breathing of another person by covering the mouth and nose of the person.
4 An offense is committed under this section regardless of whether a visible injury resulted.
10 (3) (2) Except as provided in subsection (4) (3) of this section, a
11 violation of this section strangulation is a Class IIIA felony.
12 (4) A violation of this section strangulation is a Class IIA
13 felony if:
14 (a) The person used or attempted to use a dangerous instrument while
15 committing the offense;
16 (b) The person caused serious bodily injury to the other person
17 while committing the offense; or
18 (c) The person has been previously convicted of a violation of this
19 section strangulation.
20 (5) (4) It is an affirmative defense that an act constituting
21 strangulation or suffocation was the result of a legitimate medical
22 procedure.
23 Sec. 3. Original sections 28-115 and 28-310.01, Reissue Revised
24 Statutes of Nebraska, are repealed.

LEGISLATIVE BILL 354. Placed on General File with amendment.
AM 112
1 1. Strike original section 2.
2 2. On page 3, strike beginning with "Seal" in line 5 through
3 "record" in line 7 and insert
4 "(a) Respond to a public inquiry in the same manner as if there were
5 no information or records concerning participation in the diversion
6 program. Information or records pertaining to participation in the
7 diversion program shall not be disseminated to any person other than:
8 (i) A criminal justice agency as defined in section 29-3509;
9 (ii) The individual who is the subject of the record or any persons
10 authorized by such individual; or
11 (iii) Other persons or agencies authorized by law.
12 (b) An individual, a person, or an agency requesting information
13 subject to subdivision (9) of this section shall provide the diversion
14 program with satisfactory verification of his, her, or its identity.").
15 3. On page 7, strike beginning with "The" in line 13 through "act"
16 in line 16 and insert "The changes made by this legislative bill to the
17 relief set forth in sections 43-2,108.03 to 43-2,108.05 shall apply to
18 all persons described in this section, as amended by this legislative
19 bill, for offenses occurring prior to, on, or after the effective date of
20 this act".
21 4. On page 16, line 4 after "individual" insert "The individual
22 shall provide satisfactory verification of his or her identity".
23 5. On page 17, strike beginning with "negligently" in line 5 through
24 "intentionally" in line 6 and insert "knowingly".
25 6. Rename the remaining sections and correct the repealer
26 accordingly.

(Signed) Steve Lathrop, Chairperson
NOTICE OF COMMITTEE HEARING(S)
Appropriations

Room 1003

Wednesday, February 27, 2019 1:30 p.m.

Agency 45 - Barber Examiners, Board of
Agency 30 - Electrical Board, State
Agency 74 - Power Review Board, Nebraska
Agency 41 - State Real Estate Commission
Agency 53 - Real Property Appraiser Board
Agency 63 - Public Accountancy, Nebraska Board of
Agency 58 - Board of Engineers and Architects
Agency 59 - Board of Geologists
Agency 62 - Land Surveyors, State Board of Examiners for
Agency 66 - Abstracters Board of Examiners
Agency 73 - Landscape Architects, State Board of

Thursday, February 28, 2019 1:30 p.m.

Agency 52 - State Fair Board
Agency 39 - Brand Committee, Nebraska
Agency 56 - Wheat Board, Nebraska
Agency 61 - Dairy Industry Development Board, Nebraska
Agency 86 - Dry Bean Commission
Agency 88 - Corn Development, Utilization and Marketing Board
Agency 92 - Grain Sorghum Board, Nebraska

Friday, March 1, 2019 1:30 p.m.

LB100
LB225
Agency 54 - Historical Society, Nebraska State
Agency 23 - Labor, Department of
Agency 37 - Workers' Compensation Court
Agency 77 - Industrial Relations, Commission of
Agency 85 - Public Employees Retirement Board, Nebraska

(Signed) John Stinner, Chairperson

COMMITTEE REPORT(S)
Natural Resources

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.
AMENDMENT(S) - Print in Journal

Senator Linehan filed the following amendment to LB103:

AM296  
(Amendments to Standing Committee amendments, AM116)
1. Insert the following new section:
2. Sec. 3. Since an emergency exists, this act takes effect when
3. passed and approved according to law.

Senator Williams filed the following amendment to LB622:

AM340  
(Amendments to E&R amendments, ER24)
1. On page 5, strike beginning with "which" in line 15 through line
2. 30, show the old matter as stricken, and insert "utilizing the dedicated
3. method as provided in subdivision (2)(a) of section 77-2398, and which
4. has furnished securities pursuant to the Public Funds Deposit Security
5. Act, may, at any time and without prior approval, substitute, exchange,
6. or release securities deposited with a qualified trustee if such
7. substitution, exchange, or release does not reduce the market value of
8. the securities to an amount that is less than one hundred two percent of
9. the total amount of public money or public funds less the portion of such
10. public money or public funds insured or guaranteed by the Federal Deposit
11. Insurance Corporation.".
12. 2. On page 12, line 15, after "77-2398" insert an underscored comma;
13. and in line 16 after "director" insert "acting for the benefit of the
14. governmental units having public money or public funds on deposit with
15. such bank, capital stock financial institution, or qualifying mutual
16. financial institution".
17. 3. On page 13, line 7, strike "custodial officials", show as
18. stricken, and insert "the governmental units having public money or
19. public funds on deposit with such bank, capital stock financial
20. institution, or qualifying mutual financial institution".

ANNOUNCEMENT

Senator Linehan announced the Revenue Committee will hold an executive
session Thursday, February 21, 2019, at 9:30 a.m., in Room 2022.
UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Howard name added to LB611.
Senator Lathrop name added to LB611.

VISITOR(S)

Visitors to the Chamber were McLean Witte, Bekka Hitz, Alex Timm, Madeline Wittstruck, Mili Samal, Gracie Davis, and other leaders of Nebraska's career and technical student organizations from across the state; students and teachers from Omaha Public Schools career academy; members of the Nebraska Pork Producers leadership group from across the state; members from the League of Women Voters from across the state; and students and teachers from Lincoln High School and UNL.

ADJOURNMENT

At 11:56 a.m., on a motion by Senator Wishart, the Legislature adjourned until 10:00 a.m., Wednesday, February 20, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
TWENTY-EIGHTH DAY - FEBRUARY 20, 2019

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

TWENTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 20, 2019

PRAYER

The prayer was offered by Father Gary Coulter, Our Lady of Good Counsel Retreat House, Waverly.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Hilgers presiding.

The roll was called and all members were present except Senators McDonnell and Vargas who were excused; and Senators DeBoer, Groene, B. Hansen, M. Hansen, Hilkemann, Howard, Linehan, McCollister, Pansing Brooks, Walz, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-seventh day was approved.

NOTICE OF COMMITTEE HEARING(S)

Health and Human Services

Room 1510

Wednesday, February 27, 2019 1:30 p.m.

Kyle Klammer - Nebraska Rural Health Advisory Commission
Cherlyn Hunt - Nebraska Rural Health Advisory Commission

(Signed) Sara Howard, Chairperson

GENERAL FILE

LEGISLATIVE BILL 25A. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 5 present and not voting, and 13 excused and not voting.
LEGISLATIVE BILL 399. Senator Chambers renewed his amendment, FA11, found on page 537, to the committee amendment.

Senator Chambers moved for a call of the house. The motion prevailed with 24 ayes, 2 nays, and 23 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 1:

Hunt

Voting in the negative, 34:

Albrecht  Dorn  Hansen, B.  Lathrop  Quick
Arch  Erdman  Hansen, M.  Lindstrom  Scheer
Bolz  Friesen  Hilgers  Linehan  Slama
Bostelman  Geist  Hilkemann  Lowe  Stinner
Brandt  Gragert  Hughes  McCollister  Wayne
Brewer  Groene  Koltermann  Moser  Williams
Clements  Halloran  La Grone  Murman

Present and not voting, 10:

Blood  Chambers  Howard  Morfeld  Walz
Cavanaugh  Crawford  Kolowski  Pansing Brooks Wishart

Excused and not voting, 4:

Briese  DeBoer  McDonnell  Vargas

The Chambers amendment lost with 1 aye, 34 nays, 10 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Bolz offered the following amendment to the committee amendment:

AM365

(Amendments to Standing Committee amendments, AM286)

1 1. On page 5, strike lines 24 through 29 and show the old matter as 2 stricken.

Senator Bolz moved for a call of the house. The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

Senator Bolz requested a roll call vote on her amendment.
Voting in the affirmative, 19:

<table>
<thead>
<tr>
<th>Blood</th>
<th>Crawford</th>
<th>Howard</th>
<th>McCollister</th>
<th>Walz</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bolz</td>
<td>DeBoer</td>
<td>Hunt</td>
<td>Morfeld</td>
<td>Wayne</td>
</tr>
<tr>
<td>Cavanaugh</td>
<td>Hansen, M.</td>
<td>Kolowski</td>
<td>Pansing</td>
<td>Brooks Wishart</td>
</tr>
<tr>
<td>Chambers</td>
<td>Hilkemann</td>
<td>Lathrop</td>
<td>Quick</td>
<td></td>
</tr>
</tbody>
</table>

Voting in the negative, 27:

<table>
<thead>
<tr>
<th>Albrecht</th>
<th>Dorn</th>
<th>Halloran</th>
<th>Lindstrom</th>
<th>Slama</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arch</td>
<td>Erdman</td>
<td>Hansen, B.</td>
<td>Linehan</td>
<td>Stinner</td>
</tr>
<tr>
<td>Bostelman</td>
<td>Friesen</td>
<td>Hilgers</td>
<td>Lowe</td>
<td>Williams</td>
</tr>
<tr>
<td>Brandt</td>
<td>Geist</td>
<td>Hughes</td>
<td>Moser</td>
<td></td>
</tr>
<tr>
<td>Brewer</td>
<td>Gragert</td>
<td>Kolterman</td>
<td>Murnan</td>
<td></td>
</tr>
<tr>
<td>Clements</td>
<td>Groene</td>
<td>La Grone</td>
<td>Scheer</td>
<td></td>
</tr>
</tbody>
</table>

Excused and not voting, 3:

<table>
<thead>
<tr>
<th>Briese</th>
<th>McDonnell</th>
<th>Vargas</th>
</tr>
</thead>
</table>

The Bolz amendment lost with 19 ayes, 27 nays, and 3 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment to the committee amendment:

FA12
Amend AM286
Strike the original sections and insert the following: "Repeal outright sections 724, 725, 726 and 727."

Pending.

NOTICE OF COMMITTEE HEARING(S)

Revenue

Room 1524

Wednesday, February 27, 2019 1:30 p.m.

LB303
LR8CA
LB506
LB482

Thursday, February 28, 2019 1:30 p.m.

LB473
LB710
LB493
LB529

Friday, March 1, 2019 1:30 p.m.

LB162
LB507
LB508
LB614
LB441

(Signed) Lou Ann Linehan, Chairperson

Natural Resources
Room 1525

Wednesday, February 27, 2019 1:30 p.m.

Mark Czaplewski - Nebraska Natural Resources Commission
LB374

Thursday, February 28, 2019 1:30 p.m.

Donald P. Batie - Nebraska Natural Resources Commission
LB580
LB632

(Signed) Dan Hughes, Chairperson

Executive Board
Room 1525

Wednesday, February 27, 2019 12:00 p.m.

LB572
LB598
LB599
LB600

Thursday, February 28, 2019 12:00 p.m.

LB636
LB681
LB713
LR16

(Signed) Mike Hilgers, Chairperson
GENERAL FILE

LEGISLATIVE BILL 660. Title read. Considered.
Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 486. Title read. Considered.
Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 254. Title read. Considered.
Senator B. Hansen offered the following amendment:
AM384
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Sections 1 to 3 of this act shall be known and may be
4 cited as the Fair Chance Hiring Act.
5 Sec. 2. For purposes of the Fair Chance Hiring Act:
6 (1) Applicant means (a) any individual considered for, or who
7 requests to be considered for, employment by an employer, or (b) any
8 employee considered for, or who requests to be considered for, another
9 employment position with his or her employer;
10 (2) Employee means an individual employed by an employer;
11 (3) Employer means any person having in his or her employ fifteen or
12 more employees for each working day in each of twenty or more calendar
13 weeks in the current or preceding calendar year, and any person acting
14 for or in the interest of an employer, directly or indirectly but such
15 term does not include (a) the United States, (b) a corporation wholly
16 owned by the government of the United States, (c) an Indian tribe or (d)
17 the State of Nebraska, state or local governmental agencies, or political
18 subdivisions;
19 (4) Employment agency means any person regularly undertaking with or
20 without compensation to procure employees for an employer or to procure
21 for employees opportunities to work for an employer and includes an agent
22 of such a person, but does not include an agency of the United States,
23 except that such term does include the United States Employment Service
24 and the system of state and local employment services receiving federal
25 assistance;
26 (5) Person includes one or more individuals, partnerships, limited
27 liability companies, associations, corporations, business trusts, legal
1 representatives, or any organized group of persons.
2 Sec. 3. An employer or employment agency that asks an applicant to
3 disclose, orally or in writing, information concerning the applicant's
4 criminal record or history, including any inquiry on any employment
5 application, shall afford the applicant an opportunity to explain the
6 information and the circumstances regarding any convictions or other
7 criminal history, including the applicant's rehabilitation.

The B. Hansen amendment was adopted with 36 ayes, 1 nay, 8 present and
not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 2 nays, 4 present
and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 361.** Title read. Considered.

Committee AM289, found on page 523, was adopted with 30 ayes, 0 nays,
15 present and not voting, and 4 excused and not voting.

Senator M. Hansen moved for a call of the house. The motion prevailed with
23 ayes, 3 nays, and 23 not voting.

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

Voting in the affirmative, 26:

Blood    DeBoer    Hilkemann    Morfeld    Wayne
Bolz      Dorn      Howard      Murman     Wishart
Brandt    Gragert   Hunt        Pansing    Brooks
Cavanaugh Halloran Kolowski Quick
Chambers  Hansen, B. Lathrop Scheer
Crawford  Hansen, M. McCollister Walz

Voting in the negative, 8:

Albrecht  Brewer   Erdman      Lowe
Arch      Clements Geist       Stinner

Present and not voting, 11:

Bostelman Hughes Lindstrom Slama
Groene    Kolterman Linehan Williams
Hilgers    La Grone Moser

Excused and not voting, 4:

Briese    Friesen  McDonnell Vargas

Advanced to Enrollment and Review Initial with 26 ayes, 8 nays, 11 present
and not voting, and 4 excused and not voting.

The Chair declared the call raised.
AMENDMENT(S) - Print in Journal

Senator Kolterman filed the following amendment to LB29:
AM367
(Amendments to Standing Committee amendments, AM86)
1 1. On page 1, line 3, after "line" insert "3, after the comma insert
2 'the Perfusion Practice Act'; and in line".

RESOLUTION(S)

LEGISLATIVE RESOLUTION 25. Introduced by 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; Erdman, 47; 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; Pansing Brooks, 28; Quick, 35; Scheer, 19; Slama, 1; Stinner, 48; Vargas, 7; Walz, 15; Wayne, 13; Williams, 36; Wishart, 27.

WHEREAS, Dale Frank Krueger was born July 4, 1923, on a farm near Winside, Nebraska; and
WHEREAS, Dale Krueger farmed with his family until being drafted into service in 1944. He was inducted into the United States Navy where he served until July 1946; and
WHEREAS, in July of 1945, Dale Krueger served as a fireman aboard the U.S.S. Indianapolis, which delivered to the island of Tinian the atomic bomb that would later be dropped on Hiroshima, Japan; and
WHEREAS, on July 30, 1945, the U.S.S. Indianapolis was hit by two torpedoes fired by a Japanese submarine and sunk, sending nearly 900 of the 1,195 men on board into the shark-infested waters; and
WHEREAS, the survivors of the torpedo attack on the U.S.S. Indianapolis remained in the Philippine Sea for four days before being accidentally discovered by a pilot on a routine antisubmarine patrol; and
WHEREAS, Dale Krueger was one of 316 survivors of the U.S.S. Indianapolis disaster, having spent one hundred hours in the sea, experiencing extreme dehydration and exposure, and under constant shark attacks with only a standard life jacket; and
WHEREAS, Dale Krueger received the Purple Heart Medal; and
WHEREAS, Dale married Lois Ruser on February 14, 1948, at Immanuel Lutheran Church near Wayne, Nebraska. The couple farmed near Winside and had two children, Diane and Dean; and
WHEREAS, Dale exemplified service to his country and community as a member of the Rural Fire Board, Winside School Board, V.F.W. Post #1644 in Norfolk, Winside American Legion Post #0252, and Trinity Lutheran Church in Winside; and
WHEREAS, Dale Frank Krueger passed away at the age of 95 on February 8, 2019.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE
ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST
SESSION:

1. That the Legislature honors the life and service of Dale F. Krueger and
offers its condolences to the Krueger family.

2. That a copy of this resolution be sent to the family of Dale F. Krueger.

Laid over.

BILL ON FIRST READING

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

LEGISLATIVE BILL 660A. Introduced by Brewer, 43.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to
aid in carrying out the provisions of Legislative Bill 660, One Hundred
Sixth Legislature, First Session, 2019; and to declare an emergency.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Murman name added to LB594.
Senator Brandt name added to LB729.

ADJOURNMENT

At 11:55 a.m., on a motion by Senator Brewer, the Legislature adjourned
until 9:00 a.m., Thursday, February 21, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
TWENTY-NINTH DAY - FEBRUARY 21, 2019

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

TWENTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 21, 2019

PRAYER

The prayer was offered by Pastor Stu Kerns, Zion Church, Lincoln.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Wayne presiding.

The roll was called and all members were present except Senators Cavanaugh, Morfeld, and Vargas who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-eighth day was approved.

MOTION(S) - Confirmation Report(s)

Senator Hughes moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 540:

- Nebraska Natural Resources Commission
- Don Kraus

Voting in the affirmative, 39:

- Albrecht
- DeBoer
- Hansen, M.
- Lathrop
- Pansing
- Brooks
- Arch
- Dorn
- Hilgers
- Lindstrom
- Quick
- Blood
- Friesen
- Hilkemann
- Linehan
- Slama
- Bolz
- Geist
- Hughes
- Lowe
- Stinner
- Bostelman
- Gragert
- Hunt
- McCollister
- Walz
- Brandt
- Groene
- Kolowski
- McDonnell
- Wayne
- Brewer
- Halloran
- Koltermann
- Moser
- Williams
- Chambers
- Hansen, B.
- La Grone
- Murman

Voting in the negative, 0.
Present and not voting, 7:

Briese  Crawford  Howard  Wishart
Clements  Erdman  Scheer

Excused and not voting, 3:

Cavanaugh  Morfeld  Vargas

The appointment was confirmed with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 430. ER30, found on page 537, was adopted.
Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 22. Considered.
Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 60. ER22, found on page 500, was adopted.
Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 74. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 302. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 200. ER20, found on page 500, was adopted.
Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 307. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 256. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 111. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 192. Advanced to Enrollment and Review for Engrossment.
LEGISLATIVE BILL 192A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 80. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 81. Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 48. Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 112. Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

NOTICE OF COMMITTEE HEARING(S)

Executive Board

Room 1525

Thursday, February 28, 2019 12:00 p.m.

LR16 (cancel)

(Signed) Mike Hilgers, Chairperson

General Affairs

Room 1510

Monday, March 4, 2019 1:30 p.m.

LB137
LB149
LB397
LB734
Harry Hoch - Nebraska Liquor Control Commission

(Signed) Tom Briese, Chairperson
Tuesday, March 5, 2019 1:30 p.m.

LB45
LB304
LB732

Tuesday, March 12, 2019 1:30 p.m.

LB655
Dawn Caldwell - Nebraska State Fair Board
Chris Kircher - Nebraska State Fair Board

(Signed) Steve Halloran, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 309A. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to
aid in carrying out the provisions of Legislative Bill 309, One Hundred
Sixth Legislature, First Session, 2019.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 406. Placed on Select File with amendment.
ER28
1 1. On page 1, line 2, strike "69-1310,"; and in line 4 strike
2 "abandoned property reports, ".

LEGISLATIVE BILL 159. Placed on Select File with amendment.
ER33
1 1. On page 3, line 9, strike "Supplement" and insert "supplement".
2 2. On page 15, line 24, strike "this" and insert "the".
3 3. On page 26, line 22, after "to" insert "the".
4 4. On page 28, line 20, strike the period and insert an underscored 5 semicolon.

LEGISLATIVE BILL 380. Placed on Select File with amendment.
ER32 is available in the Bill Room.
LEGISLATIVE BILL 469. Placed on Select File with amendment.
ER29
1 1. On page 1, strike beginning with "to" in line 4 through the first
2 semicolon in line 13 and insert "to define a term; to authorize domestic
3 surplus lines insurers as prescribed and change requirements for
4 nonadmitted insurers under the Surplus Lines Insurance Act; to eliminate
5 requirements for the adoption of certain rules and regulations and change
6 provisions relating to exemptions from policy form approval under the
7 Property and Casualty Insurance Rate and Form Act; to eliminate
8 provisions relating to employee benefit plans;".

LEGISLATIVE BILL 25. Placed on Select File.

LEGISLATIVE BILL 119. Placed on Select File with amendment.
ER31
1 1. On page 1, line 2, strike "and"; in line 3 after the comma insert
2 "and 71-7913,"; and in line 5 after the semicolon insert "to provide a
3 burden of proof relating to the protection of certain communications and
4 documents;".

LEGISLATIVE BILL 333. Placed on Select File.
LEGISLATIVE BILL 203. Placed on Select File.
LEGISLATIVE BILL 235. Placed on Select File.

LEGISLATIVE BILL 624. Placed on Select File with amendment.
ER34
1 1. On page 2, line 11, after "years" insert an underscored comma.

LEGISLATIVE BILL 4A. Placed on Select File.

LEGISLATIVE BILL 160. Placed on Select File with amendment.
ER35
1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 18-2705, Revised Statutes Cumulative Supplement,
4 2018, is amended to read:
5 18-2705 (1) Economic development program means any project or
6 program utilizing funds derived from local sources of revenue for the
7 purpose of providing direct or indirect financial assistance to a
8 qualifying business or the payment of related costs and expenses or both,
9 without regard to whether that business is identified at the time the
10 project or program is initiated or is to be determined by specified means
11 at some time in the future.
12 (2) An economic development program may include, but shall not be
13 limited to, the following activities: Direct loans or grants to
14 qualifying businesses for fixed assets or working capital or both; loan
15 guarantees for qualifying businesses; grants for public works
16 improvements which are essential to the location or expansion of, or the
provision of new services by, a qualifying business; grants or loans to
qualifying businesses for job training; the purchase of real estate,
options for such purchases, and the renewal or extension of such options;
grants or loans to qualifying businesses to provide relocation incentives
for new residents; the issuance of bonds as provided for in the Local
Option Municipal Economic Development Act; and payments for salaries and
support of city staff to implement the economic development program or
the contracting of such to an outside entity.
(3) For cities of the first class, cities of the and second class,
and villages, an economic development program may also include grants or
loans for the construction or rehabilitation for sale or lease of housing
for persons of low or moderate income.
(4) For cities of the first class, cities of the and second class,
and villages, an economic development program may also include grants,
loans, or funds for rural infrastructure development as defined in
section 66-2102.
(5) For cities of the first class, cities of the and second class,
and villages, an economic development program may also include grants or
loans for the construction or rehabilitation for sale or lease of housing
as part of a workforce housing plan.
(6) For cities of the first class, cities of the second class, and
villages, an economic development program may also include grants, loans,
or funds for early childhood infrastructure development. For purposes of
this subsection, early childhood infrastructure development means
planning, financing, developing, acquiring, constructing, owning,
operating, evaluating, or maintaining an early childhood education
program of recognized quality or entering into any agreement with an
existing early childhood education program to address early childhood
education shortages that impair the ability of the city to attract new
businesses or that impair the ability of existing businesses to recruit
new employees.
(7) An economic development program may be conducted jointly by
two or more cities after the approval of the program by the voters of
each participating city.
Sec. 2. Section 18-2709, Revised Statutes Cumulative Supplement,
2018, is amended to read:
(1) Qualifying business means any corporation, partnership,
limited liability company, or sole proprietorship which derives its
principal source of income from any of the following: The manufacture of
articles of commerce; the conduct of research and development; the
processing, storage, transport, or sale of goods or commodities which are
sold or traded in interstate commerce; the sale of services in interstate
commerce; headquarters facilities relating to eligible activities as
listed in this section; telecommunications activities, including services
providing advanced telecommunications capability; tourism-related
activities; or the production of films, including feature, independent,
documentary films, commercials, and television programs.
(2) Qualifying business also means:
(a) In cities of the first class, cities of the and second class.
8 and villages, a business that derives its principal source of income from
9 the construction or rehabilitation of housing;
10 (b) In cities of the first class, cities of the second class, and
11 villages, a business that derives its principal source of income from
12 early childhood care and education programs;
13 (c) (b) A business that derives its principal source of income from
14 retail trade, except that no more than forty percent of the total revenue
15 generated pursuant to the Local Option Municipal Economic Development Act
16 for an economic development program in any twelve-month period and no
17 more than twenty percent of the total revenue generated pursuant to the
18 act for an economic development program in any five-year period,
19 commencing from the date of municipal approval of an economic development
20 program, shall be used by the city for or devoted to the use of retail
21 trade businesses. For purposes of this subdivision, retail trade means a
22 business which is principally engaged in the sale of goods or commodities
23 to ultimate consumers for their own use or consumption and not for
24 resale; and
25 (d) (c) In cities with a population of two thousand five hundred
26 inhabitants or less as determined by the most recent federal decennial
27 census or the most recent revised certified count by the United States
28 Bureau of the Census, a business shall be a qualifying business even
29 though it derives its principal source of income from activities other
30 than those set out in this section.
31 (3) If a business which would otherwise be a qualifying business
1 employs people and carries on activities in more than one city in
2 Nebraska or will do so at any time during the first year following its
3 application for participation in an economic development program, it
4 shall be a qualifying business only if, in each such city, it maintains
5 employment for the first two years following the date on which such
6 business begins operations in the city as a participant in its economic
7 development program at a level not less than its average employment in
8 such city over the twelve-month period preceding participation.
9 (4) A qualifying business need not be located within the territorial
10 boundaries of the city from which it is or will be receiving financial
11 assistance.
12 (5) Qualifying business does not include a political subdivision, a
13 state agency, or any other governmental entity, except as allowed for
14 cities of the first class, cities of the second class, and villages
15 for rural infrastructure development as provided for in subsection (4) of
16 section 18-2705.
17 Sec. 3. Original sections 18-2705 and 18-2709, Revised Statutes
18 Cumulative Supplement, 2018, are repealed.
19 2. On page 1, line 4, strike "quality".

LEGISLATIVE BILL 195. Placed on Select File.
LEGISLATIVE BILL 124. Placed on Select File.
LEGISLATIVE BILL 127. Placed on Select File.
LEGISLATIVE BILL 139. Placed on Select File.
LEGISLATIVE BILL 319. Placed on Select File.
LEGISLATIVE BILL 699. Placed on Select File.

(Signed) Julie Slama, Chairperson

GENERAL FILE

LEGISLATIVE BILL 29. Title read. Considered.

Committee AM86, found on page 523, was offered.

Senator Kolterman offered his amendment, AM367, found on page 549, to the committee amendment.

The Kolterman amendment was adopted with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

The committee amendment, as amended, was adopted with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 575. Title read. Considered.

Committee AM175, found on page 534, was offered.

SPEAKER SCHEER PRESIDING

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

Senator Chambers moved for a call of the house. The motion prevailed with 16 ayes, 2 nays, and 31 not voting.

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

Voting in the affirmative, 44:

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

Voting in the negative, 2:
Chambers Hunt

Present and not voting, 2:
Cavanaugh Crawford

Excused and not voting, 1:
Wayne

Advanced to Enrollment and Review Initial with 44 ayes, 2 nays, 2 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 125. Title read. Considered.

Senator Lathrop offered the following amendment:
FA13
Line 11 strike "one thousand five hundred" and insert "five thousand"

The Lathrop amendment was adopted with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

NOTICE OF COMMITTEE HEARING(S)
Nebraska Retirement Systems
Room 1507
Tuesday, March 19, 2019 5:00 p.m.
LB31
LB683
LB706
(Signed) Mark Kolterman, Chairperson

COMMITTEE REPORT(S)
Health and Human Services

LEGISLATIVE BILL 449. Placed on General File.

LEGISLATIVE BILL 590. Placed on General File with amendment.
AM330
1 1. Strike the original sections and insert the following new
Section 1. Section 43-2606, Revised Statutes Cumulative Supplement, 2018, is amended to read:

43-2606 (1) The Department of Health and Human Services shall adopt and promulgate rules and regulations for mandatory training requirements for providers of child care and school-age-care programs. Such requirements shall include preservice orientation and at least four hours of annual inservice training. All child care programs required to be licensed under section 71-1911 shall show completion of a preservice orientation approved or delivered by the department prior to receiving a provisional license.

(2) Beginning January 1, 2020, for programs that report to the Nebraska Early Childhood Professional Record System created under section 71-1962, the department shall use the Nebraska Early Childhood Professional Record System to (a) document the training levels of staff in specific child care settings to assist parents in selecting optimal care settings and (b) verify minimum training requirements of employees of such programs. The department shall initiate a system of documenting the training levels of staff in specific child care settings to assist parents in selecting optimal care settings.

(3) The training requirements shall be designed to meet the health, safety, and developmental needs of children and shall be tailored to the needs of licensed providers of child care programs. Preservice orientation and the training requirements for providers of child care programs shall include, but not be limited to, information on sudden unexpected infant death syndrome, shaken baby syndrome, and child abuse.

(4) The department shall provide or arrange for training opportunities throughout the state and shall provide information regarding training opportunities to all providers of child care programs at the time of registration or licensure, when renewing a registration, or on a yearly basis following licensure.

(5) Each provider of child care and school-age-care programs receiving orientation or training shall provide his or her social security number to the department.

(6) The department shall review and provide recommendations to the Governor for updating rules and regulations adopted and promulgated under this section at least every five years.

Sec. 2. Original section 43-2606, Revised Statutes Cumulative Supplement, 2018, is repealed.

(Signed) Sara Howard, Chairperson

Business and Labor

LEGISLATIVE BILL 400. Placed on General File.

LEGISLATIVE BILL 217. Placed on General File with amendment.

AM387

1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 48-1114, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 48-1114 It shall be an unlawful employment practice for an employer
6 to discriminate against any of his or her employees or applicants for
7 employment, for an employment agency to discriminate against any
8 individual, or for a labor organization to discriminate against any
9 member thereof or applicant for membership, because he or she (1) has
10 opposed any practice made an unlawful employment practice by the Nebraska
11 Fair Employment Practice Act, (2) has made a charge, testified, assisted,
12 or participated in any manner in an investigation, proceeding, or hearing
13 under the act, or (3) has opposed any practice or refused to carry out
14 any action unlawful under federal law or the laws of this state, or (4)
15 has inquired about, discussed, or disclosed information regarding
16 employee compensation. This subdivision (4) shall not apply to instances
17 in which an employee who has authorized access to the information
18 regarding compensation of other employees as a part of such employee's
19 job functions discloses such information to a person who does not
20 otherwise have authorized access to such information, unless such
21 disclosure is in response to a charge or complaint or in furtherance of
22 an investigation, proceeding, hearing, or other action, including an
23 investigation conducted by the employer.
24 Sec. 2. Original section 48-1114, Reissue Revised Statutes of
25 Nebraska, is repealed.

(Signed) Matt Hansen, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 112A. Introduced by Howard, 9.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to
aid in carrying out the provisions of Legislative Bill 112, One Hundred
Sixth Legislature, First Session, 2019.

AMENDMENT(S) - Print in Journal

Senator Williams filed the following amendment to LB622:
AM406

(Amendments to E&R amendments, ER 24)
1 1. On page 5, lines 17, 20, 25, and 29, strike ", exchange, or
2 release" and insert "or exchange"; and in line 19 strike "exchanged, or
3 released" and insert "or exchanged".
4 2. On page 12, line 15, after "77-2398" insert an underscored comma;
5 and in line 16 after "director" insert "acting for the benefit of the
6 governmental units having public money or public funds on deposit with
7 such bank, capital stock financial institution, or qualifying mutual
8 financial institution".
9 3. On page 13, line 7, strike "custodial officials", show as
10 stricken, and insert "the governmental units having public money or
11 public funds on deposit with such bank, capital stock financial
12 institution, or qualifying mutual financial institution".

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Wayne name added to LB137.
Senator Hilkemann name added to LB439.
Senator McDonnell name added to LB511.
Senator Moser name added to LB605.
Senator Hilkemann name added to LB643.

VISITOR(S)

Visitors to the Chamber were members of the Nebraska Petroleum
Producers from across the state; and members from Preserve the Sandhills.

The Doctor of the Day was Dr. Michael Keralis from Lincoln.

ADJOURNMENT

At 11:42 a.m., on a motion by Senator Morfeld, the Legislature adjourned
until 9:00 a.m., Friday, February 22, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
THIRTIETH DAY - FEBRUARY 22, 2019

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

THIRTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 22, 2019

PRAYER

The prayer was offered by Reverend Greg Volzke, Christ Lutheran Church, Juniata.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Scheer presiding.

The roll was called and all members were present except Senators Kolowski, Walz, and Williams who were excused; and Senators Bolz, Bostelman, M. Hansen, McCollister, Morfeld, Vargas, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-ninth day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 21, 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

Bracht, David L.
  Catalyst Public Affairs
Catalyst Public Affairs
  Blue Cross and Blue Shield of Nebraska
Hall, Darrin
  United Airlines, Inc.
Jensen Rogert Associates, Inc.
  American Association of Orthodontists
Rembolt Ludtke, LLP
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

NOTICE OF COMMITTEE HEARING(S)

Education

Room 1525

Monday, March 4, 2019 1:30 p.m.

LB120
LB416
LB104
LB650

(Signed) Mike Groene, Chairperson

GENERAL FILE

LEGISLATIVE BILL 660A. Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 1 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 112A. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 5 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 399. Senator Chambers renewed his amendment, FA12, found on page 545, to the committee amendment.

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 430. Placed on Final Reading.

(Signed) Julie Slama, Chairperson
THIRTIETH DAY - FEBRUARY 22, 2019

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 25A. Placed on Select File.

(Signed) Julie Slama, Chairperson

COMMITTEE REPORT(S)
Transportation and Telecommunications

LEGISLATIVE BILL 142. Placed on General File.
LEGISLATIVE BILL 269. Placed on General File.

LEGISLATIVE BILL 270. Placed on General File with amendment.

AM369
1 1. Strike the original sections 4 and 10 and insert the following
2 new sections:
3 Sec. 4. Section 37-1292, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 37-1292 For purposes of this section and sections 37-1293 to
6 37-1298:
7 (1) Cost of repairs means the estimated or actual retail cost of
8 parts needed to repair a motorboat plus the cost of labor computed by
9 using the hourly labor rate and time allocations for repair that are
10 customary and reasonable. Retail cost of parts and labor rates may be
11 based upon collision estimating manuals or electronic computer estimating
12 systems customarily used in the insurance industry;
13 (2) Late model motorboat means a motorboat which has (a) a
14 manufacturer's model year designation of, or later than, the year in
15 which the motorboat was wrecked, damaged, or destroyed, or any of the six
16 preceding years, or (b) a retail value of more than ten thousand dollars
17 until January 1, 2006, a retail value of more than ten thousand five
18 hundred dollars until January 1, 2010, and a retail value of more than
19 ten thousand five hundred dollars increased by five hundred dollars every
20 five years thereafter;
21 (3) Previously salvaged means the designation of a rebuilt or
22 reconstructed motorboat which was previously required to be issued a
23 salvage branded certificate of title;
24 (4) Retail value means the actual cash value, fair market value, or
25 retail value of a motorboat as (a) set forth in a current edition of any
26 nationally recognized compilation, including automated data bases, of
27 retail values or (b) determined pursuant to a market survey of comparable
1 motorboats with respect to condition and equipment; and
2 (5) Salvage means the designation of a motorboat which is:
3 (a) A late model motorboat which has been wrecked, damaged, or
4 destroyed to the extent that the estimated total cost of repair to
5 rebuild or reconstruct the motorboat to its condition immediately before
6 it was wrecked, damaged, or destroyed and to restore the motorboat to a
7 condition for legal operation, meets or exceeds seventy-five percent of
8 the retail value of the motorboat at the time it was wrecked, damaged, or
9 destroyed; or
10 (b) Voluntarily designated by the owner of the motorboat as a
11 salvage motorboat by obtaining a salvage branded certificate of title,
12 without respect to the damage to, age of, or value of the motorboat.
13 Sec. 10. Section 60-171, Revised Statutes Cumulative Supplement,
14 2018, is amended to read:
15 60-171 For purposes of sections 60-171 to 60-177:
16 (1) Cost of repairs means the estimated or actual retail cost of
17 parts needed to repair a vehicle plus the cost of labor computed by using
18 the hourly labor rate and time allocations for repair that are customary
19 and reasonable. Retail cost of parts and labor rates may be based upon
20 collision estimating manuals or electronic computer estimating systems
21 customarily used in the insurance industry;
22 (2) Flood damaged means damage to a vehicle resulting from being
23 submerged in water to the point that rising water has reached over the
24 floorboard, has entered the passenger compartment, and has caused damage
25 to any electrical, computerized, or mechanical components. Flood damaged
26 specifically does not apply to a vehicle that an inspection, conducted by
27 an insurance claim representative or a vehicle repairer, indicates:
28 (a) Has no electrical, computerized, or mechanical components
29 damaged by water; or
30 (b) Had one or more electrical, computerized, or mechanical
31 components damaged by water and all such damaged components were repaired
1 or replaced;
2 (3) Late model vehicle means a vehicle which has (a) a
3 manufacturer's model year designation of, or later than, the year in
4 which the vehicle was wrecked, damaged, or destroyed, or any of the six
5 preceding years or (b)(i) in the case of vehicles other than all-terrain
6 vehicles, utility-type vehicles, and minibikes, a retail value of more
7 than ten thousand five hundred dollars until January 1, 2010, and a
8 retail value of more than ten thousand five hundred dollars increased by
9 five hundred dollars every five years thereafter or (ii) in the case of
10 all-terrain vehicles, utility-type vehicles, or minibikes, a retail value
11 of more than one thousand seven hundred fifty dollars until January 1,
12 2010, and a retail value of more than one thousand seven hundred fifty
13 dollars increased by two hundred fifty dollars every five years
14 thereafter;
15 (4) Manufacturer buyback means the designation of a vehicle with an
16 alleged nonconformity when the vehicle (a) has been replaced by a
17 manufacturer or (b) has been repurchased by a manufacturer as the result
18 of court judgment, arbitration, or any voluntary agreement entered into
19 between the manufacturer or its agent and a consumer;
20 (5) Previously salvaged or rebuilt each mean means the designation
21 of a rebuilt or reconstructed vehicle which was previously required to be
22 issued a salvage branded certificate of title and which has been
23 inspected as provided in section 60-146;
24 (6) Retail value means the actual cash value, fair market value, or
25 retail value of a vehicle as (a) set forth in a current edition of any
26 nationally recognized compilation, including automated data bases, of 
27 retail values or (b) determined pursuant to a market survey of comparable 
28 vehicles with respect to condition and equipment; and 
29 (7) Salvage means the designation of a vehicle which is: 
30 (a) A late model vehicle which has been wrecked, damaged, or 
31 destroyed to the extent that the estimated total cost of repair to 
1 rebuild or reconstruct the vehicle to its condition immediately before it 
2 was wrecked, damaged, or destroyed and to restore the vehicle to a 
3 condition for legal operation, meets or exceeds seventy-five percent of 
4 the retail value of the vehicle at the time it was wrecked, damaged, or 
5 destroyed; or 
6 (b) Voluntarily designated by the owner of the vehicle as a salvage 
7 vehicle by obtaining a salvage branded certificate of title, without 
8 respect to the damage to, age of, or value of the vehicle. 

(Signed) Curt Friesen, Chairperson

Urban Affairs

LEGISLATIVE BILL 348. Placed on General File.
LEGISLATIVE BILL 405. Placed on General File.

LEGISLATIVE BILL 130. Placed on General File with amendment. 
AM298
1 1. On page 4, line 2, strike "exceed" and insert "meet"; and in line 
2 10 strike "or exceed".
3 2. On page 10, strike beginning with "engineer" in line 21 through 
4 "Registration" in line 22 and insert "architect or professional engineer 
5 licensed under the Engineers and Architects Regulation".

LEGISLATIVE BILL 409. Placed on General File with amendment. 
AM221
1 1. On page 2, lines 3 through 11, strike the new matter and insert 
2 *(a) For purposes of construction relating to ambulatory surgical 
3 centers, critical access hospitals, general acute hospitals, and 
4 hospitals, the Legislature adopts the 2018 Guidelines for Design and 
5 Construction of Hospitals, the 2018 Guidelines for Design and 
6 Construction of Outpatient Facilities, and the 2018 Guidelines for Design 
7 and Construction of Residential Health, Care, and Support Facilities 
8 published by the Facility Guidelines Institute; 
9 (b) For new construction of assisted-living facilities, long-term 
10 care hospitals, nursing facilities, and skilled nursing facilities on or 
11 after the effective date of this act, the Legislature adopts the 2018 
12 Guidelines for Design and Construction of Hospitals, the 2018 Guidelines 
13 for Design and Construction of Outpatient Facilities, and the 2018 
14 Guidelines for Design and Construction of Residential Health, Care, and 
15 Support Facilities published by the Facility Guidelines Institute, except 
16 that the Legislature adopts only the definition of new construction found 
17 in section 1.1-2.1 and excludes the part of the definition found in
18 sections 1.1-2.2 and 1.1-2.3 and any related provisions of such
19 guidelines.".

(Signed) Justin Wayne, Chairperson

Natural Resources

LEGISLATIVE BILL 287. Placed on General File with amendment.
AM386
1 1. On page 10, lines 22 and 23, reinstate the stricken matter and
2 strike the new matter.

(Signed) Dan Hughes, Chairperson

AMENDMENT(S) - Print in Journal

Senator Wayne filed the following amendment to LB160:
AM411
(Amendments to E&R amendments, ER 35)
1 1. On page 2, line 16, strike "of recognized quality".

GENERAL FILE

LEGISLATIVE BILL 399. The Chambers amendment, FA12, found on
page 545 and considered in this day's Journal, to the committee amendment,
was renewed.

SENATOR HILGERS PRESIDING

SPEAKER SCHEER PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with
15 ayes, 4 nays, and 30 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 35:

Albrecht
Arch
Bolz
Bostelman
Brandt
Brewer
Briese

Cavanaugh
Clements
Crawford
DeBoer
Dorn
Erdman
Friesen

Geist
Groene
Halloran
Hansen, B.
Hilgers
Hilkenmann
Howard

Hughes
La Grone
Lathrop
Lindstrom
Linehan
Lowe
McCollister

McDonnell
Moser
Murman
Quick
Scheer
Slama
Stinner
Present and not voting, 7:
Hansen, M. Morfeld Vargas Wishart
Hunt Pansing Brooks Wayne

Excused and not voting, 6:
Blood Kolowski Walz
Gragert Kolterman Williams

The Chambers amendment lost with 1 aye, 35 nays, 7 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 8. Placed on Select File.

LEGISLATIVE BILL 156. Placed on Select File with amendment.
ER36 is available in the Bill Room.

(Signed) Julie Slama, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 71. Placed on Final Reading.
LEGISLATIVE BILL 122. Placed on Final Reading.

LEGISLATIVE BILL 301. Placed on Final Reading.
ST6 The following changes, required to be reported for publication in the Journal, have been made:
   1. In the Lowe amendment, AM165, on page 1, line 6, the second comma has been struck and an underscored colon inserted; in lines 6 and 14 "No." has been inserted after "Program"; in line 15 an underscored comma has been inserted after "Program"; and in line 16 "classifications" has been struck and "classification" inserted.

LEGISLATIVE BILL 306. Placed on Final Reading.
LEGISLATIVE BILL 359. Placed on Final Reading.

LEGISLATIVE RESOLUTION 1CA. Placed on Final Reading.

(Signed) Julie Slama, Chairperson
LEGISLATIVE BILL 463. Placed on General File.

LEGISLATIVE BILL 13. Placed on General File with amendment.
AM147
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 28-806, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 28-806 (1) A person, eighteen years of age or over, commits public
6 indecency if such person performs or procures, or assists any other
7 person to perform, in a public place and where the conduct may reasonably
8 be expected to be viewed by members of the public:
9 (a) An act of sexual penetration; or
10 (b) An exposure of the genitals of the body done with intent to
11 affront or alarm any person; or
12 (c) A lewd fondling or caressing of the body of another person of
13 the same or opposite sex.
14 (2) Public indecency is a Class II misdemeanor.
15 (3) It shall not be a violation of this section for an individual to
16 breast-feed a child in a public place.
17 Sec. 2. Original section 28-806, Reissue Revised Statutes of
18 Nebraska, is repealed.

LEGISLATIVE BILL 224. Placed on General File with amendment.
AM424
1 1. On page 3, line 19, after the period insert "The certification
2 administrator shall also send a copy of such certified list to the
3 governing body of the county, city, village, or rural or suburban fire
4 protection district. Such copy may be sent electronically or by mail.".

(Signed) Lou Ann Linehan, Chairperson

GENERAL FILE

LEGISLATIVE BILL 399. Senator Moser offered the following
amendment to the committee amendment:
FA14
Amend AM286
On page 1, in line 23, after "since" strike "youth is the time" and insert
"young" and on page 2, in line 18 strike "adequately".

SENATOR HILKEMANN PRESIDING

Senator Chambers offered the following motion:
MO13
Bracket until June 6, 2019.

Pending.
RESOLUTION(S)

LEGISLATIVE RESOLUTION 26. Introduced by Erdman, 47.

WHEREAS, Jaclund "Jack" D. Mills was born to Dale and Fern Mills on August 22, 1937, in Holdrege; and
WHEREAS, Jack graduated from Superior High School, attended Kearney State College and the University of Nebraska, and earned a degree in Business Administration from Bellevue University; and
WHEREAS, Jack was an entrepreneur in the grain, fertilizer, and cattle business in Big Springs and a farmer and rancher in Deuel and Garden Counties; and
WHEREAS, Jack served his community as a member of the local Educational Service Unit board, the Big Springs School Board, and the local library board; and
WHEREAS, Jack was elected to the Nebraska Legislature in 1974, served District 44 until 1978 with dignity and integrity, and played a key role in landmark groundwater legislation; and
WHEREAS, Jack worked for twenty-two years as the executive director of the Nebraska Association of County Officials and will be remembered for his pioneering work on the formation of intergovernmental risk pools that have saved the counties and taxpayers millions of dollars; and
WHEREAS, in retirement, Jack served on the boards of directors for Blue Cross Blue Shield, where he earned the title of Chairman of the Board Emeritus, Prime Therapeutics, and the Spinal Research Foundation, and as president of the Villas at Island Club Condominium Association; and
WHEREAS, Jack served his community as a Shriner, a Mason, a member of the Scottish Rite and decorated as Knight Commander of the Court of Honour, and a member of St. Mark's United Methodist Church where he served on the Finance Committee; and
WHEREAS, Jack and his wife Norma raised four children and welcomed eleven grandchildren; and
WHEREAS, Jack, with his wife Norma by his side, spent a lifetime representing Nebraska honorably, competently, and diplomatically and will be remembered as a true statesman; and
WHEREAS, Jack Mills passed away February 14, 2019, at the age of 81.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature honors the life and service of Jaclund "Jack" D. Mills.
2. That the Legislature extends deepest sympathy to the family of Jack Mills.
3. That a copy of this resolution be sent to the family of Jack Mills.

Laid over.
AMENDMENT(S) - Print in Journal

Senator Groene filed the following amendment to LB160:
AM407
(Amendments to E&R amendments, ER 35)
1 1. On page 2, strike beginning with "For" in line 12 through line 20.

Senator Crawford filed the following amendment to LB124:
AM405
(Amendments to Standing Committee amendments, AM199)
1 1. Insert the following new section:
2 Sec. 3. Since an emergency exists, this act takes effect when passed
3 and approved according to law.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Adams, Greg - Nebraska Educational Telecommunications Commission - Education
Allen, Robert E. - Nebraska Game and Parks Commission - Natural Resources
Arp, Don, Jr. - Director, Nebraska Crime Commission - Judiciary
Bley, Steven - Boiler Safety Code Advisory Board - Business and Labor
Chaney, John - Board of Trustees of the Nebraska State Colleges - Education
Engles, Robert - Board of Trustees of the Nebraska State Colleges - Education
Hoggatt, John M. - Nebraska Game and Parks Commission - Natural Resources
Hollman, Scott - Boiler Safety Code Advisory Board - Business and Labor
Jensen, Jeremy - State Fair Board - Agriculture
Kircher, Patricia - Nebraska Educational Telecommunications Commission - Education
Phipps, Thomas - Boiler Safety Code Advisory Board - Business and Labor
Reida, Frank - Nebraska Power Review Board - Natural Resources
Turman, Paul - Nebraska Educational Telecommunications Commission - Education

(Signed) Mike Hilgers, Chairperson
Executive Board

COMMITTEE REPORT(S)
Transportation and Telecommunications

LEGISLATIVE BILL 616. Placed on General File with amendment.
AM442
1 1. Strike the original sections and insert the following new
Section 1. Section 39-1349, Reissue Revised Statutes of Nebraska, is amended to read:

39-1349 (1) Except as provided in subsections (5) (3) and (6) (4) of this section, all contracts for the construction, reconstruction, improvement, maintenance, or repair of state highway system roads and bridges and their appurtenances shall be let by the department to the lowest responsible bidder. Bidders on such contracts must be prequalified to bid by the department except as provided in subsection (2) of section 39-1351. The department may reject any or all bids and cause the work to be done as may be directed by the department.

(2) Except as provided in subsection (3) of this section, if the contractor has furnished the department all required records and reports, the department shall pay to the contractor interest at a rate three percentage points above the average annual Federal Reserve composite prime lending rate for the previous calendar year rounded to the nearest one-tenth of one percent on the amount retained and on the final payment due the contractor beginning sixty days after the work under the contract has been completed as evidenced by the completion date established in the department's letter of tentative acceptance or, when tentative acceptance has not been issued, beginning sixty days after completion of the work and running until the date when payment is tendered to the contractor.

(3) Subsection (2) of this section shall not apply to contracts which provide for payment pursuant to a set schedule over a period of time that extends beyond the completion of construction.

(4) When the department is required by acts of Congress and rules and regulations made by an agent of the United States in pursuance of such acts to predetermine minimum wages to be paid laborers and mechanics employed on highway construction, the Director-State Engineer shall cause minimum rates of wages for such laborers and mechanics to be predetermined and set forth in contracts for such construction. The minimum rates shall be the scale of wages which the Director-State Engineer finds are paid and maintained by at least fifty percent of the contractors in performing highway work contracted with the department unless the Director-State Engineer further finds that such scale of wages so determined would unnecessarily increase the cost of such highway work to the state, in which event he or she shall reduce such determination to such scale of wages as he or she finds is required to avoid such unnecessary increase in the cost of such highway work.

(5) The department, in its sole discretion, may permit a city or county to let state or federally funded contracts for the construction, reconstruction, improvement, maintenance, or repair of state highways, bridges, and their appurtenances located within the jurisdictional boundaries of such city or county, to the lowest responsible bidder when the work to be let is primarily local in nature and the department determines that it is in the public interest that the contract be let by the city or the county. Bidders on such contracts must be prequalified to bid by the department except as provided in subsection (2) of section 39-1351.
The department, in its sole discretion, may permit a federal agency to let contracts for the construction, reconstruction, improvement, maintenance, or repair of state highways, bridges, and their appurtenances and may permit such federal agency to perform any and all other aspects of the project to which such contract relates, including, but not limited to, preliminary engineering, environmental clearance, final design, and construction engineering, when the department determines that it is in the public interest to do so. Bidders on such contracts must be prequalified to bid by the department except as provided in subsection (2) of section 39-1351.

Sec. 2. Section 81-1701, Revised Statutes Cumulative Supplement, 2018, is amended to read:

> 81-1701 The purpose of the Nebraska Consultants' Competitive Negotiation Act is to provide managerial control over competitive negotiations by the state for acquisition of professional architectural, engineering, landscape architecture, or land surveying services. The act does not apply to (1) contracts under section 57-1503, (2) contracts under subsection (6) (4) of section 39-1349, (3) contracts under sections 39-2808 to 39-2823 except as provided in section 39-2810, or (4) contracts under the State Park System Construction Alternatives Act except as provided in section 37-1719.

Sec. 3. Original section 39-1349, Reissue Revised Statutes of Nebraska, and section 81-1701, Revised Statutes Cumulative Supplement, 2018, are repealed.

(Signed) Curt Friesen, Chairperson

GENERAL FILE

LEGISLATIVE BILL 399. The Chambers motion, MO13, found in today's Journal, to bracket until June 6, 2019, was renewed.

Pending.

AMENDMENT(S) - Print in Journal

Senator Chambers filed the following amendment to LB399:

Amend AM286
1. Page 5, line 17, 18, strike and show as stricken: "George Washington's birthday" and insert, "the birthday of George Washington who was a slaveholder".
2. Page 5, lines 18, 19, strike and show as stricken "Dr. Martin Luther King, Jr.'s birthday" and insert, "the birthday of Dr. Martin Luther King, Jr. who was awarded the Nobel Peace Prize for his work to achieve social justice".
Senator Hunt filed the following amendment to LB399:

AM443

(Amendments to Standing Committee amendments, AM286)

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

Section 1. Section 79-724, Reissue Revised Statutes of Nebraska, is amended to read:

79-724  A central role of schools is to impart civic knowledge and
skills to emphasize the value of a civic education. An informed, loyal,
just, and patriotic citizenry is necessary to a strong, stable, just, and
prosperous America. Such a citizenry necessitates that every member
thereof be fully acquainted with the nation’s history and that he or she
be in full accord with our form of government and fully aware of the
liberties, opportunities, and advantages of which we are possessed and
the sacrifices and struggles of those through whose efforts these
benefits were gained. Since youth is the time most susceptible to the
acceptance of principles and doctrines that will influence men and women
throughout their lives, it is one of the first duties of our educational
system to conduct its activities, choose its textbooks, and arrange its
curriculum in such a way that the love of liberty, justice, democracy,
and America will be instilled in the hearts and minds of the youth of the
state.

1. The school board of each school district shall, at the
beginning of each calendar school year, appoint from its members a
committee of three, to be known as the committee on American civics
Americanism. The committee on American civics Americanism shall:

(a) Hold no fewer than two public meetings annually, at least one
where public testimony is accepted;

(b) Keep minutes of each meeting showing the time and place of the
meeting, which members were present or absent, and the substance and
details of all matters discussed;

(c) Carefully examine and ensure that the social studies curriculum
used in the district is aligned to the social studies standards adopted
pursuant to section 79-760.01 and teaches foundational knowledge in
civics, history, economics, financial literacy, and geography;

(d) Ensure that any curriculum recommended or approved by the
committee on American civics is made readily accessible to the public and
contains a reference to this section;

(e) Ensure that the district develops and utilizes formative,
interim, and summative assessments to measure student mastery of the
social studies standards adopted pursuant to section 79-760.01;

(f) Ensure that the social studies curriculum in the district
incorporates one or more of the following for each student:

(i) Administration of a written test that is identical to the entire
civics portion of the naturalization test used by United States
Citizenship and Immigration Services prior to the completion of eighth
grade and again prior to the completion of twelfth grade with the
individual score from each test for each student made available to a
parent or guardian of such student; or
(ii) Attendance or participation between the commencement of eighth grade and the completion of twelfth grade in a meeting of a public body as defined by section 84-1409 followed by the completion of a project or paper in which each student demonstrates or discusses the personal learning experience of such student related to such attendance or participation; or
(iii) Completion of a project or paper and a class presentation between the commencement of eighth grade and the completion of twelfth grade concerning a person or persons or an event commemorated by a national or state holiday or on a topic related to such person or persons or event; and
(a) Carefully examine, inspect, and approve all textbooks used in the teaching of American history and civil government in the school. Such textbooks shall adequately stress the services of the men and women who achieved our national independence, established our constitutional government, and preserved our union and shall be so written to include contributions by ethnic groups as to develop a pride and respect for our institutions and not be a mere recital of events and dates;
(b) Assure themselves as to the character of all teachers employed and their knowledge and acceptance of the American form of government;
and
(g) Take all such other steps as will assure the carrying out of the provisions of this section and provide a report to the school board regarding the committee’s findings and recommendations.
(2) All American history courses approved for grade levels as provided by this section shall include and adequately stress contributions of all ethnic groups (a) to the development and growth of America into a great nation, (b) to art, music, education, medicine, literature, science, politics, and government, and (c) to the war services in all wars of this nation.
(3) All grades of all public, private, denominational, and parochial schools, below the sixth grade, shall devote at least one hour per week to exercises or teaching periods for the discussion following purpose: (a) The recital of stories having to do with American history or the deeds and exploits of American heroes; (b) The singing of patriotic songs and the insistence that every pupil memorize the Star-Spangled Banner and America; and (c) The development of reverence for the flag and instruction as to proper conduct in its presentation.
(4) In at least two of the three grades from the fifth grade to the eighth grade in all public, private, denominational, and parochial schools, time at least three periods per week shall be set aside for to be devoted to the teaching of American history from the social studies standards adopted pursuant to section 79-760.01 approved textbooks, taught in such a way as to make the course interesting and attractive and to develop a love of country.
(5) In at least two courses in grades of every high school, time at least three periods per week shall be devoted to the teaching of civics and American history as outlined in the social studies standards adopted pursuant to section 79-760.01, during which courses specific
attention shall be given to the following matters:
(a) The Declaration of Independence, the United States Constitution, and the Constitution of Nebraska, and the structure and function of local government in this state;
(b) The rights and responsibilities of citizenship in our government; benefits and advantages of our form of government and the dangers and fallacies of Nazism, Communism, and similar ideologies; and
(c) The duties of citizenship, including active participation in the improvement of a citizen's community, state, country, and world and the value and practice of civil discourse between opposing interests; and
(d) The application of civics, history, economics, financial literacy, and geography to address societal issues.

(5) Appropriate patriotic exercises suitable to the occasion may shall be held under the direction of the superintendent in every public, private, denominational, and parochial school on national and state holidays Lincoln's birthday, Washington's birthday, Flag Day, Memorial Day, and Veterans Day, or on the day preceding or following such holiday, if the school is in session.
(7) Every school board, the State Board of Education, and the superintendent of each school district in the state shall be held directly responsible in the order named for carrying out this section, and neglect thereof by any employee or appointed official shall be considered a dereliction of duty and cause for dismissal.

Sec. 2. Section 79-727, Reissue Revised Statutes of Nebraska, is amended to read:
79-727  The State Board of Education shall adopt and promulgate rules and regulations to carry out the provisions of sections 79-724 through 79-727. The State Department of Education shall ensure that all requirements of such sections and such rules and regulations are carried out by each school district. Any person violating the provisions of sections 79-724 to 79-727 is guilty of a Class III misdemeanor.

Sec. 3. Section 79-760.01, Revised Statutes Cumulative Supplement, 2018, is amended to read:
79-760.01 The State Board of Education shall adopt measurable academic content standards for at least the grade levels required for statewide assessment pursuant to section 79-760.03 and the teaching of civics and American history pursuant to section 79-724. The standards shall cover the subject areas of reading, writing, mathematics, science, and social studies. The standards adopted shall be sufficiently clear and measurable to be used for testing student performance with respect to mastery of the content described in the state standards. The State Board of Education shall develop a plan to review and update standards for each subject area every seven years. The state board plan shall include a review of commonly accepted standards adopted by school districts.

Sec. 4. Original sections 79-724 and 79-727, Reissue Revised Statutes of Nebraska, and section 79-760.01, Revised Statutes Cumulative Supplement, 2018, are repealed.
NOTICE OF COMMITTEE HEARING(S)

Education

Room 1525

Tuesday, March 5, 2019 1:30 p.m.

LB432
LB671
LB674
LB534

(Signed) Mike Groene, Chairperson

Appropriations

Room 1524

Monday, March 4, 2019 1:30 p.m.

LB425
LB552
LB562
Agency 51 - University of Nebraska System

(Signed) John Stinner, Chairperson

COMMITTEE REPORT(S)

Revenue

LEGISLATIVE BILL 284. Placed on General File with amendment. AM392 is available in the Bill Room.

(Signed) Lou Ann Linehan, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 191. Placed on General File.
LEGISLATIVE BILL 239. Placed on General File.

LEGISLATIVE BILL 30. Placed on General File with amendment. AM302 is available in the Bill Room.

LEGISLATIVE BILL 212. Placed on General File with amendment. AM380 is available in the Bill Room.

LEGISLATIVE BILL 381. Placed on General File with amendment. AM207

1 1. On page 105, strike line 10 and insert "per diem rates of the
THIRTIETH DAY - FEBRUARY 22, 2019

2 federal General Services Administration for travel within the contiguous
3 United States, the United States Department of Defense for travel within
4 Alaska, Hawaii, or a United States territory or possession, and the
5 United States Department of State for foreign travel, as determined by".

(Signed) Tom Brewer, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Wayne name added to LB174.
Senator Groene name added to LB439.

VISITOR(S)

Visitors to the Chamber were students from St. Joseph Catholic School,
Lincoln; members of the UNMC Student Delegates from across the state;
and Senator Crawford's son, Phil Crawford, from Bellevue and William
Hayes from Salina, KS.

ADJOURNMENT

At 11:52 a.m., on a motion by Senator M. Hansen, the Legislature adjourned
until 9:00 a.m., Tuesday, February 26, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
THIRTY-FIRST DAY - FEBRUARY 26, 2019

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

THIRTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 26, 2019

PRAYER

The prayer was offered by Pastor Paul Moessner, Immanuel Lutheran Church, Bellevue.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Scheer presiding.

The roll was called and all members were present except Senators Bostelman, Cavanaugh, Howard, Vargas, Walz, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirtieth day was approved.

ATTORNEY GENERAL'S OPINION

Opinion 19-003

SUBJECT: LB 420 – Constitutionality of “Circuit Breaker”
Providing Refundable Income Tax Credit

REQUESTED BY: Senator Kate Bolz
Nebraska State Legislature

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

INTRODUCTION

You have requested an opinion from this office on the constitutionality of LB 420, known as the Property Tax Circuit Breaker Act. In general terms, this bill would provide a refundable income tax credit for certain qualified
taxpayers if the taxpayer's property taxes or rent exceed a certain percentage of the taxpayer's income.

LB 420, § 3(3) defines a "qualifying agricultural taxpayer" as "an individual who owns agricultural land and horticultural land that is located in this state and that has been used as part of a farming operation which has federal adjusted gross income of less than three hundred fifty thousand dollars in the most recently completed taxable year." Section 4(2) then provides that an agricultural taxpayer, who qualifies for an income tax credit under the Act, will receive "a tax credit in an amount equal to the amount of property taxes paid on the agricultural land and horticultural land during the most recently completed taxable year minus seven percent of that taxpayer's federal adjusted gross income." Section 4(5) provides that only one tax credit may be claimed under this section per parcel of agricultural or horticultural land.2

LB 420, § 3(4) defines a "qualifying residential taxpayer" as "an individual who owns or rents his or her principal residence in the State of Nebraska and who has federal adjusted gross income of less than one hundred thousand dollars for a married filing jointly taxpayer or fifty thousand dollars for any other taxpayer." Section 5 provides that a residential taxpayer, who paid property taxes on his or her principal residence and who qualifies for an income tax credit under the act, will be eligible for an income tax credit equal to the "amount by which the total amount of property taxes paid on the principal residence exceeds the sum of the amounts calculated in subdivision (3)(b)"of § 5. These amounts are based on specified percentages of the taxpayer's federal adjusted gross income. A residential taxpayer, who paid rent for his or her principal residence and who qualifies for an income tax credit under the act, will be eligible for an income tax credit equal to the "amount by which twenty percent of the total amount of rent paid exceeds the sum of the amounts calculated in subdivision (4)(b)" of § 5. These amounts are again based on specified percentages of the taxpayer's federal adjusted gross income. Subdivision (5) of § 5 also includes maximum income credits or credit caps allowed to qualifying residential taxpayers. Finally, § 5(11) provides that only one tax credit may be claimed under this section per residence.

Your letter states "[B]ecause a circuit breaker affords tax relief to individuals according to income level, we are asking for an Attorney General's opinion as to whether such a policy is in conflict with the

1 The bill defines both qualifying agricultural taxpayers and qualifying residential taxpayers as "individuals." As the owners of agricultural and residential properties might be a partnership, corporation, trust or other legal entity, you may wish to use a different term such as "person" to include those other entities.

2 LB 420 does not address how to treat a situation in which otherwise eligible multiple owners or renters wish to claim the income tax credits.
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Nebraska Constitution." Your request does not articulate a specific constitutional provision which LB 420 may contravene. We have previously stated that a general question on the constitutionality of proposed legislation will necessarily result in a general response from this office. Op. Att'y Gen. No. 09008 (April 16, 2008). Therefore, our analysis will discuss generally provisions of our state constitution regarding commutation of taxes, equal protection, special legislation, the uniformity clause and the commerce clause.

ANALYSIS

A. Commutation of Taxes.

As a preliminary matter, we note that "[S]tatutes are afforded a presumption of constitutionality, and the unconstitutionality of a statute must be clearly established before it will be declared void." Gourley v. Nebraska Methodist Health System, Inc., 265 Neb. 918, 942, 663 N.W.2d 43, 68 (2003). If LB 420 is enacted, anyone seeking to have its provisions declared unconstitutional will bear the burden of overcoming the presumption of constitutionality.

Nebraska's "commutation clause" is found at Neb. Const. art. VIII, § 4, which provides, in part:

Except as to tax and assessment charges against real property remaining delinquent and unpaid for a period of fifteen years or longer, the Legislature shall have no power to release or discharge any county, city, township, town, or district whatever, or the inhabitants thereof, or any corporation, or the property therein, from their or its proportionate share of taxes to be levied for state purposes, or due any municipal corporation, nor shall commutation for such taxes be authorized in any form whatever . . . .

This office has previously addressed the commutation clause with regard to the constitutionality of refundable income tax credits. In Op. Att'y Gen. No. 18001 (March 21, 2018), we analyzed the constitutionality of two bills which would provide a refundable income tax credit based on a percentage of property taxes paid during the taxable year. As the commutation clause was discussed at length in that recent opinion, we will summarize that discussion here.

The Nebraska Supreme Court has held that the commutation clause "prevents the Legislature from releasing either persons or property from contributing a proportionate share of the tax." Sarpy County Farm Bureau v. Learning Community of Douglas and Sarpy Cts., 283 Neb. 212, 244, 808 N.W.2d 598, 621 (2012). The Court has also held that an act which allowed delinquent property taxes to be paid in installments violated the commutation clause, stating that "the legislature not only shall have no power to release or discharge any one from the payment of his share of
taxes, but a commutation for taxes in any form whatever is prohibited . . . it is quite apparent that the legislature is prohibited by the Constitution from changing the method of payment of any tax once levied." Steinacher v. Swanson, 131 Neb. 439, 446, 268 N.W. 317, 321 (1936).

More recently, the Court considered whether the prohibition against the commutation of taxes applied to taxes other than property taxes, and held the constitutional prohibition did not apply to an excise tax. Banks v. Heineman, 286 Neb. 390, 837 N.W.2d 70 (2013). Therefore, in Op. Att'y Gen. No. 18001 at 4, with regard to the two bills discussed therein, we concluded as follows:

The income tax credits allowed under LB 829 and LB 947 do not, at least directly, fall within the meaning of "commutation" as defined by the Nebraska Supreme Court. The income tax credits, while determined on the basis of a percentage of property taxes paid, do not alter or change the amount of property taxes paid, nor do they substitute one form of payment of property taxes for another. Further, while the income tax is not an "excise" tax, a form of taxation the Court has specifically recognized is not subject to the commutation restriction, it is not a property tax within the meaning of art. VIII, § 1, and thus is not a tax subject to the prohibition against the "commutation" of taxes in art. VIII, § 4.

Qualification for the refundable income tax credits proposed in LB 420 depends on both the taxpayer's income and the amount of property taxes paid. LB 420, if enacted, would not change the amount of property taxes paid to local authorities. For the reasons discussed more fully in that prior opinion, we reach the same conclusion that the income tax credits allowed under LB 420 do not directly fall within the meaning of commutation as defined by the Court and would likely be found constitutional. However, we also point out, as we did in footnote 2 of Op. Att'y Gen. No. 18001, that "it is possible a court could view the allowance of an income tax credit based on property taxes paid as an indirect attempt to impermissibly commute property taxes in contravention of art. VIII, § 4 . . . ."

B. Equal Protection.

As your request letter refers to affording tax relief to individuals "according to income level," we include a discussion of equal protection principles with regard to different treatment of taxpayers based on different income levels. The Nebraska Supreme Court has stated that the equal protection clause of Neb. Const. art. I, § 3, and that of the Fourteenth Amendment of the United States Constitution, "have identical requirements for equal protection challenges." DeCoste v. City of Wahoo, 255 Neb. 266, 274, 583 N.W.2d 595, 601 (1998). Unless a "fundamental right" or "suspect classification" is involved, the equal protection clause generally allows government to make distinctions among groups and to treat different groups differently so long as there is a "rational basis" serving a legitimate
governmental purpose for such differing treatment. *Le v. Lautrup*, 271 Neb. 931, 716 N.W.2d 713 (2006). Stated another way, the equal protection provisions of the state and federal constitutions generally prohibit improper disparate treatment or improper classifications of people who are otherwise similarly situated.

Specifically with regard to state tax classifications or schemes, "the States have large leeway in making classifications and drawing lines which in their judgment produce reasonable systems of taxation." *Lehnhausen v. Lake Shore Auto Parts Co.*, 410 U.S. 356, 359 (1973). We are not aware of any suspect classification or fundamental rights implicated by LB 420. And, in our view, a rational basis can likely be articulated to justify tax relief for those taxpayers with lower income levels who are most severely affected by property tax increases.

LB 420, § 2 declares the purpose of the Act "is to provide tax relief through a refundable income tax credit for taxpayers with limited income available to pay property taxes." Also, as you state in your request letter, the "circuit breaker [in LB 420] triggers an income tax credit for a taxpayer if property taxes exceed a certain percentage of the individual's income . . . . As income increases, the circuit breaker credit calculation assumes that taxpayers can afford to spend a greater percentage of income on property taxes."

Other jurisdictions have held that providing tax relief to taxpayers according to income level is constitutional. The New Hampshire Supreme Court addressed questions propounded by the state House of Representatives in *Opinion of the Justices*, 111 N.H. 136, 276 A.2d 821 (1971). The court was asked to address the constitutionality of a proposed legislative bill, which, in part, would provide an income tax credit for claimants depending on the amount by which the property taxes or rent accrued on a claimant's homestead exceeded six percent of the claimant's household income. Describing the proposed provision as a system of tax relief for low income taxpayers, the court found that it would not violate any constitutional provision.

The Vermont Supreme Court held that the $75,000 income ceiling in a Homestead Property Tax Income Sensitivity Adjustment law was constitutional. *Schievella v. Department of Taxes*, 171 Vt. 591, 765 A.2d 479 (2000). This statutory act included a limit on property taxes on homestead property based on income level. Noting that the Vermont constitution's proportional contribution clause imposes the same limits on the state's power to tax as does the equal protection clause of the Fourteenth Amendment of the U.S. Constitution, the court employed a rational basis analysis and stated that "granting tax relief based on the income of taxpayers is not irrational." *Id.* at 593, 765 A.2d at 482.
C. Special Legislation

There may also be a question whether the provisions of LB 420 establish an unreasonable classification in violation of the prohibition against special legislation in Neb. Const. art. III, § 18. Article III, § 18, provides in relevant part:

The Legislature shall not pass local or special laws in any of the following cases, that is to say:

*   *   *

Granting to any corporation, association, or individual any special or exclusive privileges, immunity, or franchise whatever . . . . In all other cases where a general law can be made applicable, no special law shall be enacted.

The test for determining whether legislation is prohibited as special legislation is stricter than the rational basis test employed in an equal protection analysis. The Nebraska Supreme Court has stated that a legislative act can violate art. III, § 18, as special legislation "in one of two ways: (1) by creating a totally arbitrary and unreasonable method of classification, or (2) by creating a permanently closed class." *Haman v. Marsh*, 237 Neb. 699, 709, 467 N.W.2d 836, 845 (1991). "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). "Classifications for the purpose of legislation must be real and not illusive; they cannot be based on distinctions without a substantial difference." *Big John's Billiards, Inc. v. State*, 288 Neb. 938, 945, 852 N.W.2d 727, 735 (2014).

As no closed class is implicated by LB 420, the question is the reasonableness of the classifications created, which limit the income tax credits to lower income taxpayers and which limit the income tax credits to residential and agricultural property taxpayers. The language of LB 420, § 2 and your request letter provide some reasons for the difference in treatment according to income level. You have not expressed a legislative purpose in limiting the income tax credits to certain residential and agricultural property taxpayers, while leaving out those business taxpayers who own commercial and industrial property. A court's analysis in a special legislation challenge would focus on the Legislature's purpose in creating a class of taxpayers as expressed in the plain language of the bill or as demonstrated in the legislative record of the bill. While it is possible that there is "a substantial difference of circumstances" that would justify different treatment of the business taxpayers, we must note that a court would employ a more stringent standard when faced with a special legislation challenge.
D. Uniformity Clause.

Your question about granting tax relief according to income level might also be read to inquire about the application of Neb. Const. art. VIII, § 1. The "uniformity clause" of our state constitution provides that "[T]axes shall be levied by valuation uniformly and proportionately upon all real property and franchises . . . except as otherwise provided in or permitted by this Constitution."

The Nebraska Supreme Court has held that "further reading of article VII, § 1, makes it clear that only property taxes must be uniform and proportionate." State v. Galyen, 221 Neb. 497, 502, 378 N.W.2d 182, 186 (1985). A franchise tax based on or measured by the income of a corporation was not a property tax and could not violate the requirements of uniform and proportionate valuation in Neb. Const. art. VIII, § 1. Anderson v. Tiemann, 182 Neb. 393, 403-04, 155 N.W.2d 322, 329 (1967). See also Banks v. Heineman, 286 Neb. 390, 837 N.W.2d 70 (2013), in which the Court concluded that the scope of the uniformity clause and the scope of the commutation clause are the same such that neither apply to an excise tax.

While we note that the Nebraska Supreme Court has adopted a strict construction of our state's uniformity clause which may lead to a different result, courts of other jurisdictions have held that basing eligibility for an income tax credit on income level does not violate the uniformity clauses in those states' constitutions. For example, the Wisconsin Court of Appeals determined that a particular state statute, which authorized a farmland preservation credit, but limited eligibility for the tax credit by the amount of the claimant's household income, was constitutional in McManus v. Wisconsin Dept. of Revenue, 155 Wis. 2d 450, 455 N.W.2d 906 (1990). The Court explained that the purpose of the farmland preservation credit was "to provide credit to owners of farmland which is subject to agricultural use restrictions through a system of income tax credits and refunds . . . ." Id. at 456, 455 N.W.2d at 908. The taxpayers receiving the credit paid their property tax bill in full and could then apply for a credit against their income taxes if their income did not exceed a threshold amount. The Court held that the law was a relief statute and, therefore, not subject to the uniformity clause of the Wisconsin state constitution. See also Baker v. Matheson, 607 P.2d 233 (Utah 1979) in which the Utah Supreme Court held that a legislative act which allowed homeowners and renters to file claims for refunds of state general fund revenue violated neither the state constitution's uniformity clause nor the equal protection clause.

E. Commerce Clause.

This office has twice in the past year addressed whether legislation proposing an income tax credit based on a percentage of property taxes paid violated the Commerce Clause. Op. Att'y Gen. No. 18001 (March 21, 2018) and Op. Att'y Gen. No. 18004 (September 28, 2018). A portion of our
discussion of Commerce Clause principles relevant to analyzing the constitutionality of such legislation was as follows:

The Commerce Clause authorizes Congress to "regulate Commerce . . . among the several States." U.S. Const. art. I, § 8, cl. 3. "Though phrased as a grant of regulatory power to Congress, the Clause has long been understood to have a 'negative' aspect that denies the States the power unjustifiably to discriminate against or burden the interstate flow of articles in commerce." *Oregon Waste Systems, Inc. v. Dep't of Environmental Quality*, 511 U.S. 93, 98 (1994). This "negative command, known as the dormant Commerce Clause, prohibit[s] certain state taxation even when Congress has failed to legislate on the subject." *Oklahoma Tax Comm'n v. Jefferson Lines, Inc.*, 513 U.S. 175, 179 (1995) . . . . 

"[T]he first step in analyzing any law subject to judicial scrutiny under the negative Commerce Clause is to determine whether it 'regulates evenhandedly with only ''incidental'' effects on interstate commerce, or discriminates against interstate commerce.'" *Oregon Waste Systems, Inc.*, 511 U.S. at 99 (quoting *Hughes v. Oklahoma*, 441 U.S. 322, 336 (1979)) . . . . In assessing if a state tax impermissibly discriminates against interstate commerce, a court must consider not only the tax, but also any credits, exemptions, or exclusions.


Under LB 420, a refundable income tax credit may be available to both qualifying agricultural taxpayers and qualifying residential taxpayers. We will address separately those two classes of taxpayers in our discussion of the Commerce Clause. First, a "qualifying agricultural taxpayer" is defined at LB 420, § 3(3) as "an individual who owns agricultural land and horticultural land that is located in this state and that has been used as part of a farming operation which has federal adjusted gross income of less than three hundred fifty thousand dollars . . . ." This language makes no distinction based on residency. As we noted in both of the 2018 opinions cited above, taxpayers subject to Nebraska income tax can include both resident and nonresident individuals and entities. Resident individuals are taxed on their "entire net income," while nonresident individuals are taxed on income "derived from sources within" Nebraska. See Neb. Rev. Stat. § 77-2715(1) (Cum. Supp. 2016).

The language of LB 420 pertaining to qualifying agricultural taxpayers refers to taxpayers who own agricultural land in Nebraska, pay property taxes on that land, and engage in a farming operation which includes the use of that land. As was the case with LB 829, which we discussed in Op. Att'y Gen. No. 18001, the bill does not discriminate on its face against nonresidents subject to Nebraska income tax. To the extent that eligibility for the income tax credit is based on paying property taxes on real property in Nebraska and not the residency of the taxpayer, arguably there would be
no potential for improper discrimination against nonresidents who qualify for the "agricultural taxpayer" provisions of LB 420.

Looking at the effects of LB 420 on interstate commerce, and particularly on nonresidents, the question is whether it would negatively impact nonresidents who do not have income sourced to Nebraska and are thus not subject to income tax. They would receive no income tax credit despite paying property taxes in the state. If all taxpayers applying for the income tax credit are subject to Nebraska income tax due to being engaged in a farming operation in Nebraska, then both residents and nonresidents would be able to claim the income tax credit. However, if certain nonresident taxpayers who are eligible for the income tax credit are not subject to Nebraska income tax, as we recommended in Op. Att'y Gen. No. 18001 at 6, "a mechanism should be created to allow the credit to be claimed by those not otherwise subject to Nebraska income tax."

Turning to the provisions of LB 420 pertaining to "residential taxpayers", LB 420, § 3(4) defines a "qualifying residential taxpayer" as "an individual who owns or rents his or her principal residence in the State of Nebraska and who has federal adjusted gross income of less than one hundred thousand dollars for a married filing jointly taxpayer or fifty thousand dollars for any other taxpayer." This language might be said to implicate the Commerce Clause as it limits eligibility for the income tax credit to those taxpayers who own or rent their principal residence in the state. Section 5(2) then provides that the qualifying residential taxpayer must have "resided at the property described in the qualifying residential taxpayer's application for at least six months of the most recently completed taxable year . . . ."

In Op. Att'y Gen. No. 18001 at 7 we discussed a proposed homestead credit that would allow an income tax credit to residents who own a homestead, the term "homestead" generally meaning a residence occupied by an owner from January 1 through August 15 in each year. Neb. Rev. Stat. § 77-3502 (2009). In that opinion we cited three cases from other jurisdictions in which those courts reasoned that a homestead exemption based on ownership and use of the property as a permanent or primary residence, as opposed to the status of the owner as a resident or nonresident, does not violate the Commerce Clause. See, for example, Reinish v. Clark, 765 So. 2d 197 (Fla. Dist. Ct. App. 2000), in which the court found that a homestead exemption furthered a legitimate governmental purpose, the protection of the primary permanent home. "Like an exemption, an income tax credit based on status as an owner of a homestead, as opposed to resident or nonresident status, would not result in discriminatory treatment which would violate the Commerce Clause." Op. Att'y Gen. No. 18001 at 8.

We cited Baker v. Matheson, 607 P.2d 233 (Utah 1979), in section D., above, for its discussion of equal protection principles and the Utah state constitution's uniformity clause. We note here that the Utah Supreme Court, in Baker v. Matheson, also discussed whether the Utah law allowing certain homeowners and renters to file claims for refunds of state general fund
revenue, discriminated against nonresidents so as to violate the privileges and immunities clause of the U.S. Const., art. IV, § 2. That clause provides, "The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens of the several States."

The statutes at issue in *Baker v. Matheson* permitted the "owner of a dwelling" to receive payment based on a percentage of the property taxes paid and the "renter of a dwelling comprising a household" to receive payment based on a percentage of the rent paid during the prior year. A "dwelling" meant the "primary residence" of that owner or renter. The Act also required the eligible owners and renters to be a state resident for one year. Yet, the Court found no impermissible discrimination against nonresidents. "However, that requirement is based in part on the necessity of establishing a class of persons who, because of their residency in the State, have experienced the full impact of the evils with which the Legislature was attempting to cope. It was not aimed at excluding citizens of other states from the benefits of the Act." *Id.* at 247.

Similarly, an argument can be made that the income tax credit allowed to residential taxpayers under LB 420 is based on the ownership and occupancy of the property as a primary residence rather than the status of the owner or renter as a resident or nonresident. However, to the extent that an argument might also be made that the language of LB 420 specifically refers to "residential" taxpayers and bases eligibility to claim the credit on residency, demonstrating an intent to discriminate against nonresidents, you may wish to amend the bill to more specifically provide that the credit be based on ownership and occupancy of the property regardless of residency. In addition, it is unclear whether all "qualifying residential taxpayers" would have income sourced to Nebraska such that they would be subject to income tax here. As the income tax credit proposed by LB 420 is refundable, you may wish to create a mechanism to allow the credit to be claimed by those not otherwise subject to Nebraska income tax so as to avoid any potential impermissible discrimination.

**CONCLUSION**

Based upon the lengthy discussion of potential constitutional concerns above, we do not believe that LB 420 clearly contravenes any of those constitutional principles. However, in our view, the bill's provisions create some uncertainties as noted in this opinion.

Sincerely,

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

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3 Another possible alternative for financially assisting residential taxpayers, which might avoid any constitutional concerns, would be to grant a general homestead exemption under Neb. Const. art. VIII, § 2.
NOTICE OF COMMITTEE HEARING(S)
Agriculture
Room 1003
Tuesday, March 12, 2019 1:30 p.m.
Jeremy Jensen - State Fair Board
(Signed) Steve Halloran, Chairperson

COMMITTEE REPORT(S)
Judiciary

LEGISLATIVE BILL 300. Placed on General File.

LEGISLATIVE BILL 93. Placed on General File with amendment.
AM422
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 43-1411, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 43-1411  (1) A civil proceeding to establish the paternity of a
6 child may be instituted, in the court of the district where the child is
7 domiciled or found or, for cases under the Uniform Interstate Family
8 Support Act, where the alleged father is domiciled, by (a) (1) the mother
9 or the alleged father of such child, either during pregnancy or within
10 four years after the child's birth, unless (i) (1) a valid consent or
11 relinquishment has been made pursuant to sections 43-104.08 to 43-104.25
12 or section 43-105 for purposes of adoption or (ii) (1) a county court or
13 separate juvenile court has jurisdiction over the custody of the child or
14 jurisdiction over an adoption matter with respect to such child pursuant
15 to sections 43-101 to 43-116 or (b) (2) the guardian or next friend of
16 such child or the state, either during pregnancy or within eighteen years
17 after the child's birth. Summons shall issue and be served as in other
18 civil proceedings, except that such summons may be directed to the
19 sheriff of any county in the state and may be served in any county.
20 (2) Notwithstanding any other provision of law, a person claiming to
21 be the biological father of a child over which the juvenile court already
22 has jurisdiction may file a complaint to intervene in such juvenile
23 proceeding to institute an action to establish the paternity of the
24 child. The complaint to intervene shall be accompanied by an affidavit
under oath that the affiant believes he is the biological father of the juvenile. No filing fee shall be charged for filing the complaint and affidavit. Upon filing of the complaint and affidavit, the juvenile court shall enter an order pursuant to section 43-1414 to require genetic testing and to require the juvenile to be made available for genetic testing. The costs of genetic testing shall be paid by the intervenor, the county, or the state at the discretion of the juvenile court.

Sec. 2. Original section 43-1411, Reissue Revised Statutes of Nebraska, is repealed.

LEGISLATIVE BILL 206. Placed on General File with amendment. AM430

1 1. Strike the original sections and insert the following new sections:
3 Section 1. (1) For purposes of this section:
4 (a) Postsecondary educational institution means the University of Nebraska, a state college, or a community college;
6 (b) School-sponsored media means any material that is (i) prepared, substantially written, published, or broadcast by a student journalist at a postsecondary educational institution, (ii) distributed or generally made available to members of the student body, and (iii) prepared under the direction of a student media adviser. School-sponsored media does not include any media intended for distribution or transmission solely for the class in which the media is produced;
8 (c) Student journalist means a student at a postsecondary educational institution who gathers, compiles, writes, edits, photographs, records, or prepares information of a journalistic nature for dissemination in school-sponsored media; and
10 (d) Student media adviser means an individual employed, appointed, or designated by a postsecondary educational institution to supervise or provide instruction relating to school-sponsored media.
12 (2) (a) All school-sponsored media are deemed to be public forums. Subject to subsection (3) of this section, a student journalist has a right to exercise freedom of speech and of the press in school-sponsored media, regardless of whether the media is supported financially by the postsecondary educational institution, supported by the use of the facilities of such institution, or produced in conjunction with a class in which the student journalist is enrolled.
14 (b) Subject to subsection (3) of this section, each student journalist is responsible for determining the news, opinion, feature, sports, and advertising content such student produces for school-sponsored media. This subdivision shall not be construed to prevent a student media adviser from teaching professional standards of English and journalism to student journalists or ensuring that school-sponsored media adhere to prevailing journalistic ethical standards.
16 (3) This section does not authorize or protect expression by a student journalist that:
18 (a) Is libelous or slanderous;
20 (b) Constitutes an unwarranted invasion of privacy;
(c) Violates federal or state law;
(d) Departs from prevailing journalistic ethical standards; or
(e) So incites students as to create a clear and present danger of
(i) the commission of an unlawful act, (ii) a violation of the policies
of a postsecondary educational institution, or (iii) the material and
substantial disruption of the orderly operation of such institution.
(4) A student journalist shall not be disciplined for acting in
accordance with subsection (2) of this section.
(5) A student media adviser shall not be dismissed, suspended,
disciplined, reassigned, transferred, or otherwise retaliated against
for:
(a) Acting to protect a student journalist engaged in conduct under
subsection (2) of this section; or
(b) Refusing to infringe upon conduct that is protected by
subsection (2) of this section or the First Amendment to the Constitution
of the United States.
(6) No publication or other expression of matter by a student
journalist in the exercise of rights under this section shall be deemed
to be an expression of a postsecondary educational institution's policy.
Sec. 2. For purposes of this section:
(a) Public high school means any high school operated by a school
district;
(b) School-sponsored media means any material that is (i) prepared,
substantially written, published, or broadcast by a student journalist at
a public high school, (ii) distributed or generally made available to
members of the student body, and (iii) prepared under the direction of a
student media adviser. School-sponsored media does not include any media
intended for distribution or transmission solely for the class in which
the media is produced;
(c) Student journalist means a public high school student who
gathers, compiles, writes, edits, photographs, records, or prepares
information of a journalistic nature for dissemination in school-
sponsored media; and
(d) Student media adviser means an individual employed, appointed,
or designated by a public high school to supervise or provide instruction
relating to school-sponsored media.
(2)(a) All school-sponsored media are deemed to be public forums.
Subject to subsection (3) of this section, a student journalist has a
right to exercise freedom of speech and of the press in school-sponsored
media, regardless of whether the media is supported financially by the
public high school, supported by the use of the facilities of such
school, or produced in conjunction with a class in which the student
journalist is enrolled.
(b) Subject to subsection (3) of this section, each student
journalist is responsible for determining the news, opinion, feature,
sports, and advertising content such student produces for school-
sponsored media. This subdivision shall not be construed to prevent a
student media adviser from teaching professional standards of English and
journalism to student journalists or ensuring that school-sponsored media
29 adhere to prevailing journalistic ethical standards.
30 (3) This section does not authorize or protect expression by a
31 student journalist that:
1 (a) Is libelous or slanderous;
2 (b) Constitutes an unwarranted invasion of privacy;
3 (c) Violates federal or state law;
4 (d) Departs from prevailing journalistic ethical standards; or
5 (e) So incites students as to create a clear and present danger of
6 (i) the commission of an unlawful act or (ii) a violation of the policies
7 of a public high school that could cause the material and substantial
8 disruption of the orderly operation of such school.
9 (4) A student journalist shall not be disciplined for acting in
10 accordance with subsection (2) of this section.
11 (5) A student media adviser shall not be dismissed, suspended,
12 disciplined, reassigned, transferred, or otherwise retaliated against
13 for:
14 (a) Acting to protect a student journalist engaged in conduct under
15 subsection (2) of this section; or
16 (b) Refusing to infringe upon conduct that is protected by
17 subsection (2) of this section or the First Amendment to the Constitution
18 of the United States.
19 (6) No publication or other expression of matter by a student
20 journalist in the exercise of rights under this section shall be deemed
21 to be an expression of a public high school's policy.
22 (7) Public high schools and student media advisers shall make
23 efforts to utilize the resources and programs of state public and private
24 universities and colleges and of state professional journalism
25 organizations to obtain training and advice on mass media law and ethics
26 for student media advisers and student journalists.

LEGISLATIVE BILL 230. Placed on General File with amendment.
AM450
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 83-4,125, Revised Statutes Cumulative Supplement,
4 2018, is amended to read:
5 83-4,125 For purposes of sections 83-4,124 to 83-4,134.01 and
6 section 5 of this act:
7 (1) Criminal detention facility means any institution operated by a
8 political subdivision or a combination of political subdivisions for the
9 careful keeping or rehabilitative needs of adult or juvenile criminal
10 offenders or those persons being detained while awaiting disposition of
11 charges against them. Criminal detention facility does not include any
12 institution operated by the Department of Correctional Services. Criminal
13 detention facilities shall be classified as follows:
14 (a) Type I Facilities means criminal detention facilities used for
15 the detention of persons for not more than twenty-four hours, excluding
16 nonjudicial days;
17 (b) Type II Facilities means criminal detention facilities used for
18 the detention of persons for not more than ninety-six hours, excluding nonjudicial days; and
20 (c) Type III Facilities means criminal detention facilities used for the detention of persons beyond ninety-six hours;
22 (2) Juvenile detention facility means an institution operated by a political subdivision or political subdivisions for the secure detention and treatment of persons younger than eighteen years of age, including persons under the jurisdiction of a juvenile court, who are serving a sentence pursuant to a conviction in a county or district court or who are detained while waiting disposition of charges against them. Juvenile detention facility does not include any institution operated by the department;
23 (3) Juvenile facility means a residential child-caring agency as defined in section 71-1926, a juvenile detention facility or staff secure juvenile facility as defined in this section, a facility operated by the Department of Correctional Services that houses youth under the age of majority, or a youth rehabilitation and treatment center;
25 (4) Room confinement means the involuntary restriction of a juvenile placed alone in a cell, alone in a room, or alone in another area, including a juvenile's own room, except during normal sleeping hours, whether or not such cell, room, or other area is subject to video or other electronic monitoring; and
27 (5) Staff secure juvenile facility means a juvenile residential facility operated by a political subdivision (a) which does not include construction designed to physically restrict the movements and activities of juveniles who are in custody in the facility, (b) in which physical restriction of movement or activity of juveniles is provided solely through staff, (c) which may establish reasonable rules restricting ingress to and egress from the facility, and (d) in which the movements and activities of individual juvenile residents may, for treatment purposes, be restricted or subject to control through the use of intensive staff supervision. Staff secure juvenile facility does not include any institution operated by the department.
29 Sec. 2. Section 83-4,126, Revised Statutes Cumulative Supplement, 2018, is amended to read:
31 (1) Except as provided in subsection (2) of this section, the Jail Standards Board shall have the authority and responsibility:
33 (a) To develop minimum standards for the construction, maintenance, and operation of criminal detention facilities;
35 (b) To perform other duties as may be necessary to carry out the policy of the state regarding criminal detention facilities, juvenile detention facilities, and staff secure juvenile facilities as stated in sections 83-4,124 to 83-4,134.01 and section 5 of this act; and
37 (c) Consistent with the purposes and objectives of the Juvenile Services Act, to develop standards for juvenile detention facilities and staff secure juvenile facilities, including, but not limited to, standards for physical facilities, care, programs, and disciplinary procedures, and to develop guidelines pertaining to the operation of such facilities.
9 (2) The Jail Standards Board shall not have authority over or
10 responsibility for correctional facilities that are accredited by a
11 nationally recognized correctional association. A correctional facility
12 that is accredited by a nationally recognized correctional association
13 shall show proof of accreditation annually to the Jail Standards Board.
14 For purposes of this subsection, nationally recognized correctional
15 association includes, but is not limited to, the American Correctional
16 Association or its successor.
17 Sec. 3. Section 83-4,132, Revised Statutes Cumulative Supplement,
18 2018, is amended to read:
19 83-4,132 If an inspection under sections 83-4,124 to 83-4,134.01 and
20 section 5 of this act discloses that the criminal detention facility,
21 juvenile detention facility, or staff secure juvenile facility does not
22 meet the minimum standards established by the Jail Standards Board, the
23 board shall send notice, together with the inspection report, to the
24 governing body responsible for the facility. The appropriate governing
25 body shall promptly meet to consider the inspection report, and the
26 inspection personnel shall appear before the governing body to advise and
27 consult concerning appropriate corrective action. The governing body
28 shall then initiate appropriate corrective action within six months after
29 the receipt of such inspection report or may voluntarily close the
30 facility or the objectionable portion thereof.
31 Sec. 4. Section 83-4,134.01, Revised Statutes Cumulative Supplement,
1 2018, is amended to read:
2 83-4,134.01 (1) It is the intent of the Legislature to establish a
3 system of investigation and performance review in order to provide
4 increased accountability and oversight regarding the use of room
5 confinement for juveniles in a juvenile facility.
6 (2) The following shall apply regarding placement in room
7 confinement of a juvenile in a juvenile facility:
8 (a) Room confinement of a juvenile for longer than one hour during a
9 twenty-four-hour period shall be documented and approved in writing by a
10 supervisor in the juvenile facility. Documentation of the room
11 confinement shall include the date of the occurrence; the race,
12 ethnicity, age, and gender of the juvenile; the reason for placement of
13 the juvenile in room confinement; an explanation of why less restrictive
14 means were unsuccessful; the ultimate duration of the placement in room
15 confinement; facility staffing levels at the time of confinement; and any
16 incidents of self-harm or suicide committed by the juvenile while he or
17 she was isolated;
18 (b) If any physical or mental health clinical evaluation was
19 performed during the time the juvenile was in room confinement for longer
20 than one hour, the results of such evaluation shall be considered in any
21 decision to place a juvenile in room confinement or to continue room
22 confinement;
23 (c) The juvenile facility shall submit a report quarterly to the
24 Legislature on the juveniles placed in room confinement; the length of
25 time each juvenile was in room confinement; the race, ethnicity, age, and
26 gender of each juvenile placed in room confinement; facility staffing
levels at the time of confinement; and the reason each juvenile was
placed in room confinement. The report shall specifically address each
instance of room confinement of a juvenile for more than four hours,
including all reasons why attempts to return the juvenile to the general
population of the juvenile facility were unsuccessful. The report shall
also detail all corrective measures taken in response to noncompliance
with this section. The report shall redact all personal identifying
information but shall provide individual, not aggregate, data. The report
shall be delivered electronically to the Legislature. The initial
quarterly report shall be submitted within two weeks after the quarter
ending on September 30, 2016. Subsequent reports shall be submitted for
the ensuing quarters within two weeks after the end of each quarter; and
data collected pursuant to this section in order to assess the use of
room confinement for juveniles in each juvenile facility and prepare an
annual report of his or her findings, including, but not limited to,
identifying changes in policy and practice which may lead to decreased
use of such confinement as well as model evidence-based criteria to be
used to determine when a juvenile should be placed in room confinement.
The report shall be delivered electronically to the Legislature on an
annual basis; and
(3) The use of consecutive periods of room confinement to avoid the
intent or purpose of this section is prohibited.
Any juvenile facility which is not a residential child-
caring agency which fails to comply with the requirements of this section
is subject to disciplinary action as provided in section 83-4,134. Any
juvenile facility which is a residential child-caring agency which fails
to comply with the requirements of this section is subject to
disciplinary action as provided in section 71-1940.
Sec. 5. (1) This section applies to placement of a juvenile in room
confinement in the following facilities: A juvenile detention facility,
staff secure juvenile facility, facility operated by the Department of
Correctional Services or by any county that houses youth under the age of
majority, or youth rehabilitation and treatment center operated by the
Department of Health and Human Services.
(2) A juvenile shall not be placed in room confinement for any of
the following reasons:
(a) As a punishment or a disciplinary sanction;
(b) As a response to a staffing shortage; or
(c) As retaliation against the juvenile by staff;
(3) A juvenile shall not be placed in room confinement unless all
other less-restrictive alternatives have been exhausted and the juvenile
poses an immediate and substantial risk of harm to self or others.
(4) A juvenile may only be held in room confinement according to the
following conditions:
(a) A juvenile shall not be held in room confinement longer than the
minimum time required to eliminate the substantial and immediate risk of
harm to self or others and shall be released from room confinement as
soon as the substantial and immediate risk of harm to self or others is
resolved: and
(b) A juvenile shall only be held in room confinement for a period
that does not compromise or harm the mental or physical health of the
juvenile.
(5) Any juvenile placed in room confinement shall be released
immediately upon regaining sufficient control so as to no longer engage
in behavior that threatens substantial and immediate risk of harm to self
or others.
(6) Not later than one business day after the date on which a
facility places a juvenile in room confinement, the facility shall
provide notice of the placement in room confinement to the juvenile's
parent or guardian and the attorney of record for the juvenile;
(7) All rooms used for room confinement shall have adequate and
operating lighting, heating and cooling, and ventilation for the comfort
of the juvenile. Rooms shall be clean and resistant to suicide and self-
harm. Juveniles in room confinement shall have access to drinking water,
toilet facilities, hygiene supplies, and reading materials approved by a
licensed mental health professional.
(8) Juveniles in room confinement shall have the same access as
provided to juveniles in the general population of the facility to meals,
contact with parents or legal guardians, legal assistance, and access to
educational programming.
(9) Juveniles in room confinement shall have access to appropriate
medical and mental health services. Mental health staff shall promptly
provide mental health services as needed.
(10) Juveniles in room confinement shall be continuously monitored
by staff of the facility. Continuous monitoring may be accomplished
through regular in-person visits to the confined juvenile which may also
be supplemented by electronic video monitoring.
(11) The use of consecutive periods of room confinement to avoid the
intent and purpose of this section is prohibited.
(12) Nothing in this section shall be construed to authorize or
require the construction or erection of fencing or similar structures at
any facility, nor the imposition of non-rehabilitative approaches to
behavior management within any facility.
Sec. 6. Original sections 83-4,125, 83-4,126, 83-4,132, and
83-4,134.01, Revised Statutes Cumulative Supplement, 2018, are repealed.

LEGISLATIVE BILL 322. Placed on General File with amendment.
AM271
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 28-1419, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 28-1419 (1) Whoever shall sell, give, or furnish, in any way, any
6 tobacco in any form whatever, or any cigars, cigarettes, cigarette paper,
7 vapor products, or alternative nicotine products, to any minor under
8 eighteen years of age, is guilty of a Class III misdemeanor for each
9 offense.
(2)(a) In order to further the public policy of deterring licensees or other persons from violating subsection (1) of this section, a person who is at least fifteen years of age but under eighteen years of age may assist a peace officer in determining compliance with such subsection if:
(i) The parent or legal guardian of the person has given written consent for the person to participate in such compliance check;
(ii) The person is an employee, a volunteer, or an intern with a state or local law enforcement agency;
(iii) The person is acting within the scope of his or her assigned duties as part of a law enforcement investigation;
(iv) The person does not use or consume a tobacco product as part of such duties; and
(v) The person is not actively assigned to a diversion program, is not a party to a pending criminal proceeding or a proceeding pending under the Nebraska Juvenile Code, and is not on probation.

(b) Any person under the age of eighteen years acting in accordance with and under the authority of this subsection shall not be in violation of section 28-1427.

Sec. 2. Section 28-1427, Reissue Revised Statutes of Nebraska, is amended to read:

28-1427 Except as provided in subsection (2) of section 28-1419, any person under the age of eighteen years who shall obtain cigars, tobacco, cigarettes, cigarette material, vapor products, or alternative nicotine products from a licensee by representing that he or she is of the age of eighteen years or over is guilty of a Class V misdemeanor.

Sec. 3. Original sections 28-1419 and 28-1427, Reissue Revised Statutes of Nebraska, are repealed.

LEGISLATIVE BILL 390. Placed on General File with amendment.

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. The Legislature finds and declares that:
(1) Our public school children, faculty, and staff are entitled to be safe in schools when they attend school and study or work;
(2) Schools have an interest in keeping students safe;
(3) The interest of schools in keeping students safe may include the presence of school resource officers or security guards if a school district determines such resources are necessary to keep schools safe;
(4) Parents and guardians of students have a vested interest in being informed of school discipline matters involving their children and to be notified as soon as possible if their children are contacted in response to a possible law violation, questioned, searched, cited, or arrested by a peace officer working with school officials;
(5) A comprehensive and clear memorandum of understanding between law enforcement and school officials will delineate the roles and responsibilities of school resource officers, security guards, and school officials to balance the interests of safety for students and school staff in relation to parental rights, student success, and family
integrity, with the goal that an increased law enforcement presence at schools will not result in a disparate impact on students in federally identified demographic categories; and

(6) Schools have a duty to respond to and manage disciplinary issues. The primary role of school resource officers and security officers should be to enhance safety with the understanding that school resource officers also work to prevent and respond to law violations and serve as a community resource for students, parents, and school staff.

Sec. 2. For purposes of sections 1 to 4 of this act, unless the context otherwise requires:

(1) Department means the State Department of Education;

(2) Law enforcement agency means an agency or department of this state or of any political subdivision of this state that is responsible for the prevention and detection of crime, the enforcement of the penal, traffic, or highway laws of this state or any political subdivision of this state, and the enforcement of arrest warrants. Law enforcement agency includes a police department, an office of a town marshal, an office of a county sheriff, the Nebraska State Patrol, and any department to which a deputy state sheriff is assigned as provided in section 84-106;

(3) Peace officer has the same meaning as in section 28-109;

(4) School resource officer means any peace officer who is assigned, as his or her primary duty, to any school district to provide law enforcement and security services to any public elementary or secondary school and does not mean a peace officer responding to a call for service, providing proactive enforcement, providing law enforcement or traffic direction for a school-related event, or providing temporary services as a school resource officer when the assigned school resource officer is not available;

(5) Security agency means a contractor that employs security guards used by a school district; and

(6) Security guard means a person who is contracted or employed by a security agency to protect buildings and people and who does not have law enforcement authority or the power to arrest under any apparent authority in the jurisdiction where such person is contracted or employed as a security guard. A security guard may be an off-duty peace officer.

Sec. 3. (1) On or before December 1, 2019, the department shall develop and distribute a model memorandum of understanding that includes the policies required by section 4 of this act. Any law enforcement agency or security agency required to adopt a memorandum of understanding with a school district pursuant to this section that has not developed and adopted a different written memorandum of understanding shall adopt the model memorandum of understanding developed by the department.

(2) On and after January 1, 2021, any law enforcement agency which provides school resource officers and any security agency which provides security guards to schools in a school district shall have in effect the model memorandum of understanding or a different written memorandum of understanding with such school district as adopted by such law enforcement agency or security agency. Such different written memorandum
of understanding shall be substantially similar to the model memorandum
of understanding, shall include provisions in conformance with the
minimum standards set forth in the model memorandum of understanding, and
may include any other procedures and provisions the school district and
the law enforcement agency or security agency mutually deem appropriate.
(3) The superintendent of a school district required to adopt a
memorandum of understanding under this section shall, within three months
after its adoption, provide a copy of such memorandum of understanding to
the department or publicly post such memorandum of understanding on the
school district web site.
(4) On or before January 1, 2021, and each January 1 thereafter,
when any school district required to adopt a memorandum of understanding
under this section has made any change to its memorandum of
understanding, in conjunction with the law enforcement agency or security
agency, in the preceding year, the superintendent of such school district
shall provide an updated copy of such memorandum of understanding to the
department or publicly post such memorandum of understanding on the
school district web site.
Sec. 4. Each memorandum of understanding required by section 3 of
this act shall govern the use of school resource officers or security
guards and shall include, but not be limited to, policies that:
(1) Require each school resource officer or security guard to attend
a minimum of twenty hours of training focused on school-based law
enforcement, including, but not limited to, coursework focused on school
law, student rights, understanding special needs students and students
with disabilities, conflict de-escalation techniques, ethics for school
resource officers, teenage brain development, adolescent behavior,
implicit bias training, diversity and cultural awareness, trauma-informed
responses, and preventing violence in school settings;
(2) Require a minimum of one administrator in each elementary or
secondary school where a school resource officer or security guard is
assigned to attend a minimum of twenty hours of training focused on
school-based law enforcement, including, but not limited to, coursework
focused on school law, student rights, understanding special needs
students and students with disabilities, conflict de-escalation
techniques, ethics for school resource officers and security guards,
teenage brain development, adolescent behavior, implicit bias training,
diversity and cultural awareness, trauma-informed responses, and
preventing violence in school settings;
(3) Ensure records are kept on each student referral for prosecution
from a school resource officer in response to an incident occurring at
school, on school grounds, or at a school-sponsored event and ensure that
such records allow for analysis of related data and delineate:
(a) The reason for such referral; and
(b) Federally identified demographic characteristics of such
student;
(4) Identify school policies that address when a parent or guardian
will be notified or present, in a language that such parent or guardian
understands, if a student is subjected to questioning or interrogation by
29 a school official or by a school resource officer or security guard
30 operating in conjunction with a school official;
31 (5) Identify the school or law enforcement agency policies that
address under what circumstances a student will be advised of
1 constitution rights prior to being questioned or interrogated by a
2 school official or by a school resource officer or security guard
3 operating in conjunction with a school official;
5 (6) Identify the school policy required by section 79-262 that
6 addresses the type or category of student conduct or actions that will be
7 referred to law enforcement for prosecution and the type of student
8 conduct or actions that will be resolved as a disciplinary matter by a
9 school official and not subject to referral to law enforcement; and
10 (7) Identify a student and parent complaint process to express a
11 concern or file a complaint about a school resource officer or security
12 guard and the practices of such school resource officer or security guard
13 with the law enforcement agency or security agency.

LEGISLATIVE BILL 579. Placed on General File with amendment.
AM345 is available in the Bill Room.

(Signed) Steve Lathrop, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 224. Placed on Select File.
LEGISLATIVE BILL 16. Placed on Select File.

(Signed) Julie Slama, Chairperson

ANNOUNCEMENT

The Chair announced the birthday of Senator Gragert.

GENERAL FILE

LEGISLATIVE BILL 399. Senator Chambers renewed his motion, MO13,
found on page 570 and considered on page 574, to bracket until June 6,
2019.

Senator Slama offered the following motion:
MO15 Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Slama moved for a call of the house. The motion prevailed with 29
ayes, 1 nay, and 20 not voting.

Senator Slama requested a roll call vote on the motion to invoke cloture.
Voting in the affirmative, 42:

<table>
<thead>
<tr>
<th>Albrecht</th>
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<th>Hansen, B.</th>
<th>Lindstrom</th>
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<td>Halloran</td>
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<td>Pansing</td>
<td>Brooks</td>
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</tbody>
</table>

Voting in the negative, 3:

| Chambers | Hunt | Wayne |

Excused and not voting, 4:

| Cavanaugh | Howard | Vargas | Walz |

The Slama motion to invoke cloture prevailed with 42 ayes, 3 nays, and 4 excused and not voting.

Senator Chambers requested a roll call vote on the motion to bracket.

Voting in the affirmative, 1:

| Chambers |

Voting in the negative, 44:

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<tr>
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</table>

Excused and not voting, 4:

| Cavanaugh | Howard | Vargas | Walz |

The Chambers motion to bracket failed with 1 aye, 44 nays, and 4 excused and not voting.

Senator Chambers requested a roll call vote on the Moser amendment,
FA14, found on page 570, to the committee amendment.

Voting in the affirmative, 39:

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</table>

Voting in the negative, 1:

| Checking | 1. | Chambers |

Present and not voting, 5:


Excused and not voting, 4:


The Moser amendment was adopted with 42 ayes, 3 nays, and 4 excused and not voting.

Senator Chambers requested a roll call vote on the committee amendment, AM286, found on page 507 and considered on page 535, as amended.

Voting in the affirmative, 42:

<table>
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<tr>
<th>Checking</th>
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<td>70.</td>
<td>Lathrop</td>
<td>71.</td>
<td>Slama</td>
</tr>
</tbody>
</table>

Voting in the negative, 3:

| Checking | 3. | Chambers |

Excused and not voting, 4:

| Checking | 4. | Hunt | 5. | Wayne |

Senator Chambers requested a roll call vote on the committee amendment, AM286, found on page 507 and considered on page 535, as amended.
The committee amendment, as amended, was adopted with 42 ayes, 3 nays, and 4 excused and not voting.

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

Voting in the affirmative, 42:

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

Voting in the negative, 3:

Chambers       Hunt           Wayne

Excused and not voting, 4:

Cavanaugh      Howard         Vargas         Walz

Advanced to Enrollment and Review Initial with 42 ayes, 3 nays, and 4 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 309.** Title read. Considered.

Senator Chambers offered the following motion:

MO16
Bracket until June 6, 2019.

Pending.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL  7.** Placed on Final Reading.
**LEGISLATIVE BILL  55.** Placed on Final Reading.

**LEGISLATIVE BILL 146.** Placed on Final Reading.
The following changes, required to be reported for publication in the Journal, have been made:
1. On page 1, line 3, "time for acceptance of a" has been struck and "liability provisions for refusal to accept an acknowledged" inserted.

**LEGISLATIVE BILL 154.** Placed on Final Reading.
ST7

The following changes, required to be reported for publication in the Journal, have been made:
1. On page 1, line 2, "and children" has been inserted after "women".

**LEGISLATIVE BILL 264.** Placed on Final Reading.

(Signed) Julie Slama, Chairperson

**COMMITTEE REPORT(S)**
Enrollment and Review

**LEGISLATIVE BILL 116.** Placed on Select File.

**LEGISLATIVE BILL 145.** Placed on Select File with amendment.
ER37
1 1. On page 1, line 2, strike "section" and insert "sections 30-4020
2 and"; and in line 4 after the semicolon insert "to harmonize provisions;"
3 and strike "section" and insert "sections".

**LEGISLATIVE BILL 384.** Placed on Select File with amendment.
ER39
1 1. On page 2, line 24, strike "their" and insert "its".

**LEGISLATIVE BILL 660.** Placed on Select File with amendment.
ER38
1 1. On page 3, line 23, after the first "the" insert "executive"; and
2 in line 25 after "the" insert "executive".

**LEGISLATIVE BILL 660A.** Placed on Select File.
**LEGISLATIVE BILL 486.** Placed on Select File.

(Signed) Julie Slama, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**
Government, Military and Veterans Affairs

Room 1507

Wednesday, March 6, 2019 1:30 p.m.

LB211
LB163
THIRTY-FIRST DAY - FEBRUARY 26, 2019

LB83
LB711

Thursday, March 7, 2019 1:30 p.m.

LB267
LB336
LB543

(Signed) Tom Brewer, Chairperson

ANNOUNCEMENT(S)

Priority designation(s) received:

McCollister - LB284
Erdman - LB483

GENERAL FILE

LEGISLATIVE BILL 309. The Chambers motion, MO16, found in this
day's Journal, to bracket until June 6, 2019, was renewed.

SENATOR HUGHES PRESIDING

Pending.

COMMITTEE REPORT(S)

Revenue

LEGISLATIVE BILL 477. Placed on General File.

LEGISLATIVE BILL 512. Placed on General File with amendment.

AM423
1 1. Strike original sections 12, 15, and 26 and insert the following
2 new section:
3 Sec. 24. Sections 14 and 26 of this act become operative for all
4 taxable years beginning or deemed to begin on or after January 1, 2018,
5 under the Internal Revenue Code of 1986, as amended. Sections 15, 16, 17,
6 and 27 of this act become operative for all taxable years beginning or
7 deemed to begin on or after January 1, 2019, under the Internal Revenue
8 Code of 1986, as amended. The other sections of this act become operative
9 on their effective date.
10 2. On page 36, line 28, strike "77-414,"
11 3. Renumber the remaining sections accordingly.

(Signed) Lou Ann Linehan, Chairperson
NOTICE OF COMMITTEE HEARING(S)
Revenue
Room 1524

Wednesday, March 6, 2019 1:30 p.m.

LB720
LB419
LB413
LB417
LB613

(Signed) Lou Ann Linehan, Chairperson

COMMITTEE REPORT(S)
General Affairs

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

Todd Zohner - Nebraska Commission on Problem Gambling


(Signed) Tom Briese, Chairperson

AMENDMENT(S) - Print in Journal

Senator Geist filed the following amendment to LB142:
AM49
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 60-3301, Revised Statutes Cumulative Supplement,
4 2018, is amended to read:
5 60-3301 For purposes of sections 60-3301 to 60-3311 and section 6 of
6 this act, the following definitions apply:
7 (1) Automated driving system means the hardware and software that
8 are collectively capable of performing the entire dynamic driving task on
9 a sustained basis regardless of whether it is limited to a specific
10 operational design domain, if any;
11 (2) Automated-driving-system-equipped vehicle means a motor vehicle
12 equipped with an automated driving system;
13 (3) Automated driving system manufacturer means the manufacturer of
14 the automated driving system;
15 (4) Conventional human driver means a human person who manually
16 exercises in-vehicle braking, accelerating, steering, and transmission
17 gear selection input devices in order to operate a motor vehicle;
18 (5) (4) Department means the Department of Motor Vehicles;
19 (6) (5) Driverless-capable vehicle means a motor vehicle equipped
20 with an automated driving system capable of performing all aspects of the
21 dynamic driving task within its operational design domain, if any,
22 including achieving a minimal risk condition, without any intervention or
23 supervision by a conventional human driver;
24 (7) (6) Dynamic driving task means all of the real-time operational
25 and tactical functions required to operate a motor vehicle within its
26 specific operational design domain, if any, excluding the strategic
27 functions such as trip scheduling and selection of destinations and
1 waypoints;
2 (8) (7) Minimal risk condition means a reasonably safe state to
3 which an automated driving system brings an automated-driving-system-
4 equipped vehicle upon experiencing a performance-related failure of the
5 vehicle's automated driving system that renders the vehicle unable to
6 perform the entire dynamic driving task, such as bringing the vehicle to
7 a complete stop and activating the hazard lamps;
8 (9) (8) On-demand driverless-capable vehicle network means a
9 transportation service network that uses a software application or other
10 digital means to dispatch driverless-capable vehicles for purposes of
11 transporting persons or goods, including for-hire transportation,
12 transportation for compensation, and public transportation; and
13 (10) (9) Operational design domain means a description of the
14 specific operating domain in which an automated driving system is
15 designed to properly operate, including, but not limited to, roadway
16 types, speed range, environmental conditions such as weather and time of
17 day, and other domain constraints.
18 Sec. 2. Section 60-3304, Revised Statutes Cumulative Supplement,
19 2018, is amended to read:
20 60-3304 Before an automated-driving-system-equipped vehicle may
21 operate on the public roads of this state, (1) the vehicle manufacturer
22 as defined in section 60-1401.24 and the automated driving system
23 manufacturer shall provide evidence to the department of ability to
24 respond to damages for liability in the amount of at least five million
25 dollars, to include minimum coverage of one million dollars per vehicle
26 per occurrence, and (2) a person shall submit proof of financial
27 responsibility satisfactory to the department that the automated-driving-
28 system-equipped vehicle is covered by insurance or proof of self-
29 insurance that satisfies the requirements of the Motor Vehicle Safety
30 Responsibility Act.
31 Sec. 3. Section 60-3308, Revised Statutes Cumulative Supplement,
1 2018, is amended to read:
2 60-3308 (1) Automated-driving-system-equipped vehicles and automated
3 driving systems are governed exclusively by sections 60-3301 to 60-3311
4 and section 6 of this act. The department is the sole and exclusive state
5 agency that may implement sections 60-3301 to 60-3311 and section 6 of
6 this act.
7 (2) The state or any political subdivision shall not impose
8 requirements, including performance standards, specific to the operation
9 of automated-driving-system-equipped vehicles, automated driving systems,
10 or on-demand driverless-capable vehicle networks in addition to the
11 requirements of sections 60-3301 to 60-3311 and section 6 of this act.
12 (3) The state or any political subdivision thereof shall not impose
13 a tax or other requirements on an automated-driving-system-equipped
14 vehicle, an automated driving system, or an on-demand driverless-capable
15 vehicle network, where such tax or other requirements relate specifically
16 to the operation of automated-driving-system-equipped vehicles.
17 Sec. 4. Section 60-3309, Revised Statutes Cumulative Supplement,
18 2018, is amended to read:
19 60-3309 Nothing in sections 60-3301 to 60-3311 and section 6 of this
20 act shall be construed to require the State of Nebraska or any political
21 subdivision thereof to plan, design, construct, maintain, or modify any
22 highway, as defined in section 60-624, for the accommodation of an
23 automated-driving-system-equipped vehicle or a driverless-capable
24 vehicle.
25 Sec. 5. Section 60-3310, Revised Statutes Cumulative Supplement,
26 2018, is amended to read:
27 60-3310 Nothing in sections 60-3301 to 60-3311 and section 6 of this
28 act shall be construed to provide greater liability than is already
29 allowed under the Political Subdivisions Tort Claims Act or the State
30 Tort Claims Act.
31 Sec. 6. Whenever a conventional human driver is in a motor vehicle
1 during its use, the conventional human driver shall be deemed to be in
2 control of the vehicle's operations, unless the automated driving system
3 is engaged.
4 When the automated driving system of the automated-driving-system-
5 equipped vehicle is engaged at the time of a crash or collision, the
6 automated driving system manufacturer shall be deemed to have been
7 operating the vehicle unless the system has been modified by a third
8 party.
9 Sec. 7. Original sections 60-3301, 60-3304, 60-3308, 60-3309, and
10 60-3310, Revised Statutes Cumulative Supplement, 2018, are repealed.

GENERAL FILE

LEGISLATIVE BILL 309. The Chambers motion, MO16, found in this
day's Journal, to bracket until June 6, 2019, was renewed.

SPEAKER SCHEER PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with
16 ayes, 1 nay, and 32 not voting.

Senator Chambers requested a roll call vote on the motion to bracket.

Voting in the affirmative, 1:
Groene

Voting in the negative, 45:

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<td>Pansing Brooks</td>
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</tr>
</tbody>
</table>

Present and not voting, 3:

| Chambers | Erdman | Friesen |

The Chambers motion to bracket failed with 1 aye, 45 nays, and 3 present
and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO17
Reconsider the vote taken to bracket.

Pending.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 254.** Placed on Select File with amendment.

ER40

1 In the B. Hansen amendment, AM384, on page 1, line 16, after
2 "tribe" insert an underscored comma; and after line 25 insert "and".

3 2. On page 1, strike beginning with "amend" in line 1 through
4 "section" in line 5 and insert "adopt the Fair Chance Hiring Act".

**LEGISLATIVE BILL 361.** Placed on Select File.

(Signed) Julie Slama, Chairperson
NOTICE OF COMMITTEE HEARING(S)
Appropriations

Room 1524

Tuesday, March 5, 2019 1:30 p.m.
Agency 48 - Coordinating Commission for Postsecondary Education
Agency 50 - Nebraska State College System
Agency 83 - Community College Aid

Room 1003

Wednesday, March 6, 2019 1:30 p.m.
LB174
LB446
LB703
Agency 78 - Nebraska Commission on Law Enforcement and Criminal Justice
Agency 21 - State Fire Marshal
Agency 35 - Liquor Control Commission, Nebraska
Agency 76 - Indian Commission, Nebraska
Agency 40 - Motor Vehicle Licensing Board, Nebraska
Agency 24 - Motor Vehicles, Department

Thursday, March 7, 2019 1:30 p.m.
Agency 81 - Commission for the Blind and Visually Impaired
Agency 82 - Commission for the Deaf and Hard of Hearing
Agency 67 - Equal Opportunity Commission
Agency 68 - Latino-American Commission
Agency 70 - Foster Care Review Board, State

(Signed) John Stinner, Chairperson

AMENDMENT(S) - Print in Journal

Senator La Grone filed the following amendment to LB309:
AM471

1 1. Insert the following new sections:
2 Section 1. The state shall annually reimburse counties for costs
3 incurred in the operating budgets of county courts, including supplies,
4 court costs, attorney's fees, and equipment, including computers.
5 Sec. 2. The state shall annually reimburse counties for costs
6 related to district courts, including expenditures for:
7 (1) Law clerks and bailiffs, including their health and dental
8 insurance;
9 (2) Appointment of counsel:
Sec. 3. The state shall annually reimburse counties for costs incurred in the operating budgets of juvenile courts, including for:
1. Bailiffs, file clerks, part-time receptionists;
2. Appointment of counsel;
3. Evaluations; and
4. Supplies.

Sec. 4. The state shall annually reimburse counties for costs incurred in providing courtroom facilities for county, juvenile, and district courts, including the costs for utilities and custodial services.

Sec. 5. The state shall annually reimburse counties for costs incurred in providing courtroom security for county, juvenile, and district courts, including for sworn deputies, civilian security officers, and security equipment.

2. Renumber the remaining sections accordingly.

Senator La Grone filed the following amendment to LB309:

AM477

1. Insert the following new section:

Sec. 7. Section 24-350, Reissue Revised Statutes of Nebraska, is amended to read:

24-350 The judge of the district court may, if the business of the court requires, appoint a bailiff or bailiffs. In counties having more than sixty thousand inhabitants, bailiffs shall be appointed and shall hold office for a term of one year unless sooner removed by the appointing judge. In counties having not more than sixty thousand inhabitants, the appointment shall continue only so long as is necessary. Bailiffs shall receive for their services either (a) an annual salary in an amount to be fixed by the county board, payable in monthly installments from the county general fund, or (b) a per diem in an amount to be fixed by the county board, payable monthly from the county general fund.

2. On page 1, line 26, after "sections" insert "and correct the repealer".

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator La Grone name added to LB147.
Senator Albrecht name added to LB462.
Senator Hunt name added to LB611.
VISITOR(S)

Visitors to the Chamber were Katie Ziegler from the National Conference of State Legislatures; and members of the AFL-CIO from across the state.

The Doctor of the Day was Dr. Dale Agner from Papillion.

ADJOURNMENT

At 11:48 a.m., on a motion by Senator Linehan, the Legislature adjourned until 9:00 a.m., Wednesday, February 27, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
THIRTY-SECOND DAY - FEBRUARY 27, 2019

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

THIRTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 27, 2019

PRAYER

The prayer was offered by Pastor Jonathan Painter, Lincoln Baptist Church.

ROLL CALL

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

The roll was called and all members were present except Senator Kolterman who was excused; and Senators Cavanaugh, Hunt, Linehan, and Vargas who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-first day was approved.

ANNOUNCEMENT(S)

Priority designation(s) received:

Linehan - LB670

NOTICE OF COMMITTEE HEARING(S)

Judiciary

Warner Chamber

Wednesday, March 27, 2019 1:30 p.m.

Don Arp Jr. - Nebraska Crime Commission

(Signed) Steve Lathrop, Chairperson
Wednesday, March 6, 2019 1:00 p.m.
Office of Inspector General of Nebraska Child Welfare and Foster Care Review Board Briefing

Wednesday, March 6, 2019 1:30 p.m.
LB59
LB518

Thursday, March 7, 2019 1:00 p.m.
Child Welfare Briefing

Thursday, March 7, 2019 1:30 p.m.
Lynette Kramer - Nebraska Rural Health Advisory Commission
LB460
LB328
LB332

Wednesday, March 13, 2019 1:30 p.m.
Laeth Nasir - Nebraska Rural Health Advisory Commission
LB654
LB541
LB559

Thursday, March 14, 2019 1:00 p.m.
Division of Public Health Briefing

Thursday, March 14, 2019 1:30 p.m.
Roger A. Wells - Nebraska Rural Health Advisory Commission
LB62
LB555
LB692

Friday, March 15, 2019 1:30 p.m.
Rebecca A. Schroeder - Nebraska Rural Health Advisory Commission
LB653
LB528
Wednesday, March 20, 2019 1:00 p.m.

Randy Boldt - Board of Emergency Medical Services
John Bonta - Board of Emergency Medical Services
Karen Bowlin - Board of Emergency Medical Services
Ann Fiala - Board of Emergency Medical Services
Michael Miller - Board of Emergency Medical Services
Carl Rennerfeldt - Board of Emergency Medical Services

Wednesday, March 20, 2019 1:30 p.m.

LB135
LB701
LB347

Thursday, March 21, 2019 1:00 p.m.

Dannette R. Smith - Department of Health and Human Services

Thursday, March 21, 2019 1:30 p.m.

LB629
LB735

Wednesday, March 27, 2019 1:00 p.m.

Health Care Cash Fund Briefing

Wednesday, March 27, 2019 1:30 p.m.

LB244
LB499

(Signed) Sara Howard, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator Walz filed the following amendment to LB449:

AM349

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 38-178, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 38-178 Except as otherwise provided in sections 38-1,119 to
6 38-1,123, a credential to practice a profession may be denied, refused
7 renewal, or have other disciplinary measures taken against it in
8 accordance with section 38-185 or 38-186 on any of the following grounds:
9 (1) Misrepresentation of material facts in procuring or attempting
10 to procure a credential;
11 (2) Immoral or dishonorable conduct evidencing unfitness to practice
12 the profession in this state;
13 (3) Abuse of, dependence on, or active addiction to alcohol, any
14 controlled substance, or any mind-altering substance;
15 (4) Failure to comply with a treatment program or an aftercare
16 program, including, but not limited to, a program entered into under the
17 Licensee Assistance Program established pursuant to section 38-175;
18 (5) Conviction of (a) a misdemeanor or felony under Nebraska law or
19 federal law, or (b) a crime in any jurisdiction which, if committed
20 within this state, would have constituted a misdemeanor or felony under
21 Nebraska law and which has a rational connection with the fitness or
22 capacity of the applicant or credential holder to practice the
23 profession;
24 (6) Practice of the profession (a) fraudulently, (b) beyond its
25 authorized scope, (c) with gross incompetence or gross negligence, or (d)
26 in a pattern of incompetent or negligent conduct;
27 (7) Practice of the profession while the ability to practice is
1 impaired by alcohol, controlled substances, drugs, mind-altering
2 substances, physical disability, mental disability, or emotional
3 disability;
4 (8) Physical or mental incapacity to practice the profession as
5 evidenced by a legal judgment or a determination by other lawful means;
6 (9) Illness, deterioration, or disability that impairs the ability
7 to practice the profession;
8 (10) Permitting, aiding, or abetting the practice of a profession or
9 the performance of activities requiring a credential by a person not
10 credentialed to do so;
11 (11) Performing or offering to perform scleral tattooing as defined
12 in section 4 of this act by a person not credentialed to do so;
13 (12) Having had his or her credential denied, refused renewal,
14 limited, suspended, revoked, or disciplined in any manner similar to
15 section 38-196 by another state or jurisdiction based upon acts by the
16 applicant or credential holder similar to acts described in this section;
17 (13) Use of untruthful, deceptive, or misleading statements in
18 advertisements, including failure to comply with section 38-124;
19 (14) Conviction of fraudulent or misleading advertising or
20 conviction of a violation of the Uniform Deceptive Trade Practices Act;
21 (15) Distribution of intoxicating liquors, controlled
22 substances, or drugs for any other than lawful purposes;
23 (16) Violations of the Uniform Credentialing Act or the rules
24 and regulations relating to the particular profession;
25 (17) Unlawful invasion of the field of practice of any
26 profession regulated by the Uniform Credentialing Act which the
27 credential holder is not credentialed to practice;
28 (18) Violation of the Uniform Controlled Substances Act or any
29 rules and regulations adopted pursuant to the act;
30 (19) Failure to file a report required by section 38-1,124,
31 38-1,125, or 71-552;
1 (20) Failure to maintain the requirements necessary to obtain a
2 credential;
3 (21) (20) Violation of an order issued by the department;
4 (22) (21) Violation of an assurance of compliance entered into under
5 section 38-1,108;
6 (23) (22) Failure to pay an administrative penalty;
7 (24) (23) Unprofessional conduct as defined in section 38-179; or
9 Sec. 2. Section 38-180, Reissue Revised Statutes of Nebraska, is
10 amended to read:
11 38-180 For purposes of subdivision (12) (11) of section 38-178, a
12 certified copy of the record of denial, refusal of renewal, limitation,
13 suspension, or revocation of a license, certificate, registration, or
14 other similar credential or the taking of other disciplinary measures
15 against it by another state or jurisdiction shall be conclusive evidence
16 of a violation.
17 Sec. 3. Section 38-1001, Revised Statutes Cumulative Supplement,
18 2018, is amended to read:
19 38-1001 Sections 38-1001 to 38-10,171 and section 4 of this act
20 shall be known and may be cited as the Cosmetology, Electrology,
21 Esthetics, Nail Technology, and Body Art Practice Act.
22 Sec. 4. (1) For purposes of this section, scleral tattooing means
23 the practice of using needles, scalpels, or other related equipment to
24 produce an indelible mark or figure on the human eye by scarring or
25 inserting a pigment on, in, or under:
26 (a) The fornix conjunctiva;
27 (b) The bulbar conjunctiva;
28 (c) The ocular conjunctiva; or
29 (d) Another ocular surface.
30 (2) Except as provided in subsection (3) of this section, a person
31 shall not perform or offer to perform scleral tattooing on another
1 person.
2 (3) This section does not apply to a person licensed to practice
3 medicine and surgery or osteopathic medicine and surgery pursuant to the
4 Uniform Credentialing Act when the licensee is performing a procedure
5 within the scope of her or his practice.
6 (4) In addition to the remedies authorized in section 38-140 or
7 38-1,124, a person who performs scleral tattooing without being
8 authorized to do so under the Uniform Credentialing Act shall be subject
9 to a civil penalty not to exceed ten thousand dollars for each violation.
10 If a violation continues after notification, this constitutes a separate
11 offense. The civil penalties shall be assessed in a civil action brought
12 for such purpose by the Attorney General in the district court of the
13 county in which the violation occurred. Any civil penalty assessed and
14 unpaid under this section shall constitute a debt to the State of
15 Nebraska which may be collected in the manner of a lien foreclosure or
16 sued for and recovered in any proper form of action in the name of the
17 State of Nebraska in the district court of the county in which the
18 violator resides or owns property. The department may also collect in
19 such action attorney's fees and costs incurred in the collection of the
20 civil penalty. The department shall, within thirty days after receipt,
21 transmit any collected civil penalty to the State Treasurer to be
disposed of in accordance with Article VII, section 5, of the
Constitution of Nebraska.
24 Sec. 5. Section 38-2894, Reissue Revised Statutes of Nebraska, is
amended to read:
26 38-2894 (1) A registration to practice as a pharmacy technician may
be denied, refused renewal, removed, or suspended or have other
disciplinary measures taken against it by the department, with the
recommendation of the board, for failure to meet the requirements of or
for violation of any of the provisions of subdivisions (1) through (18)
and (20) through (24) of section 38-178 and sections
1 38-2890 to 38-2897 or the rules and regulations adopted under such
2 sections.
3 (2) If the department proposes to deny, refuse renewal of, or remove
or suspend a registration, it shall send the applicant or registrant a
notice setting forth the action to be taken and the reasons for the
determination. The denial, refusal to renew, removal, or suspension shall
become final thirty days after mailing the notice unless the applicant or
registrant gives written notice to the department of his or her desire
for an informal conference or for a formal hearing.
10 (3) Notice may be served by any method specified in section
11 25-505.01, or the department may permit substitute or constructive
12 service as provided in section 25-517.02 when service cannot be made with
13 reasonable diligence by any of the methods specified in section
14 25-505.01.
15 (4) Pharmacy technicians may participate in the Licensee Assistance
16 Program described in section 38-175.
17 Sec. 6. Original sections 38-178, 38-180, and 38-2894, Reissue
18 Revised Statutes of Nebraska, and section 38-1001, Revised Statutes
19 Cumulative Supplement, 2018, are repealed.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 27. Introduced by Scheer, 19.

WHEREAS, on March 2, 2019, the NEBRASKAland Foundation will
present the Distinguished NEBRASKAlander Award, recognizing
Nebraskans who have distinguished themselves and the state, to Jennifer and
Ray O'Connor at the annual Statehood Day Dinner held in the Nebraska
State Capitol; and
WHEREAS, Jennifer and Ray O'Connor have transformed Central
Nebraska, particularly the Highway 281 corridor in and around Grand
Island, into an economic force with amenities that attract talent and business
to the area. Ray's vision and planning abilities are only exceeded by his
genuine humility and generosity. Ray has resurrected motels, restaurants,
and storefronts from near failure to fabulous success. Jennifer's tireless
volunteer work with local charitable organizations is renowned; and
WHEREAS, Jennifer graduated from Grand Island Senior High School and from the University of Nebraska at Kearney with a Bachelor of Science in business administration; and

WHEREAS, Ray graduated from Bishop Heelan Catholic High School in Sioux City, Iowa, and attended Wayne State College before enlisting in the U.S. Army to serve in Vietnam, returning to finish college and earn a Master of Social Work degree at the University of Nebraska-Lincoln; and

WHEREAS, Jennifer and Ray met in Grand Island where she served as recreation director at the Grand Island Veterans Home. They married in 1975, forming a formidable team; and

WHEREAS, Ray succeeded in founding the Olympic Village Shoe Store, rehabilitating a failing Wendy's restaurant and turning it into the 8th best Wendy's in the world, partnering in other restaurants, and creating a thriving real estate business; and

WHEREAS, Jennifer has served her community as a trustee for the Catholic Diocese of Grand Island and volunteers extensively to organize and raise funds to make the State Fair in Grand Island a great success; and

WHEREAS, Ray has served his community through the Grand Island Economic Development Corporation, Heartland Event Center, the Grow Grand Island Initiative, Central Community College Foundation, the Grand Island Chamber of Commerce, and the Hall County Convention and Visitors Bureau; and

WHEREAS, Jennifer and Ray have three children, Ryan, Sean, and Kelli, and six grandchildren.

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

1. That the Legislature congratulates Jennifer and Ray O'Connor as recipients of the Distinguished NEBRASKAlander Award and extends its appreciation for their service to the State of Nebraska.

2. That a copy of this resolution be sent to Jennifer and Ray O'Connor.

Laid over.

LEGISLATIVE RESOLUTION 28. Introduced by Scheer, 19.

WHEREAS, on March 2, 2019, the NEBRASKAland Foundation will present the Distinguished NEBRASKAlander Award, recognizing Nebraskans who have distinguished themselves and the state, to Ernest "Ernie" Weyeneth at the annual Statehood Day Dinner held in the Nebraska State Capitol; and

WHEREAS, Ernie Weyeneth uses his financial investment expertise in many ways to serve Nebraska. Most notable is his leadership of the Richard P. Kimmel and Laurine Kimmel Charitable Foundation and his membership on the University of Nebraska Foundation Board of Trustees; and

WHEREAS, Ernie was born in McCook and raised on the farm, attended a country school before moving to McCook and graduating from McCook High School and McCook Community College. At the University of
Nebraska at Lincoln he earned a bachelor's degree in business administration with an emphasis in finance; and
WHEREAS, Ernie is a Vietnam veteran. He served in the United States Navy as a Hospital Corpsman and later in the U.S. Marine Corps, Second Marine Air Wing, as a Corpsman; and
WHEREAS, Ernie has worked in the investment business for over 45 years leading to his current position as Portfolio Manager and Senior Vice President at Stifel Financial; and
WHEREAS, Ernie has served as the President of the Richard P. Kimmel and Laurine Kimmel Charitable Foundation since 1986, directing programs and awarding grants emphasizing education, agriculture, art, and the humanities in Nebraska. In addition, the Foundation operates the Kimmel Harding Nelson Center for the Arts, an artist residency center in Nebraska City; and
WHEREAS, Ernie created the Kimmel Orchard and Vineyard Educational Foundation in 2011. The Foundation operates the historic Kimmel Orchard in Nebraska City, which was founded in 1925. The Foundation is dedicated to agricultural education research and historic preservation and provides a wholesome family experience. The Orchard also has a long-standing partnership with the University of Nebraska; and
WHEREAS, Ernie belongs to several civic and philanthropic organizations including the University of Nebraska Foundation Board of Trustees, the Optimist Club of Lincoln, the American Legion Post 276, Danbury, Nebraska, and is a member of First Plymouth Congregational Church. Over the years Ernie has received numerous recognitions and awards for both his professional work and civic involvement; and
WHEREAS, family has always been important to Ernie who has two sons, Len and Phil, and five grandsons.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates Ernie Weyeneth as a recipient of the Distinguished NEBRASKAlander Award and extends its appreciation for his service to the State of Nebraska.
2. That a copy of this resolution be sent to Ernie Weyeneth.

Laid over.

LEGISLATIVE RESOLUTION 29. Introduced by Scheer, 19.

WHEREAS, on March 2, 2019, the NEBRASKAland Foundation will present the Distinguished NEBRASKAlander Award, recognizing Nebraskans who have distinguished themselves and the state, to Dr. Sara Brandes Crook at the annual Statehood Day Dinner held in the Nebraska State Capitol; and
WHEREAS, Dr. Crook grew up on a Nebraska farm, attended a country church and a one-room school where she developed a deep appreciation for Nebraska and its people; and
WHEREAS, Dr. Crook is a graduate of the University of Nebraska and has taught Nebraska history and political science since 1984 as a professor at Peru State College, Nebraska's first college; and
WHEREAS, Dr. Crook has performed her program, "Nebraska's Winding Road to Statehood: In the Footsteps of a Female Settler", over 50 times as part of the Humanities Nebraska Speaker's Bureau; and
WHEREAS, Dr. Crook co-founded the Trails and Tales program, a history course for undergraduate and graduate students in education that includes travel to visit historic Nebraska sites; and
WHEREAS, Dr. Crook is the founder of the District History Day program at Peru State College and has served as the program's director for 33 years; and
WHEREAS, Dr. Crook is an active member in the Nebraska City community and on the campus of Peru State College making local foundations, boards, and civic organizations a priority; and
WHEREAS, Dr. Crook served six years on the Nebraska State Historical Society Board of Directors, two of those years as President, and served six years on the Board for Humanities Nebraska, including one year as Chair; and
WHEREAS, Dr. Crook has served on the Nebraska Hall of Fame Commission since 2009 and is currently working to place a Willa Cather statue at the U.S. Capitol Building in Washington, D.C.; and
WHEREAS, Dr. Crook was elected chair of the Nebraska Sesquicentennial Commission that organized and directed the year-long celebration of Nebraska's 150th anniversary of statehood in 2017; and
WHEREAS, Dr. Crook has received several honors including the P.E.O. Scholar Award, the Teaching Excellence Award from Peru State College, the Teaching Excellence Award from the Nebraska State College system, the 2002-2004 Honors Chair in the Humanities, and Addison Sheldon Memorial Award from the Nebraska State Historical Society; and
WHEREAS, Dr. Crook has lived on a farm in Otoe County with her husband John for the last 34 years. They have two daughters, two sons-in-law, and one granddaughter.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates Dr. Sara Brandes Crook as a recipient of the Distinguished NEBRASKAlander Award and extends its appreciation for her service to the State of Nebraska.
2. That a copy of this resolution be sent to Dr. Sara Brandes Crook.

Laid over.

LEGISLATIVE RESOLUTION 30. Introduced by Stinner, 48.

WHEREAS, Vera Dulaney served as the Scotts Bluff County Clerk for thirty-six years before retiring in 2018; and
WHEREAS, Vera facilitated the election process in Scotts Bluff County, where voter turnout peaked at seventy-two percent and reached sixty-one percent in a presidential election; and
WHEREAS, Vera was a faithful public servant possessing exceptional institutional knowledge and striving to protect the integrity of elections; and
WHEREAS, Vera also served her community through the West Nebraska Arts Center, the Western and Wildlife Art Show, and as an Oregon Trail Days board member for more than thirty years; and
WHEREAS, Vera received many awards throughout her life including the Community Volunteer Award for Public Service; and
WHEREAS, Vera continues to serve as a mentor for others and advocate for community involvement.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature expresses its appreciation to Vera Dulaney for her service and dedication to Scotts Bluff County.
2. That the Legislature congratulates Vera Dulaney on her retirement.
3. That a copy of this resolution be sent to Vera Dulaney.

Laid over.

LEGISLATIVE RESOLUTION 31. Introduced by Stinner, 48.

WHEREAS, Paul Garcia and Devontae Gutierrez, students on the Scottsbluff High School wrestling team, each captured a first place finish during the 2019 Class B State Wrestling Championship. Paul, a sophomore, won the title in the 113-pound division. Devontae, a senior, won the title in the 145-pound division; and
WHEREAS, Quinton Chavez, a student on the Gering High School wrestling team, captured a first place finish at the 2019 Class B State Wrestling Championship. Quinton, a sophomore, won the title in the 106-pound division; and
WHEREAS, with these first place finishes, Paul and Devontae helped their team finish in the top ten, and Quinton helped his team finish in the top twenty at state; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates Paul Garcia, Devontae Gutierrez, and Quinton Chavez on their state wrestling championships.
2. That copies of this resolution be sent to Paul Garcia, Devontae Gutierrez, and Quinton Chavez.

Laid over.
BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 430. With Emergency Clause.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1022, 79-1022.02, 79-1023, 79-1027, and 79-1031.01, Revised Statutes Cumulative Supplement, 2018; to change the determination and certification dates relating to the distribution of aid, certification of certain budget limitations as prescribed, and duties of the Appropriations Committee of the Legislature; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Excused and not voting, 5:

Cavanaugh Hunt Kolterman Linehan Vargas

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LB430.

GENERAL FILE

LEGISLATIVE BILL 155. Title read. Considered.

Pending.
ANNOUNCEMENT

Pursuant to Rule 8, Sec. 3, the Appropriations Committee presented its preliminary report on February 27, 2019, summarizing the recommended appropriations for the following biennium.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 27, 2019, at 9:15 a.m. was the following: LB430e.

(Signed) Laura Gerkin
Clerk of the Legislature's Office

COMMITTEE REPORT(S)
Banking, Commerce and Insurance

LEGISLATIVE BILL 603. Placed on General File.

(Signed) Matt Williams, Chairperson

NOTICE OF COMMITTEE HEARING(S)
Revenue
Room 1524

Thursday, March 7, 2019 1:30 p.m.

LB279
LB670

(Signed) Lou Ann Linehan, Chairperson

Natural Resources
Room 1525

Wednesday, March 6, 2019 1:30 p.m.

Mary L. Mercure - Niobrara Council
Michael S. Thede - Nebraska Ethanol Board
LB700

Thursday, March 7, 2019 1:30 p.m.

LB367

(Signed) Dan Hughes, Chairperson
COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL   22. Placed on Final Reading.
LEGISLATIVE BILL   60. Placed on Final Reading.
LEGISLATIVE BILL   74. Placed on Final Reading.
LEGISLATIVE BILL  111. Placed on Final Reading.
LEGISLATIVE BILL  200. Placed on Final Reading.
LEGISLATIVE BILL  256. Placed on Final Reading.
LEGISLATIVE BILL  302. Placed on Final Reading.
LEGISLATIVE BILL  307. Placed on Final Reading.

(Signed) Julie Slama, Chairperson

AMENDMENT(S) - Print in Journal

Senator Pansing Brooks filed the following amendment to LB536:
AM316
1 1. On page 3, strike beginning with "A" in line 12 through line 13.
2 2. On page 8, line 3, strike "(a)(1)" and insert "(b)(1)"; and in
3 line 4 strike "trustee" and insert "trust director".

RESOLUTION(S)

LEGISLATIVE RESOLUTION 32. Introduced by Pansing Brooks, 28;
Howard, 9; McCollister, 20; Morfeld, 46; Quick, 35; Walz, 15; Williams,
36.

WHEREAS, multiple sclerosis (MS) is an unpredictable, often disabling
disease of the central nervous system that interrupts the flow of information
between the brain and the body, and for which there is no cure; and
WHEREAS, although significant progress has been made in MS research,
there are only sixteen disease-modifying treatments for the relapsing-
remitting form of the disease and only one treatment for the primary-
progressive form; and
WHEREAS, it is estimated that more than 2.3 million people in the world
are currently living with MS; and
WHEREAS, it is estimated that more than 900,000 people in the United
States are living with MS, including more than 4,000 people in Nebraska;
and
WHEREAS, the National Multiple Sclerosis Society exists to help each
person address the challenges of living with MS by funding cutting-edge
research, facilitating professional education, and providing programs and
services that help people with MS and their families move their lives
forward; and
WHEREAS, MS Awareness Month is recognized annually in March to
unite people in Nebraska, the United States, and worldwide in the fight to
end MS, to create connections stronger than the ones MS destroys, and to
educate people about MS and what they can do to make a difference.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE
ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST
SESSION:
1. That the Legislature recognizes March 2019 as MS Awareness Month
   in Nebraska.
2. That a copy of this resolution be sent to the Mid America Chapter of
   the National Multiple Sclerosis Society.

Laid over.

COMMUNICATION

Received communication from Thomas L. Williams, MD, Chief Medical
Officer, Director, Division of Public Health, Department of Health and
Human Services, regarding the reappointment of the following scientist to
the Stem Cell Research Advisory Committee:

Dr. Alysson R. Muotri

GENERAL FILE

LEGISLATIVE BILL 155. Considered.

SPEAKER SCHEER PRESIDING

PRESIDENT FOLEY PRESIDING

Senator Brewer moved for a call of the house. The motion prevailed with 23
ayes, 2 nays, and 24 not voting.

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

Voting in the affirmative, 23:

Albrecht  Dorn  Groene  La Grone  Murman
Bostelman  Erdman  Halloran  Linehan  Slama
Brewer  Friesen  Hansen, B.  Lowe  Stinner
Briese  Geist  Hilgers  McDonnell
Clements  Gragert  Hughes  Moser

Voting in the negative, 8:

Hilkemann  Lathrop  Morfeld  Quick
Kolowski  McCollister  Pansing Brooks  Scheer

Present and not voting, 14:
Absent and not voting, 1:

Chambers

Excused and not voting, 3:

Howard  Hunt  Koltermann

Failed to advance to Enrollment and Review Initial with 23 ayes, 8 nays, 14 present and not voting, 1 absent and not voting, and 3 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 309.** Senator Chambers renewed his motion, MO17, found on page 611, to reconsider the vote taken to bracket.

Senator Chambers asked unanimous consent to withdraw his motion, MO17, to reconsider the vote. No objections. So ordered.

Senator La Grone offered his amendment, AM471, found on page 612.

Senator La Grone withdrew and refiled his amendment, AM471.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 309A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

**COMMITTEE REPORT(S)**

Education

**LEGISLATIVE BILL 281.** Placed on General File.

**LEGISLATIVE BILL 6.** Placed on General File with amendment.

AM381

1 1. Strike the original sections and insert the following new 2 sections:
3 Section 1. Section 85-502, Revised Statutes Cumulative Supplement, 4 2018, is amended to read:
5 85-502 Rules and regulations established by the governing board of 6 each state postsecondary educational institution shall require as a
minimum that a person is not deemed to have established a residence in this state, for purposes of sections 85-501 to 85-504, unless:

1. Such person is of legal age or is an emancipated minor and has established a home in Nebraska where he or she is habitually present for a minimum period of one hundred eighty days, with the bona fide intention of making this state his or her permanent residence, supported by documentary proof;

2. The parent(s), or guardian having custody of a minor registering in the educational institution have established a home in Nebraska where such parent(s), parent, or guardian are or is habitually present with the bona fide intention of making this state their permanent residence, supported by documentary proof. If a student has matriculated in any state postsecondary educational institution while his or her parent(s), parent, or guardian had an established home in this state, and the parent(s), parent, or guardian ceases to reside in the state, such student shall not thereby lose his or her resident status if such student has the bona fide intention of making this state his or her permanent residence, supported by documentary proof;

3. Such student is of legal age and is a dependent for federal income tax purposes of a parent or former guardian who has established a home in Nebraska where he or she is habitually present with the bona fide intention of making this state his or her permanent residence, supported by documentary proof;

4. Such student is a nonresident of this state prior to marriage and marries a person who has established a home in Nebraska where he or she is habitually present with the bona fide intention of making this state his or her permanent residence, supported by documentary proof;

5. Except as provided in subdivision (9) of this section, such student, if an alien, has applied to or has a petition pending with the United States Immigration and Naturalization Service to attain lawful status under federal immigration law and has established a home in Nebraska for a period of at least one hundred eighty days where he or she is habitually present with the bona fide intention of making this state his or her permanent residence, supported by documentary proof;

6. Such student is a staff member or a dependent of a staff member of the University of Nebraska, one of the Nebraska state colleges, or one of the community college areas who joins the staff immediately prior to the beginning of a term from an out-of-state location;

7. Such student is on active duty with the armed services of the United States and has been assigned a permanent duty station in Nebraska, or is a spouse or legal dependent of a person who was on active duty with the armed services of the United States assigned to a permanent duty station in Nebraska at the time such student was accepted for admission to the state postsecondary educational institution and such student remains continually enrolled at such state postsecondary educational institution;

8. Such student is currently serving in the Nebraska National Guard; or
29 (9)(a) Such student resided with his or her parent, guardian, or conservator while attending a public or private high school in this state and:
1 (i) Graduated from a public or private high school in this state or received the equivalent of a high school diploma in this state;
2 (ii) Resided in this state for at least three years before the date the student graduated from the high school or received the equivalent of a high school diploma;
6 (iii) Registered as an entering student in a state postsecondary educational institution not earlier than the 2006 fall semester; and
8 (iv) Provided to the state postsecondary educational institution an affidavit stating that he or she will file an application to become a permanent resident at the earliest opportunity he or she is eligible to do so.
12 (b) If the parent, guardian, or conservator with whom the student resided ceases to reside in the state, such student shall not lose his or her resident status under this subdivision if the student has the bona fide intention to make this state his or her permanent residence, supported by documentary proof.
17 Sec. 2. Original section 85-502, Revised Statutes Cumulative Supplement, 2018, is repealed.

(Signed) Mike Groene, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 80. Placed on Final Reading.
LEGISLATIVE BILL 81. Placed on Final Reading.
LEGISLATIVE BILL 192. Placed on Final Reading.
LEGISLATIVE BILL 192A. Placed on Final Reading.

(Signed) Julie Slama, Chairperson

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Morfeld has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

AMENDMENT(S) - Print in Journal

Senator Briese filed the following amendment to LB183:
FA17
Amend AM158
Line 14, strike thirty and replace with fifty.
UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Halloran name added to LB54.
Senator Clements name added to LB147.
Senator Halloran name added to LB147.
Senator Albrecht name added to LB147.
Senator Brewer name added to LB198.
Senator Dorn name added to LB209.
Senator Brewer name added to LB325.
Senator Brewer name added to LB343.
Senator Lowe name added to LB445.
Senator Halloran name added to LB582.
Senator Wayne name added to LB611.

VISITOR(S)

Visitors to the Chamber were Roberto Castellano from Italy; a group of constituents from Legislative District 43; students from David City and Bellwood; members of the Urban League of Young Professionals; and members from Americans for Prosperity from across the state.

The Doctor of the Day was Dr. Michelle Sell from Columbus.

ADJOURNMENT

At 11:52 a.m., on a motion by Senator Lindstrom, the Legislature adjourned until 9:00 a.m., Thursday, February 28, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
THIRTY-THIRD DAY - FEBRUARY 28, 2019

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

THIRTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 28, 2019

PRAYER

The prayer was offered by Pastor Brent Kuhlman, Trinity Lutheran Church, Murdock.

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 Bolz, Cavanaugh, Groene, M. Hansen, McCollister, and Morfeld who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-second day was approved.

ANNOUNCEMENT(S)

Priority designation(s) received:
Chambers - LB44

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LR25 was adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR25.
RESOLUTION(S)

LEGISLATIVE RESOLUTION 27. Read. Considered.
LR27 was adopted with 40 ayes, 0 nays, 3 present and not voting, and 6 excused and not voting.

LR28 was adopted with 42 ayes, 0 nays, 2 present and not voting, and 5 excused and not voting.

LEGISLATIVE RESOLUTION 29. Read. Considered.
LR29 was adopted with 44 ayes, 0 nays, and 5 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 183. Senator Wayne withdrew his motion, MO11, found on page 492, to bracket until April 1, 2019.

Senator Crawford withdrew her amendment, FA5, found on page 494.

Senator Briese withdrew his amendment, FA17, found on page 631.

Senator Briese offered the following amendment to the committee amendment:
AM517
   (Amendments to Standing Committee amendments, AM158)
   1 1. On page 1, lines 14 and 25, strike "thirty" and insert "fifty".
   2 2. On page 3, lines 10 and 15, strike "twenty-four to thirty" and insert "forty-four to fifty".

SPEAKER SCHEER PRESIDING

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 27, 28, and 29.

COMMITTEE REPORT(S)

Banking, Commerce and Insurance

LEGISLATIVE BILL 454. Placed on General File with amendment.
AM501
   1 1. Strike the original sections and insert the following new sections:
3 Section 1. Section 81-885.13, Revised Statutes Cumulative
4 Supplement, 2018, is amended to read:
5 81-885.13 (1)(a) No broker's or salesperson's license shall be
6 issued to any person who has not attained the age of nineteen years.
7 (b) No broker's or salesperson's license shall be issued to any
8 person who is not a graduate of a public or private high school graduate
9 or the holder of a certificate of high school equivalency. This
10 subdivision does not apply to: (i) A person who is a graduate of a school
11 exempt from the State Department of Education requirements under section
12 79-1601 or an equivalent exempt school or home school program from
13 another jurisdiction; or (ii) a person who has completed a program of
14 education acceptable to the commission.
15 (2) Each applicant for a salesperson's license shall furnish
16 evidence that he or she has completed two courses in real estate
17 subjects, approved by the commission, composed of not less than sixty
18 class hours of study or, in lieu thereof, courses delivered in a distance
19 education format approved by the commission.
20 (3) Each applicant for a broker's license shall either (a) have
21 first served actively for two years as a licensed salesperson or broker
22 and shall furnish evidence of completion of sixty class hours in addition
23 to the hours required by subsection (2) of this section in a course of
24 study approved by the commission or, in lieu thereof, courses delivered
25 in a distance education format approved by the commission, or (b) furnish
26 a certificate that he or she has passed a course of at least eighteen
27 credit hours in subjects related to real estate at an accredited
1 university or college, or completed six courses in real estate subjects
2 composed of not less than one hundred eighty class hours in a course of
3 study approved by the commission or, in lieu thereof, courses delivered
4 in a distance education format approved by the commission.
5 (4) Each applicant for a broker's license must pass a written
6 examination covering generally the matters confronting real estate
7 brokers, and each applicant for a salesperson's license must pass a
8 written examination covering generally the matters confronting real
9 estate salespersons. Such examination may be taken before the commission
10 or any person designated by the commission. Failure to pass the
11 examination shall be grounds for denial of a license without further
12 hearing. Within thirty days after passing the examination the applicant
13 must complete all requirements necessary for the issuance of a license.
14 The commission may prepare and distribute to licensees under the Nebraska
15 Real Estate License Act informational material deemed of assistance in
16 the conduct of their business.
17 (5) An applicant for an original broker's or salesperson's license
18 shall be subject to fingerprinting and a check of his or her criminal
19 history record information maintained by the Federal Bureau of
20 Investigation through the Nebraska State Patrol. After filing application
21 for a license, each applicant shall furnish directly to the Nebraska
22 State Patrol, or to a fingerprint processing service that may be selected
23 by the commission for this purpose, a full set of fingerprints to enable
24 a criminal background investigation to be conducted. The applicant shall
25 request that the Nebraska State Patrol submit the fingerprints to the
26 Federal Bureau of Investigation for a national criminal history record
27 check. The applicant shall pay the actual cost, if any, of the
28 fingerprinting and check of his or her criminal history record
29 information. The applicant shall authorize release of the national
30 criminal history record check to the commission.
31 (6) Courses of study, referred to in subsections (2) and (3) of this
1 section, shall include courses offered by private proprietary real estate
2 schools when such courses are prescribed by the commission and are taught
3 by instructors approved by the commission. The commission shall monitor
4 schools offering approved real estate courses and for good cause shall
5 have authority to suspend or withdraw approval of such courses or
6 instructors.
7 Sec. 2. Original section 81-885.13, Revised Statutes Cumulative
8 Supplement, 2018, is repealed.

(Signed) Matt Williams, Chairperson

Health and Human Services

LEGISLATIVE BILL 260. Placed on General File.
LEGISLATIVE BILL 726. Placed on General File.

(Signed) Sara Howard, Chairperson

COMMITTEE REPORT(S)
Health and Human Services

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

Cherlyn Hunt - Nebraska Rural Health Advisory Commission
Kyle Klammer - Nebraska Rural Health Advisory Commission
Michael Allen Sitorius - Nebraska Rural Health Advisory Commission

Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Sara Howard, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 33. Introduced by Kolterman, 24;
Stinner, 48; Williams, 36.

WHEREAS, Leadership Nebraska was founded in 2006 by the State
Chamber to identify current and emerging leaders throughout Nebraska,
enhance their leadership skills, and deepen their knowledge of the challenges and opportunities facing our state; and

WHEREAS, Leadership Nebraska is nine months of intense engagement in discussion and debate, travel across the state, and cultural immersion designed to develop solutions to the most pressing issues facing our communities and state; and

WHEREAS, Senator Sara Howard exemplifies leadership qualities as Chair of the Health and Human Services Committee of the Legislature; on the boards of the Omaha Public Schools Foundation, the New Leaders Council Omaha, and CHI Health Metro Community; on the executive committees of the National Conference of State Legislatures and the Midwestern Legislative Conference for the Council of State Governments; as co-chair of the steering committee of the Bowhay Institute for Legislative Leadership Development for the Council of State Governments and of the 2019 Heat the Streets Run and Walk for Warmth; and on the advisory boards for the UNO-UNMC transition and the Child Health Research Institute; and

WHEREAS, Senator Sara Howard has been awarded many leadership honors, including the Women in Government Leadership Program from the Governing Institute, the Health Center Advocate of the Year, the 2018 Women in Politics Making a Difference Award from the Women's Legislative Network of the National Conference of State Legislatures, the IBEW Richard Nolan Memorial Service Award, the NeHII Health Information Technology Visionary Award, the Healthy Homes Star Award from the Healthy Kids Alliance, the Milo Mumgaard Emerging Leader Award from Nebraska Appleseed, the 40 Under 40 Award from Midlands Business Journal, and the Eleanor Roosevelt Rising Star Award from the Douglas County Democratic party; and

WHEREAS, Senator Sara Howard graduated from the Leadership Nebraska program, Class XI, on February 19, 2019.

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

1. That the Legislature recognizes and congratulates Senator Sara Howard for her leadership skills and abilities and continuing commitment to leadership.

2. That the Legislature encourages Nebraskans to be leaders in their communities.

Laid over.

LEGISLATIVE RESOLUTION 34. Introduced by Hilkemann, 4.

WHEREAS, in Nebraska there are individuals and families who are adversely affected by gambling addiction; and

WHEREAS, Nebraska allocates funds to provide education, counseling, and assistance to individuals and families affected by gambling addiction; and

WHEREAS, the key to recognizing gambling addiction is awareness; and
WHEREAS, educating citizens about gambling and the risks of gambling addiction is crucial to preventing problems that result from unrestrained gambling.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature recognizes March 2019 as Problem Gambling Awareness Month in Nebraska.
2. That a copy of this resolution be sent to the National Council on Problem Gambling, the Nebraska Council on Problem Gambling, and the Nebraska Commission on Problem Gambling.

Laid over.

MOTION(S) - Print in Journal

Senator Hilkemann filed the following motion to LB715:
MO18
Withdraw bill.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 48. Placed on Select File.

LEGISLATIVE BILL 112. Placed on Select File with amendment.
ER42
1 1. On page 1, line 4, after "define" insert "and redefine".
2 2. On page 5, line 12, after the comma insert "and".

LEGISLATIVE BILL 112A. Placed on Select File.

LEGISLATIVE BILL 29. Placed on Select File.

LEGISLATIVE BILL 575. Placed on Select File.

LEGISLATIVE BILL 125. Placed on Select File with amendment.
ER41
1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 29-119, Revised Statutes Cumulative Supplement, 4 2018, is amended to read:
5 29-119 For purposes of this section and sections 23-1201, 29-120, 6 and 29-2261, unless the context otherwise requires:
7 (1) A plea agreement means that as a result of a discussion between
8 the defense counsel and the prosecuting attorney:
9 (a) A charge is to be dismissed or reduced; or
10 (b) A defendant, if he or she pleads guilty to a charge, may receive
11 less than the maximum penalty permitted by law; and
12 (2)(a) Victim means a person who has had a personal confrontation
13 with an offender as a result of a homicide under sections 28-302 to
14 28-306, a first degree assault under section 28-308, a second degree
assault under section 28-309, a third degree assault under section 28-310
when the victim is an intimate partner as defined in section 28-323, a
first degree false imprisonment under section 28-314, a first degree
sexual assault under section 28-319, a sexual assault of a child in the
first degree under section 28-319.01, a second or third degree sexual
assault under section 28-320, a sexual assault of a child in the second
or third degree under section 28-320.01, domestic assault in the first,
second, or third degree under section 28-323, or a robbery under section
28-324. Victim also includes a person who has suffered serious bodily
injury as defined in section 28-109 as a result of a motor vehicle
accident when the driver was charged with a violation of section 60-6,196
or 60-6,197 or with a violation of a city or village ordinance enacted in
conformance with either section.

(b) In the case of a homicide, victim means the nearest surviving
relative under the law as provided by section 30-2303 but does not
include the alleged perpetrator of the homicide.

(c) In the case of a violation of section 28-813.01, 28-1463.03,
28-1463.04, or 28-1463.05, victim means a person who was a child as
defined in section 28-1463.02 and a participant or portrayed observer in
the visual depiction of sexually explicit conduct which is the subject of
the violation and who has been identified and can be reasonably notified.

(d) In the case of a sexual assault of a child, a possession offense
of a visual depiction of sexually explicit conduct, or a distribution
offense of a visual depiction of sexually explicit conduct, victim means
the child victim and the parents, guardians, or duly appointed legal
representative of the child victim but does not include the alleged
perpetrator of the crime.

(e) Victim also includes a person who was the victim of a theft
under section 28-511, 28-512, 28-513, or 28-517 when (i) the value of the
thing involved is five thousand dollars or more and (ii) the victim and
perpetrator were intimate partners as defined in section 28-323.

Sec. 2. Original section 29-119, Revised Statutes Cumulative
Supplement, 2018, is repealed.

On page 1, line 2, strike "a term" and insert "victim".

LEGISLATIVE BILL 399. Placed on Select File with amendment.

1 1. Strike the original sections and all amendments thereto and
insert the following new sections:
2 Section 1. Section 79-724, Reissue Revised Statutes of Nebraska, is
amended to read:
3 79-724  It is the responsibility of society to ensure that youth are
given the opportunity to become competent, responsible, patriotic, and
civil citizens to ensure An informed, loyal, just, and patriotic
citizenry is necessary to a strong, stable, just, and prosperous America.
Such a citizenry necessitates that every member thereof be knowledgeable
of our fully acquainted with the nation's history, government, geography,
and economic system. The youth in our state should be committed to the
ideals and values of our country's democracy and the constitutional
república establecida por la gente. Las escuelas deben preparar a nuestros jóvenes para tomar decisiones informadas y razonadas en favor del bien común. La competencia ciudadana es necesaria para sostener y mejorar nuestra forma de gobierno y debe enseñarse en todas las escuelas públicas, privadas, denominacionales, y paroquiales. Un papel central de las escuelas es impartir conocimiento y habilidades que nos ayuden a ver la relevancia de un dimensión civil en nuestras vidas. Los estudiantes deben ser educados y estar en completo acuerdo con nuestro sistema de gobierno y estar completamente conscientes de los derechos, oportunidades, y ventajas que poseemos de los que poseemos y los sacrificios y luchas de aquellos a través de los cuales estos beneficios fueron logrados. Dado que la juventud es la época más susceptible de aceptar principios y doctrinas que le influirán a los hombres y mujeres durante toda su vida, una de las primeras obligaciones de nuestro sistema educacional es conducir sus actividades, escoger sus textos, y organizar su currículo de tal manera que los jóvenes de nuestro estado tengan la oportunidad de convertirse en ciudadanos competentes, responsables, patriotas, y civiles americanos. El amor por la libertad, la justicia, la democracia, y América se instilará en los corazones y mentes de los jóvenes del estado.

(1) Cada comité de cada distrito escolar, a principios de cada año escolar, debe designar un comité de tres miembros, conocido como el comité de estudios civiles y americanos. El comité de estudios civiles y americanos debe:

(a) Realizar al menos dos reuniones públicas anualmente, al menos una donde se acepta la testigos publicos;
(b) Custodiar las actas de cada reunión mostrando el tiempo y el lugar de la reunión, quién estuvo presente y quién no, y el contenido y detalles de todas las cuestiones discutidas;
(c) Examinar cuidadosamente y asegurar que el currículo de estudios sociales en el distrito esté alineado con los estándares de estudios sociales adoptados según la sección 79-760.01 y enseñe conocimientos fundamentales en estudios civiles, historia, economía, literacidad financiera, y geografía;
(d) Revisar y aprobar el currículo de estudios sociales para asegurar que:
   (a) Los currículos recomendados o aprobados por el comité de estudios civiles y americanos estarán al alcance público y contengan una referencia a esta sección;
   (b) Los comités desarrollen y utilicen pruebas formativas, intermedias, y resumidas para medir el dominio de los estudiantes con los estándares de estudios sociales adoptados según la sección 79-760.01;
   (g) Asegurar que el currículo de estudios sociales en el distrito
incorporates one or more of the following for each student:

(i) Administration of a written test that is identical to the entire
civics portion of the naturalization test used by United States
Citizenship and Immigration Services prior to the completion of eighth
grade and again prior to the completion of twelfth grade with the
individual score from each test for each student made available to a
parent or guardian of such student; or

(ii) Attendance or participation between the commencement of eighth
grade and completion of twelfth grade in a meeting of a public body as
defined by section 84-1409 followed by the completion of a project or
paper in which each student demonstrates or discusses the personal
learning experience of such student related to such attendance or
participation; or

(iii) Completion of a project or paper and a class presentation
between the commencement of eighth grade and the completion of twelfth
grade on a person or persons or an event commemorated by a holiday listed
in subdivision (6) of this section or on a topic related to such person
or persons or event; and

(b) Assure themselves as to the character of all teachers employed
and their knowledge and acceptance of the American form of government;
and

(h) Take all such other steps as will assure the carrying out of
the provisions of this section and provide a report to the school board
regarding the committee's findings and recommendations.

(2) All social studies American history courses approved for grade
levels as provided by this section shall include and adequately stress
contributions of all ethnic groups (a) to the development and growth of
America into a great nation, (b) to art, music, education, medicine,
literature, science, politics, and government, and (c) to the war
services in all wars of this nation.

(3) All grades of all public, private, denominational, and parochial
schools, below the sixth grade, shall devote at least one hour per week
to exercises or teaching periods for the following purpose:

(a) The discussion recital of stories having to do with American
history or the deeds and exploits of American heroes;

(b) The historical background, memorization, and singing of
patriotic songs such as and the insistence that every pupil memorize the
Star-Spangled Banner and America the Beautiful; and

(c) The development of respect reverence for the American flag as a
symbol of freedom and the sacrifices of those who secured that freedom;
and

(d) Instruction instruction as to proper conduct in the its
presentation of the American flag.

(4) In at least two of the three grades from the fifth grade to the
eighth grade in all public, private, denominational, and parochial
schools, time at least three periods per week shall be set aside for to
be devoted to the teaching of American history from the social studies
curriculum approved textbooks, which shall be taught in such a way that
all students are given the opportunity to (a) become competent,
22 responsible, patriotic, and civil citizens who possess a deep
23 understanding of and respect for the United States Constitution and the
24 Constitution of Nebraska and (b) prepare to preserve, protect, and defend
25 freedom and democracy in our nation and our world as to make the course
26 interesting and attractive and to develop a love of country.
27 (5) In at least two courses in grades of every high school, time at
28 least three periods per week shall be devoted to the teaching of civics
29 and American history as outlined in the social studies standards adopted
30 pursuant to section 79-760.01, during which courses specific attention
31 shall be given to the following matters:
1 (a) The Declaration of Independence, the United States Constitution,
2 and the Constitution of Nebraska, and the structure and function of local
3 government in this state;
4 (b) The benefits and advantages of our form of government, and the
5 rights and responsibilities of citizenship in our government, and the
dangers and fallacies of forms of government that restrict individual
7 freedoms or possess antidemocratic ideals such as, but not limited to,
8 Nazism and communism; dangers and fallacies of Nazism, Communism, and
9 similar ideologies; and
10 (c) The duties of citizenship, including active participation in the
11 improvement of a citizen's community, state, country, and world and the
12 value and practice of civil discourse between opposing interests; and
13 (d) The application of knowledge in civics, history, economics,
14 financial literacy, and geography in order to address meaningful issues
15 within our society.
16 (6) Appropriate patriotic exercises suitable to the occasion shall
17 be held under the direction of the superintendent in every public,
18 private, denominational, and parochial school on George Washington's
19 birthday, Abraham Lincoln's birthday, Dr. Martin Luther King, Jr.'s
20 birthday, Native American Heritage Day, Constitution Day, Memorial Day,
21 Veterans Day, and Thanksgiving Day, or on the day or week Lincoln's
22 birthday, Washington's birthday, Flag Day, Memorial Day, and Veterans
23 Day, or on the day preceding or following such holiday, if the school is
24 in session.
25 (7) Every school board, the State Board of Education, and the
26 superintendent of each school district in the state shall be held
27 directly responsible in the order named for carrying out this section,
28 and neglect thereof by any employee or appointed official shall be
29 considered a dereliction of duty and may be considered a cause for
30 dismissal.
31 Sec. 2. Section 79-727, Reissue Revised Statutes of Nebraska, is
1 amended to read:
2 79-727  The State Board of Education shall adopt and promulgate
3 rules and regulations to carry out the provisions of sections 79-724
4 through 79-726. The State Department of Education shall ensure that all
5 requirements of such sections and such rules and regulations are carried
6 out by each school district. Any person violating the provisions of
7 sections 79-724 to 79-726 is guilty of a Class III misdemeanor.
8 Sec. 3. Original sections 79-724 and 79-727, Reissue Revised
9 Statutes of Nebraska, are repealed.
10 2. On page 1, line 2, after "name" insert "of".

**LEGISLATIVE BILL 309.** Placed on Select File.
**LEGISLATIVE BILL 309A.** Placed on Select File.

(Signed) Julie Slama, Chairperson

**PRESIDENT FOLEY PRESIDING**

**GENERAL FILE**

**LEGISLATIVE BILL 183.** The Briese amendment, AM517, found in this day's Journal, to the committee amendment, was renewed.

The Briese amendment was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Committee AM158, found on page 424 and considered on pages 487, 490, and 492, as amended, was renewed.

The committee amendment, as amended, was adopted with 29 ayes, 1 nay, 14 present and not voting, and 5 excused and not voting.

Senator Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 29:

Albrecht  Clements  Groene  Kolterman  Moser
Arch  Crawford  Halloran  La Grone  Murman
Bostelman  Dorn  Hansen, B.  Linehan  Slama
Brandt  Erdman  Hilgers  Lowe  Vargas
Briese  Geist  Hilkemann  McCollister  Williams

Voting in the negative, 1:

Chambers

Present and not voting, 13:

Blood  Howard  Lathrop  Pansing Brooks Wishart
Bolz  Hunt  Lindstrom  Quick
Friesen  Kolowski  Morfeld  Wayne

Excused and not voting, 6:

Cavanaugh  Hansen, M.  Stinner
DeBoer  Scheer  Walz
Advanced to Enrollment and Review Initial with 29 ayes, 1 nay, 13 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 318.** Title read. Considered.

**SPEAKER SCHEER PRESIDING**

**PRESIDENT FOLEY PRESIDING**

Pending.

**MOTION(S) - Return LB1 to Select File**

Senator Chambers moved to return LB1 to Select File for the following specific amendment:

FA18
Strike the enacting clause.

Senator Chambers withdrew his motion to return.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 1.**

A BILL FOR AN ACT relating to the Water Funding Task Force; to repeal provisions relating to the task force that terminated on December 31, 2013; and to outright repeal sections 50-504, 50-505, 50-506, 50-507, and 50-508, Revised Statutes Cumulative Supplement, 2018.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

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<thead>
<tr>
<th>Albrecht</th>
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<th>Hansen, B.</th>
<th>Lathrop</th>
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Voting in the negative, 0.
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 2.

A BILL FOR AN ACT relating to the McGruff House program; to repeal provisions that are obsolete relating to a program that ended in 2012; and to outright repeal section 43-3201, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

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Voting in the negative, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 3.

A BILL FOR AN ACT relating to appropriations; to amend section 85-1418, Reissue Revised Statutes of Nebraska, and sections 13-518 and 85-1503, Revised Statutes Cumulative Supplement, 2018; to repeal provisions that are obsolete; to harmonize provisions; to repeal the original sections; and to outright repeal sections 90-517, 90-535, 90-536, 90-537, 90-538, 90-539, and 90-541, Reissue Revised Statutes of Nebraska, and sections 90-542, 90-543, 90-544, 90-545, 90-546, 90-547, 90-548, 90-549, 90-550, 90-551, 90-552, 90-553, 90-554, 90-555, 90-556, 90-557, 90-559,
Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Stinner  Walz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 12. With Emergency Clause.**

A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to amend section 81-885.14, Reissue Revised Statutes of Nebraska, and section 81-885.17, Revised Statutes Cumulative Supplement, 2018; to provide a license fee exemption for servicemembers and their spouses as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?"

Voting in the affirmative, 47:
Voting in the negative, 0.

Excused and not voting, 2:

Stinner Walz

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 49.

A BILL FOR AN ACT relating to the Public Accountancy Act; to amend section 1-162.01, Reissue Revised Statutes of Nebraska; to change provisions relating to firm ownership; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Stinner Walz

A constitutional majority having voted in the affirmative, the bill was
declared passed and the title agreed to.

**LEGISLATIVE BILL 67.**

A BILL FOR AN ACT relating to municipalities; to amend sections 8-205, 13-1302, 19-3052, 23-206, 23-339, and 31-505, Reissue Revised Statutes of Nebraska, and section 13-2705, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to how population thresholds are determined as prescribed; to redefine a term; to change references to cities, villages, and governing bodies; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Present and not voting, 2:

- Brewer
- Brooks

Excused and not voting, 2:

- Stinner
- Walz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB77 with 41 ayes, 4 nays, 2 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:
LEGISLATIVE BILL 77.

A BILL FOR AN ACT relating to real property; to amend sections 76-2207.27, 76-2207.30, 76-2222, 76-2228.01, 76-2228.02, 76-2230, 76-2231.01, 76-2232, 76-2236, 76-2238, 76-3202, 76-3203, 76-3203.01, 76-3204, and 76-3216, Reissue Revised Statutes of Nebraska; to change provisions of the Real Property Appraiser Act and alphabetize and redefine terms in the Nebraska Appraisal Management Company Registration Act; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

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<th>Albrecht</th>
<th>Clements</th>
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Voting in the negative, 0.

Present and not voting, 3:

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<th>Brewer</th>
<th>Groene</th>
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Excused and not voting, 2:

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<tr>
<th>Stinner</th>
<th>Walz</th>
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB33 with 39 ayes, 7 nays, 1 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 33. With Emergency Clause.

A BILL FOR AN ACT relating to retirement; to amend sections 72-1243,
72-1277, 72-1278, and 84-1502, Reissue Revised Statutes of Nebraska, and sections 79-934, 79-989, 84-712.05, and 84-1503, Revised Statutes Cumulative Supplement, 2018; to change written plan of action deadlines for the Nebraska Investment Council and the Public Employees Retirement Board; to change findings and comprehensive review provisions relating to the achieving a better life experience program; to eliminate obsolete language regarding formula annuity retirement allowances under the School Employees Retirement Act; to provide a public records exception as prescribed under the Class V School Employees Retirement Act; to increase the board member per diem and change duties relating to competitive bidding of the Public Employees Retirement Board; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 47:

Voting in the negative, 0.

Excused and not voting, 2:

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 33A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 33, One Hundred Sixth Legislature, First Session, 2019; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the
emergency clause attached?" 

Voting in the affirmative, 47:

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<tr>
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Voting in the negative, 0.

Excused and not voting, 2:

| Stinner | Walz   |

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB79 with 39 ayes, 5 nays, 3 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 79. With Emergency Clause.**

A BILL FOR AN ACT relating to transportation; to amend sections 60-107, 60-2705, 75-363, 75-364, 75-366, 75-392, and 75-393, Reissue Revised Statutes of Nebraska, and sections 60-119.01, 60-302.01, 60-336.01, 60-363, 60-386, 60-3,113.04, 60-3,193.01, 60-3,198, 60-3,202, 60-462.01, 60-479.01, 60-4,111.01, 60-4,132, 60-4,134, 60-4,147.02, 60-501, 60-628.01, 60-6,265, and 60-2909.01, Revised Statutes Cumulative Supplement, 2018; to allow for electronic images of registration certificates; to change provisions relating to the distribution of certain registration fees; to adopt and update references to certain federal provisions relating to cabin trailers, low-speed vehicles, handicapped or disabled parking, motor vehicle and trailer registration, the International Registration Plan, operators' licenses and state identification cards, persons handling source documents, commercial motor vehicles, hazardous materials, occupant protection systems and three-point safety belt systems, motor vehicle consumer informal dispute settlement procedures, disclosure of motor vehicle records,
motor carrier and hazardous material regulations and their enforcement, and
the unified carrier registration plan and agreement; to harmonize provisions;
to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure
having been complied with, the question is, 'Shall the bill pass with the
emergency clause attached?""

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Stinner  Walz

A constitutional two-thirds majority having voted in the affirmative, the bill
was declared passed with the emergency clause and the title agreed to.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the
President signed the following: LBs 1, 2, 3, 12, 49, 67, 77, 33, 33A, and 79.

**AMENDMENT(S) - Print in Journal**

Senator Quick filed the following amendment to LB364:

AM475
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 48-120, Revised Statutes Cumulative Supplement,
4 2018, is amended to read:
5 48-120 (1)(a) The employer is liable for all reasonable medical,
6 surgical, and hospital services, including plastic surgery or
7 reconstructive surgery but not cosmetic surgery when the injury has
8 caused disfigurement, appliances, supplies, prosthetic devices, and
9 medicines as and when needed, which are required by the nature of the
10 injury and which will relieve pain or promote and hasten the employee's
11 restoration to health and employment, and includes damage to or
12 destruction of artificial members, dental appliances, teeth, hearing
13 instruments, and eyeglasses, but, in the case of dental appliances,
14 hearing instruments, or eyeglasses, only if such damage or destruction
15 resulted from an accident which also caused personal injury entitling the
16 employee to compensation therefor for disability or treatment, subject to
17 the approval of and regulation by the Nebraska Workers' Compensation
18 Court, not to exceed the regular charge made for such service in similar
19 cases.
20 (b) Except as provided in section 48-120.04, the compensation court
21 shall establish schedules of fees for such services and for any opinion
22 or report addressing the medical condition, causation, or disability. The
23 compensation court shall review such schedules at least biennially and
24 adopt appropriate changes when necessary. The compensation court may
25 contract with any person, firm, corporation, organization, or government
26 agency to secure adequate data to establish such fees. The compensation
27 court shall publish and furnish to the public the fee schedules
1 established pursuant to this subdivision and section 48-120.04. The
2 compensation court may establish and charge a fee to recover the cost of
3 published fee schedules.
4 (c) Reimbursement for inpatient hospital services provided by
5 hospitals located in or within fifteen miles of a Nebraska city of the
6 metropolitan class or primary class and by other hospitals with fifty-one
7 or more licensed beds shall be according to the Diagnostic Related Group
8 inpatient hospital fee schedule or the trauma services inpatient hospital
9 fee schedule established in section 48-120.04.
10 (d) A workers' compensation insurer, risk management pool, self-
11 insured employer, or managed care plan certified pursuant to section
12 48-120.02 may contract with a provider or provider network for medical,
13 surgical, or hospital services. Such contract may establish fees for
14 services different than the fee schedules established under subdivision
15 (1)(b) of this section or established under section 48-120.04. Such
16 contract shall be in writing and mutually agreed upon prior to the date
17 services are provided.
18 (e) The provider or supplier of such services shall not collect or
19 attempt to collect from any employer, insurer, government, or injured
20 employee or dependent or the estate of any injured or deceased employee
21 any amount in excess of (i) the fee established by the compensation court
22 under subdivision (1)(b) of this section for any such service or for any
23 opinion or report addressing the medical condition, causation, or
24 disability, (ii) the fee established under section 48-120.04, or (iii)
25 the fee contracted under subdivision (1)(d) of this section, including
26 any finance charge or late penalty.
27 (2)(a) The employee has the right to select a physician who has
28 maintained the employee's medical records prior to an injury and has a
29 documented history of treatment with the employee prior to an injury or a
30 physician who has maintained the medical records of an immediate family
31 member of the employee prior to an injury and has a documented history of
1 treatment with an immediate family member of the employee prior to an
injury. For purposes of this subsection, immediate family member means
the employee's spouse, children, parents, stepchildren, and stepparents.
The employer shall notify the employee following an injury of such right
of selection in a form and manner and within a timeframe established by
the compensation court. If the employer fails to notify the employee of
such right of selection or fails to notify the employee of such right of
selection in a form and manner and within a timeframe established by the
compensation court, then the employee has the right to select a
physician. If the employee fails to exercise such right of selection in a
form and manner and within a timeframe established by the compensation
court following notice by the employer pursuant to this subsection, then
the employer has the right to select the physician. If selection of the
initial physician is made by the employee or employer pursuant to this
subsection following notice by the employer pursuant to this subsection,
the employee or employer shall not change the initial selection of
physician made pursuant to this subsection unless such change is agreed
pursuant to subsection (6) of this section. If compensability is denied
by the workers' compensation insurer, risk management pool, or self-
insured employer, (i) the employee has the right to select a physician
and shall not be made to enter a managed care plan and (ii) the employer
is liable for medical, surgical, and hospital services subsequently found
to be compensable. If the employer has exercised the right to select a
physician pursuant to this subsection and if the compensation court
subsequently orders reasonable medical services previously refused to be
furnished to the employee by the physician selected by the employer, the
compensation court shall allow the employee to select another physician
to furnish further medical services. If the employee selects a physician
located in a community not the home or place of work of the employee and
a physician is available in the local community or in a closer community,
no travel expenses shall be required to be paid by the employer or his or
her workers' compensation insurer.
(b) In cases of injury requiring dismemberment or injuries involving
major surgical operation, the employee may designate to his or her
employer the physician or surgeon to perform the operation.
(c) If the injured employee unreasonably refuses or neglects to
avail himself or herself of medical or surgical treatment furnished by
the employer, except as herein and otherwise provided, the employer is
not liable for an aggravation of such injury due to such refusal and
neglect and the compensation court or judge thereof may suspend, reduce,
or limit the compensation otherwise payable under the Nebraska Workers'
Compensation Act.
(d) If, due to the nature of the injury or its occurrence away from
the employer's place of business, the employee or the employer is unable
to select a physician using the procedures provided by this subsection,
the selection requirements of this subsection shall not apply as long as
the inability to make a selection persists.
(e) The physician selected may arrange for any consultation,
referral, or extraordinary or other specialized medical services as the
20 nature of the injury requires.
21 (f) The employer is not responsible for medical services furnished
22 or ordered by any physician or other person selected by the employee in
23 disregard of this section. Except as otherwise provided by the Nebraska
24 Workers' Compensation Act, the employer is not liable for medical,
25 surgical, or hospital services or medicines if the employee refuses to
26 allow them to be furnished by the employer.
27 (3) No claim for such medical treatment is valid and enforceable
28 unless, within fourteen days following the first treatment, the physician
29 giving such treatment furnishes the employer a report of such injury and
30 treatment on a form prescribed by the compensation court. The
31 compensation court may excuse the failure to furnish such report within
32 fourteen days when it finds it to be in the interest of justice to do so.
33 (4) All physicians and other providers of medical services attending
34 injured employees shall comply with all the rules and regulations adopted
35 and promulgated by the compensation court and shall make such reports as
36 may be required by it at any time and at such times as required by it
37 upon the condition or treatment of any injured employee or upon any other
38 matters concerning cases in which they are employed. All medical and
39 hospital information relevant to the particular injury shall, on demand,
40 be made available to the employer, the employee, the workers'
41 compensation insurer, and the compensation court. The party requesting
42 such medical and hospital information shall pay the cost thereof. No such
43 relevant information developed in connection with treatment or
44 examination for which compensation is sought shall be considered a
45 privileged communication for purposes of a workers' compensation claim.
46 When a physician or other provider of medical services willfully fails to
47 make any report required of him or her under this section, the
48 compensation court may order the forfeiture of his or her right to all or
49 part of payment due for services rendered in connection with the
50 particular case.
51 (5) Whenever the compensation court deems it necessary, in order to
52 assist it in resolving any issue of medical fact or opinion, it shall
53 cause the employee to be examined by a physician or physicians selected
54 by the compensation court and obtain from such physician or physicians a
55 report upon the condition or matter which is the subject of inquiry. The
56 compensation court may charge the cost of such examination to the
57 workers' compensation insurer. The cost of such examination shall include
58 the payment to the employee of all necessary and reasonable expenses
59 incident to such examination, such as transportation and loss of wages.
60 (6) The compensation court shall have the authority to determine the
61 necessity, character, and sufficiency of any medical services furnished
62 or to be furnished and shall have authority to order a change of
63 physician, hospital, rehabilitation facility, or other medical services
64 when it deems such change is desirable or necessary. Any dispute
65 regarding medical, surgical, or hospital services furnished or to be
66 furnished under this section may be submitted by the parties, the
67 supplier of such service, or the compensation court on its own motion for
68 informal dispute resolution by a staff member of the compensation court
7 or an outside mediator pursuant to section 48-168. In addition, any party
8 or the compensation court on its own motion may submit such a dispute for
9 a medical finding by an independent medical examiner pursuant to section
10 48-134.01. Issues submitted for informal dispute resolution or for a
11 medical finding by an independent medical examiner may include, but are
12 not limited to, the reasonableness and necessity of any medical treatment
13 previously provided or to be provided to the injured employee. The
14 compensation court may adopt and promulgate rules and regulations
15 regarding informal dispute resolution or the submission of disputes to an
16 independent medical examiner that are considered necessary to effectuate
17 the purposes of this section.
18 (7) For the purpose of this section, physician has the same meaning
19 as in section 48-151.
20 (8) The compensation court shall order the employer to make payment
21 directly to the supplier of any services provided for in this section or
22 reimbursement to anyone who has made any payment to the supplier for
23 services provided in this section. No such supplier or payor may be made
24 or become a party to any action before the compensation court.
25 (9) Notwithstanding any other provision of this section, a workers'
26 compensation insurer, risk management pool, or self-insured employer may
27 contract for medical, surgical, hospital, and rehabilitation services to
28 be provided through a managed care plan certified pursuant to section
29 48-120.02. Once liability for medical, surgical, and hospital services
30 has been accepted or determined, the employer may require that employees
31 subject to the contract receive medical, surgical, and hospital services
1 in the manner prescribed in the contract, except that an employee may
2 receive services from a physician selected by the employee pursuant to
3 subsection (2) of this section if the physician so selected agrees to
4 refer the employee to the managed care plan for any other treatment that
5 the employee may require and if the physician so selected agrees to
6 comply with all the rules, terms, and conditions of the managed care
7 plan. If compensability is denied by the workers' compensation insurer,
8 risk management pool, or self-insured employer, the employee may leave
9 the managed care plan and the employer is liable for medical, surgical,
10 and hospital services previously provided. The workers' compensation
11 insurer, risk management pool, or self-insured employer shall give notice
12 to employees subject to the contract of eligible service providers and
13 such other information regarding the contract and manner of receiving
14 medical, surgical, and hospital services under the managed care plan as
15 the compensation court may prescribe.
16 Sec. 2. Original section 48-120, Revised Statutes Cumulative
17 Supplement, 2018, is repealed.
UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Vargas name added to LB15.
Senator Morfeld name added to LB15.

VISITOR(S)

Visitors to the Chamber were students and teacher from UNL; students and teacher from Lincoln Northeast High School; students from Arbor View Elementary, Elkhorn; members of Moms Demand Action for Gun Sense in America and Everytown for Gun Safety; and a group from Elkorn Rural Public Power District.

The Doctor of the Day was Dr. Aaron Lanik from Wahoo.

ADJOURNMENT

At 11:49 a.m., on a motion by Senator Hilgers, the Legislature adjourned until 9:00 a.m., Friday, March 1, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
THIRTY-FOURTH DAY - MARCH 1, 2019

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

THIRTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 1, 2019

PRAYER

The prayer was offered by Pastor Bob Rice, Lincoln Berean Church.

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 Lathrop and Wayne who were excused; and Senator Vargas who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

Page 638, after line 15, insert "MO18".
The Journal for the thirty-third day was approved as corrected.

NOTICE OF COMMITTEE HEARING(S)
Appropriations
Room 1524

Tuesday, March 12, 2019 1:30 p.m.

LB642
LB666
LB669
LB673
LB481

Room 1003

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

LB334
LB531
LB551
PB694
PB737
Agency 72 - Economic Development, Department of
Agency 91 - Nebraska Tourism Commission
Agency 60 - Ethanol Board, Nebraska
Agency 9 - Secretary of State

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

PB171
PB232
Agency 65 - Administrative Services, Department of
Agency 19 - Banking, Department of
Agency 22 - Insurance, Department of
Agency 87 - Accountability and Disclosure Commission
Agency 64 - State Patrol, Nebraska

Friday, March 15, 2019 1:30 p.m.

PB638
Agency 16 - Revenue, Department of
Agency 93 - Tax Equalization and Review Commission
Agency 57 - Oil and Gas Conservation Commission, Nebraska
Agency 75 - Investment Council, Nebraska

(Signed) John Stinner, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 28, 2019, at 12:15 p.m. were the following: LBs 1, 2, 3, 12e, 49, 67, 77, 33e, 33Ae, and 79e.

(Signed) Laura Gerkin
Clerk of the Legislature's Office

MESSAGE(S) FROM THE GOVERNOR

February 28, 2019

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 430e was received in my office on February 27, 2019.
This bill was signed and delivered to the Secretary of State on February 28, 2019.
Sincerely,
(Signed) Pete Ricketts
Governor

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 February 28, 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
   Lyft, Inc.
Husch Blackwell Strategies
   Great Plains Communications, Inc.
   Waste Management, Inc.
Joshi, Siely
   Crown Castle and its Affiliates
Lautenbaugh, Scott
   Nebraska Premium Tobacco
   Nebraska Vape Vendors Association
Lee, Rachel
   Prime Therapeutics, LLC (Withdrawn 02/28/2019)
Moenning, Josh
   Renew Nebraska, LLC
O'Keefe, Karen
   Marijuana Policy Project
Phillippi, Patrick
   The National Council for Behavioral Health
Schmeling, Richard
   ProRail Nebraska, Inc.

ANNOUNCEMENT

The Chair announced the birthday of Senator Bolz.
Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB82 with 37 ayes, 3 nays, 6 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 82. With Emergency Clause.

A BILL FOR AN ACT relating to highways and bridges; to amend sections 39-2109, 39-2114, 39-2119, 39-2122, 39-2502, 39-2510, 39-2512, and 39-2520, Reissue Revised Statutes of Nebraska, and sections 39-810, 39-847, 39-1320, 39-2113, 39-2115, 39-2118, 39-2120, and 39-2121, Revised Statutes Cumulative Supplement, 2018; to change and eliminate provisions relating to contracts and state aid for bridges, land acquisition for state highways, functional classification, minimum standards, six-year and one-year plans, and distribution of funds to political subdivisions as prescribed; to change and provide duties; to harmonize provisions; to repeal the original sections; to outright repeal sections 39-2117 and 39-2119.01, Reissue Revised Statutes of Nebraska, and section 39-2116, Revised Statutes Cumulative Supplement, 2018; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Lathrop  Vargas  Wayne

A constitutional two-thirds majority having voted in the affirmative, the bill
was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 117.**

A BILL FOR AN ACT relating to highways and bridges; to amend sections 39-1351, 39-1352, and 39-1354, Reissue Revised Statutes of Nebraska, and section 39-1353, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to construction contract bidding, qualification, evaluation, and proposals; to change certification of financial showing as prescribed; to change provisions relating to obtaining contract plans prepared by the Department of Transportation; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

- Lathrop
- Vargas
- Wayne

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 190.**

A BILL FOR AN ACT relating to the Department of Transportation; to amend sections 3-104, 3-158, 60-6,102, 60-6,103, 60-6,107, and 60-6,175, Revised Statutes Cumulative Supplement, 2018; to change and eliminate provisions relating to rules and regulations; to provide and eliminate provisions relating to school bus loading area warning signs; to repeal the original sections; and to outright repeal section 60-6,176, Revised Statutes Cumulative Supplement, 2018.
Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

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<th>Albrecht</th>
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<th>Kolowski</th>
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Voting in the negative, 0.

Excused and not voting, 3:

<table>
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<th>Lathrop</th>
<th>Vargas</th>
<th>Wayne</th>
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 11.**

A BILL FOR AN ACT relating to cities and villages; to amend section 18-1720, Reissue Revised Statutes of Nebraska; to provide for an interlocal agreement with a county to abate, remove, or prevent nuisances as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

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<th>Albrecht</th>
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<td>Kolterman</td>
<td>Pansing</td>
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Voting in the negative, 0.
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 32.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2309.01, 23-2310.05, 84-1310.01, and 84-1311.03, Revised Statutes Cumulative Supplement, 2018; to change defined contribution benefit investment options as prescribed under the County Employees Retirement Act and State Employees Retirement Act; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Lathrop  Vargas  Wayne

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 42.

A BILL FOR AN ACT relating to condominium law; to amend sections
76-808, 76-816, and 76-861, Reissue Revised Statutes of Nebraska; to provide responsibility for maintenance, repair, and replacement and provide a duty as prescribed for the board of administrators or other administrative body under the Condominium Property Act; to provide a duty for the association under the Nebraska Condominium Act; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 40:

Albrecht  Crawford  Hansen, B.  Kolterman  Murman
Arch  DeBoer  Hansen, M.  La Grone  Pansing Brooks
Blood  Dorn  Hilgers  Lindstrom  Quick
Bolz  Friesen  Hilkemann  Linehan  Scheer
Brandt  Geist  Howard  McCollister  Slama
Briese  Gragert  Hughes  McDonnell  Walz
Cavanaugh  Groene  Hunt  Morfeld  Williams
Chambers  Halloran  Kolowski  Moser  Wishart

Voting in the negative, 4:

Bostelman  Brewer  Clements  Erdman

Present and not voting, 2:

Lowe  Stinner

Excused and not voting, 3:

Lathrop  Vargas  Wayne

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 56.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-124.13, Reissue Revised Statutes of Nebraska, and section 53-124.11, Revised Statues Cumulative Supplement, 2018; to change requirements for application for and issuance of a special designated license; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:
Voting in the negative, 0.

Excused and not voting, 3:

Lathrop    Vargas    Wayne

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 57.

A BILL FOR AN ACT relating to rental property; to amend sections 77-2701 and 77-2701.04, Reissue Revised Statutes of Nebraska; to define terms; to prohibit ordinances and other regulations prohibiting short-term rentals of residential property as prescribed; to provide for agreements with online hosting platforms regarding taxation; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 61.**

A BILL FOR AN ACT relating to rabies; to amend sections 71-4401, 71-4402, 71-4403, 71-4406, and 71-4407, Reissue Revised Statutes of Nebraska; to redefine terms; to change and eliminate provisions relating to vaccination and rules and regulations; to change provisions relating to seizure, confinement, testing, and disposition of a domestic animal and postexposure management of domestic animals and livestock; to harmonize provisions; to repeal the original sections; and to outright repeal section 71-4402.01, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Present and not voting, 1:

- Brandt

Excused and not voting, 3:

- Lathrop
- Vargas
- Wayne

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.
Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB63 with 39 ayes, 3 nays, 4 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 63.** With Emergency Clause.

A BILL FOR AN ACT relating to rural and suburban fire protection districts; to amend sections 35-506, 35-509, 35-1204, 35-1206, 35-1207, and 77-3442, Reissue Revised Statutes of Nebraska; to change provisions relating to payments to board members, tax levies, and filings with the State Treasurer; to change the Mutual Finance Assistance Act as prescribed; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 45:

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<th>Clements</th>
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<th>Kolterman</th>
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Voting in the negative, 0.

Excused and not voting, 4:

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<tr>
<th>Chambers</th>
<th>Lathrop</th>
<th>Vargas</th>
<th>Wayne</th>
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 65.**

A BILL FOR AN ACT relating to the State Electrical Act; to amend sections 81-2101, 81-2106, and 81-2108, Reissue Revised Statutes of Nebraska; to authorize a licensing exception; to harmonize provisions; and
to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

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Voting in the negative, 0.

Present and not voting, 1:

Walz

Excused and not voting, 4:

Chambers  Lathrop  Vargas  Wayne

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB70 with 37 ayes, 4 nays, 4 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 70.**

A BILL FOR AN ACT relating to certain financial transactions; to amend sections 66-1509, 77-5211, and 81-15,119, Reissue Revised Statutes of Nebraska; to adopt the Uniform Voidable Transactions Act; to eliminate the Uniform Fraudulent Transfer Act; to harmonize provisions; to repeal the original sections; and to outright repeal sections 36-701, 36-702, 36-703, 36-704, 36-705, 36-706, 36-707, 36-708, 36-709, 36-710, 36-711, and 36-712, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure
having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

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Voting in the negative, 0.

Excused and not voting, 4:

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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 75.**

A BILL FOR AN ACT relating to the Nebraska Grape and Winery Board; to amend section 53-302, Reissue Revised Statutes of Nebraska; to change provisions relating to terms of office; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

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Voting in the negative, 0.

Excused and not voting, 4:
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB78 with 42 ayes, 1 nay, 2 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 78.**

A BILL FOR AN ACT relating to limited liability companies; to amend section 21-147, Reissue Revised Statutes of Nebraska, and sections 21-192, 21-507, 21-509, 21-510, 21-513, 21-514, 21-517, 21-520, 21-521, 21-522, 21-523, 21-525, 21-526, 21-528, 21-529, 21-532, 21-534, 21-537, and 21-539, Revised Statutes Cumulative Supplement, 2018; to provide changes and corrections to the Nebraska Uniform Protected Series Act; to change filing fees and dissolution provisions under the Nebraska Uniform Limited Liability Company Act; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal section 21-541, Revised Statutes Cumulative Supplement, 2018.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

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Voting in the negative, 0.

Excused and not voting, 4:

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A constitutional majority having voted in the affirmative, the bill was
declared passed and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 102.**

A BILL FOR AN ACT relating to the University of Nebraska-Lincoln; to amend sections 85-1,134 and 85-1,136, Reissue Revised Statutes of Nebraska; to change references from the Big Twelve Conference to the Big Ten Conference in provisions requiring payment of a stipend or restricting hours of participation for persons competing in intercollegiate athletics; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Chambers  Lathrop  Vargas  Wayne

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 115.**

A BILL FOR AN ACT relating to schools; to amend section 79-216, Reissue Revised Statutes of Nebraska, and section 79-215, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to enrollment; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:
Voting in the negative, 0.

Present and not voting, 1:

McCollister

Excused and not voting, 4:

Chambers Lathrop Vargas Wayne

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 121.**

A BILL FOR AN ACT relating to cities and villages; to amend section 18-201, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to limits on indebtedness from direct borrowing; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Voting in the negative, 0.

Present and not voting, 2:
Hilgers  La Grone  
Excused and not voting, 4:  
Chambers  Lathrop  Vargas  Wayne

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB193 with 38 ayes, 2 nays, 5 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 193.

19-4027, 19-4028, 19-4029, 19-4029.01, 19-4029.04, 19-4029.05, 19-4030, 19-4031, 19-4033, 19-4034, 19-4037, 32-538, and 32-539, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to cities of particular classes and villages; to correct and include references as prescribed; to name the Municipal Commission Plan of Government Act and the City Manager Plan of Government Act; to eliminate obsolete provisions and provisions relating to an excise board and its members; to repeal definitions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 19-101, 19-104, 19-407, and 19-924, Reissue Revised Statutes of Nebraska, and sections 19-102 and 19-103, Revised Statutes Cumulative Supplement, 2018.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Present and not voting, 1:

Walz

Excused and not voting, 4:

Chambers  Lathrop  Vargas  Wayne

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB194 with 36 ayes, 4 nays, 5 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:
LEGISLATIVE BILL 194.


Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Present and not voting, 1:

McDonnell

Excused and not voting, 4:

Chambers  Lathrop  Vargas  Wayne

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.
The following bill was read and put upon final passage:

**LEGISLATIVE BILL 196.**

A BILL FOR AN ACT relating to cities; to amend sections 14-407, 14-420, and 19-4029.01, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to notice of certain zoning matters in cities of the metropolitan class and for certain hearings under the Business Improvement District Act; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

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Voting in the negative, 0.

Present and not voting, 1:

Bolz

Excused and not voting, 4:

Chambers  Lathrop  Vargas  Wayne

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB258 with 37 ayes, 2 nays, 6 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 258. With Emergency Clause.**

A BILL FOR AN ACT relating to finance; to amend sections 8-209, 8-218, 8-346, 44-915, and 76-2,121, Reissue Revised Statutes of Nebraska, sections 8-135, 8-143.01, 8-157.01, 8-167.01, 8-183.04, 8-1,140, 8-318,
8-355, 8-602, 21-17,115, 45-702, and 81-885.01, Revised Statutes Cumulative Supplement, 2018, and section 4A-108, Uniform Commercial Code, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to the Nebraska Banking Act, the Nebraska Trust Company Act, building and loan associations, the Credit Union Act, the Privacy of Insurance Consumer Information Act, the Residential Mortgage Licensing Act, real estate closing agents, the Nebraska Real Estate License Act, the Uniform Commercial Code, and funds transfers; to update references to certain federal provisions; to revise powers of state-chartered banks, building and loan associations, and credit unions; to change executive officer's and loan officer's license fees; to eliminate and replace obsolete references to the Office of Thrift Supervision; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 43:

Albrecht       Clements       Hansen, B.       La Grone       Quick
Arch           Crawford       Hansen, M.       Lindstrom       Scheer
Blood          DeBoer         Hilgers          Linehan         Slama
Bolz           Erdman         Hilkemann        Lowe            Stinner
Bostelman      Friesen        Howard           McCollister     Walz
Brandt         Geist           Hughes           McDonnell       Williams
Briese         Groene         Kolowksi         Moser           Wishart
Cavanaugh      Halloran       Kolterman        Pansing         Brooks

Voting in the negative, 0.

Present and not voting, 2:

Dorn           Morfeld

Excused and not voting, 4:

Chambers       Lathrop        Vargas          Wayne

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB259 with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.
The following bill was put upon final passage:

**LEGISLATIVE BILL 259.** With Emergency Clause.

A BILL FOR AN ACT relating to consumer protection; to amend sections 8-1704, 8-1707, 8-1726, 69-2103, 69-2104, 69-2112, and 69-2117, Reissue Revised Statutes of Nebraska, and sections 8-1101, 8-1101.01, 8-1103, 8-1108.02, and 8-1111, Revised Statutes Cumulative Supplement, 2018; to redefine terms; to change provisions relating to the Securities Act of Nebraska, the Commodity Code, and the Consumer Rental Purchase Agreement Act; to change or eliminate obsolete provisions; to adopt certain federal provisions; to restate Securities Act Cash Fund provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Chambers  Lathrop  Vargas  Wayne

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB355 with 41 ayes, 2 nays, 2 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:
LEGISLATIVE BILL 355.

A BILL FOR AN ACT relating to finance; to amend sections 45-340 and 45-705, Reissue Revised Statutes of Nebraska, and sections 8-2737, 45-335, 45-346, 45-346.01, 45-348, 45-727, 45-734, and 45-737, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to licensee and authorized delegate examinations under the Nebraska Money Transmitters Act; to define a term, update a reference to salespersons, and change certain license and fee provisions under the Nebraska Installment Sales Act; to change mortgage banker license application provisions, provide for temporary powers as a mortgage loan originator licensee as prescribed, change inactive mortgage loan originator licensee provisions, and change certain mortgage banker licensee recordkeeping duties under the Residential Mortgage Licensing Act; to provide operative dates; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Albrecht  Clements  Halloran  Koltermann  Murman
Arch  Crawford  Hansen, B.  La Grone  Pansing Brooks
Blood  DeBoer  Hansen, M.  Lindstrom  Quick
Boz  Dorn  Hilgers  Linehan  Scheer
Bostelman  Erdman  Hilkemann  Lowe  Slama
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Briese  Greger  Hunt  Morfeld  Williams
Cavanaugh  Groene  Kolowski  Moser  Wishart

Voting in the negative, 0.

Excused and not voting, 4:

Chambers  Lathrop  Vargas  Wayne

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 71.

A BILL FOR AN ACT relating to shoplifting; to amend section 25-2803, Reissue Revised Statutes of Nebraska; to eliminate a civil cause of action for damages from shoplifting; to harmonize provisions; to repeal the original section; and to outright repeal section 25-21,194, Reissue Revised Statutes of Nebraska.
Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 38:

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<td>Clements</td>
<td>Hansen, B.</td>
<td>Kolterman</td>
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Voting in the negative, 0.

Present and not voting, 6:

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<tr>
<th>Albrecht</th>
<th>Dorn</th>
<th>Stinner</th>
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<tr>
<td>Briese</td>
<td>Halloran</td>
<td>Williams</td>
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Excused and not voting, 5:

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<tr>
<th>Chambers</th>
<th>Lathrop</th>
<th>Scheer</th>
<th>Vargas</th>
<th>Wayne</th>
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 122. With Emergency Clause.**

A BILL FOR AN ACT relating to postsecondary education; to amend section 85-502.01, Revised Statutes Cumulative Supplement, 2018; to change requirements for veterans and their spouses and dependents and other eligible persons to qualify as resident students as prescribed; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?"

Voting in the affirmative, 41:
Voting in the negative, 0.

Present and not voting, 2:

Stinner        Walz

Excused and not voting, 6:

Chambers       Lathrop       Vargas
Halloran       Scheer        Wayne

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB301 with 37 ayes, 3 nays, 3 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 301. With Emergency Clause.

provisions of such acts; to eliminate obsolete provisions; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide an operative date; to repeal the original sections; to outright repeal section 48-1820, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Excused and not voting, 5:

Chambers  Lathrop  Scheer  Vargas  Wayne

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 306.**

A BILL FOR AN ACT relating to the Employment Security Law; to amend sections 48-628.13 and 48-652, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to good cause for voluntarily leaving employment; to harmonize provisions; and to repeal the original sections.

Senator Crawford requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 20:
Voting in the negative, 15:

Albrecht  Brewer  Geist  Hilgers  Murman
Arch  Clements  Gragert  Lowe  Slama
Bostelman  Erdman  Groene  Moser  Stinner

Present and not voting, 9:

Brandt  Crawford  Halloran  Hughes  Linehan
Briese  Friesen  Hansen, B.  La Grone

Excused and not voting, 5:

Chambers  Lathrop  Scheer  Vargas  Wayne

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB359 with 30 ayes, 3 nays, 11 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 359.

A BILL FOR AN ACT relating to labor; to amend sections 48-618, 48-619, 48-621, 48-622.03, 48-649.03, 48-652, 48-1234, and 48-2213, Revised Statutes Cumulative Supplement, 2018; to change provisions under the Employment Security Law relating to administration of funds, unclaimed benefits, reports, and the employer's combined tax rate; to change provisions relating to service of citations for violations of the Nebraska Wage Payment and Collection Act and the appointment of the meatpacking industry worker rights coordinator; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:
Voting in the negative, 0.

Excused and not voting, 5:

Chambers  Lathrop  Scheer  Vargas  Wayne

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 7.**

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Cumulative Supplement, 2018; to adopt the Counterfeit Airbag Prevention Act; to provide penalties and eliminate a penalty; to harmonize provisions; to repeal the original section; and to outright repeal section 28-635, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Albrecht  Clements  Halloran  Kolterman  Murman
Arch  Crawford  Hansen, B.  La Grone  Pansing  Brooks
Blood  DeBoer  Hansen, M.  Lindstrom  Quick
Bolz  Dorn  Hilgers  Linehan  Slama
Bostelman  Erdman  Hilkemann  Lowe  Stinner
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Brewer  Geist  Hughes  McDonnell  Williams
Briese  Gragert  Hunt  Morfeld  Wishart
Cavanaugh  Groene  Kolowski  Moser

Voting in the negative, 0.

Excused and not voting, 5:

Chambers  Lathrop  Scheer  Vargas  Wayne
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 55.**

A BILL FOR AN ACT relating to property; to amend sections 30-2478, 30-2723, and 30-3859, Reissue Revised Statutes of Nebraska, and section 43-2101, Revised Statutes Cumulative Supplement, 2018; to change powers of copersonal representatives, cotrustees, coguardians, and coconservators; to change provisions relating to accounts with POD designations; to authorize persons eighteen years of age to acquire or convey title to real property and to enter into and execute related legal documents; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

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

Voting in the negative, 0.

Present and not voting, 2:

Howard  Kolowski

Excused and not voting, 4:

Chambers  Lathrop  Vargas  Wayne

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 146.**

A BILL FOR AN ACT relating to the Nebraska Uniform Power of Attorney Act; to amend section 30-4020, Reissue Revised Statutes of Nebraska; to change liability provisions for refusal to accept an acknowledged power of attorney; and to repeal the original section.
Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

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Voting in the negative, 0.

Excused and not voting, 5:

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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 154.**

A BILL FOR AN ACT relating to the Nebraska State Patrol; to require a report on missing Native American women and children in Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

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Voting in the negative, 0.

Excused and not voting, 4:
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 264.**

A BILL FOR AN ACT relating to the Disposition of Personal Property Landlord and Tenant Act; to amend section 69-2302, Reissue Revised Statutes of Nebraska; to redefine the term premises; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

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<td>Murman</td>
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<td>Wishart</td>
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</tbody>
</table>

Voting in the negative, 0.

Excused and not voting, 4:

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<tr>
<th>Name</th>
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<tbody>
<tr>
<td>Chambers</td>
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<tr>
<td>Groene</td>
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 82, 117, 190, 11, 32, 42, 56, 57, 61, 63, 65, 70, 75, 78, 102, 115, 121, 193, 194, 196, 258, 259, 355, 71, 122, 301, 359, 7, 55, 146, 154, and 264.

**SELECT FILE**

**LEGISLATIVE BILL 214.** Advanced to Enrollment and Review for Engrossment.
LEGISLATIVE BILL 52. ER21, found on page 511, was adopted. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 152. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 186. ER23, found on page 513, was adopted. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 186A. Senator Lindstrom offered the following amendment:

AM538
1 1. Strike the original section and insert the following new section:
2   Section 1. There is hereby appropriated (1) $82,167 from the General Fund for FY2019-20 and (2) $27,682 from the General Fund and $5,000 from the Administration Cash Fund for FY2020-21 to the Secretary of State, for Program 22, to aid in carrying out the provisions of Legislative Bill 186, One Hundred Sixth Legislature, First Session, 2019. Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $24,098 for FY2019-20 or $24,580 for FY2020-21.

The Lindstrom amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 223. ER26, found on page 533, was adopted. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 442. ER25, found on page 533, was adopted. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 536. Senator Pansing Brooks offered her amendment, AM316, found on page 627.

The Pansing Brooks amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting. Advanced to Enrollment and Review for Engrossment.
LEGISLATIVE BILL 622. ER24, found on page 533, was adopted.

Senator Williams withdrew his amendment, AM340, found on page 541.

Senator Williams offered his amendment, AM406, found on page 561.

The Williams amendment was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 4. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 4A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 185. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 372. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 103. ER27, found on page 533, was adopted.

Senator Linehan offered her amendment, AM296, found on page 541.

The Linehan amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 450. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 450A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 406. ER28, found on page 554, was adopted.

Senator Gragert offered his amendment, AM315, found on page 529.

The Gragert amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.
LEGISLATIVE BILL 159. ER33, found on page 554, was adopted.
Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 380. ER32, found on page 554, was adopted.
Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 469. ER29, found on page 555, was adopted.
Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 25. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 25A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 119. ER31, found on page 555, was adopted.
Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 333. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 203. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 235. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 624. ER34, found on page 555, was adopted.
Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 160. ER35, found on page 555, was adopted.
The Wayne amendment, AM411, found on page 568, was withdrawn.
Senator Groene offered his amendment, AM407, found on page 572.
The Groene amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.
Advanced to Enrollment and Review for Engrossment.
LEGISLATIVE BILL 195. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 124. Senator Crawford offered her amendment, AM405, found on page 572.

The Crawford amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 127. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 139. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 319. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 699. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 8. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 156. ER36, found on page 569, was adopted.

Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 318. Considered.

Senator Brewer offered the following motion:
MO20
Indefinitely postpone.

Pending.

NOTICE OF COMMITTEE HEARING(S)
Business and Labor
Room 1003

Monday, March 18, 2019 1:30 p.m.

LB577 (cancel)
Presented to the Governor on March 1, 2019, at 11:15 a.m. were the following: LBs 82e, 117, 190, 11, 32, 42, 56, 57, 61, 63e, 65, 70, 75, 78, 102, 115, 121, 193, 194, 196, 258e, 259e, 355, 71, 122e, 301e, 359, 7, 55, 146, 154, and 264.

(Signed) Laura Gerkin
Clerk of the Legislature's Office

RESOLUTION(S)

LEGISLATIVE RESOLUTION 35. Introduced by Hughes, 44.

WHEREAS, Sehnert's Bakery and Bieroc Café of McCook won the 2019 James Beard Foundation Award for America's Classics, making the bakery and cafe the first establishment in Nebraska to ever receive the award; and
WHEREAS, the James Beard Foundation America's Classics Award has been given annually since 1998 to only five locally owned restaurants throughout the United States with timeless appeal that reflect the local character of their community and are cherished for serving quality food; and

WHEREAS, Sehnert's Bakery and Bieroc Café is known for pastries, sandwiches, and coffee drinks and uses Wauneta Roller Mills flour made with locally-grown and milled wheat; and

WHEREAS, Sehnert's Bakery of McCook was opened by Walt and Jean Sehnert in 1957 when they moved to the town, and the Sehnert family has owned and operated bakeries in America since 1897; and

WHEREAS, the current owners, Matt and Shelly Sehnert, are now the fourth generation of family bakers and, in addition to running an exceptional bakery and cafe, contribute to their community by hosting local and regional musicians and artists with Live at the Bieroc events.

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

1. That the Legislature congratulates Sehnert's Bakery and Bieroc Café on winning the 2019 James Beard Foundation Award for America's Classics.
2. That a copy of this resolution be sent to Matt and Shelly Sehnert.

Laid over.

LEGISLATIVE RESOLUTION 36. Introduced by Bolz, 29; Hilkemann, 4; Walz, 15.

WHEREAS, the primary mission of social workers is to enhance well-being and ensure that the basic needs of all people are met, especially the most vulnerable; and

WHEREAS, social work is one of the fastest growing careers in the United States, with expected employment of social workers to exceed 790,000 nationally by 2026; and

WHEREAS, in all areas of our society, social workers strive to improve happiness, health, and prosperity, including government, education, social service agencies, communities, the military, and mental health and health care facilities; and

WHEREAS, "Elevate Social Work" is the theme of this year's National Social Work Month. Social workers empower people, giving them the ability to solve problems and overcome life's hurdles so they can live to their full potential; and

WHEREAS, social workers have helped this nation live up to its ideals by successfully pushing for equal rights for all, including women, African Americans, Latinos, refugees, people who identify as LGBTQ, and various ethnic, cultural, and religious groups; and

WHEREAS, social workers have helped people in this nation overcome racial strife and economic and health care uncertainty by successfully advocating for initiatives such as Medicaid, unemployment insurance, workplace safety, Social Security benefits, the Civil Rights Act, the Voting Rights Act, and the Affordable Care Act; and
WHEREAS, social workers are the largest group of mental health care providers in the United States and work daily to help people overcome depression, anxiety, and substance abuse and other disorders so they can lead more fulfilling lives; and

WHEREAS, the United States Department of Veterans Affairs employs more than 12,000 professional social workers who bolster our nation's security by providing support to active duty military personnel, veterans, and their families; and

WHEREAS, thousands of child, family, and school social workers across the country work to protect children and improve the social and psychological functioning of children and their families; and

WHEREAS, social workers help children find loving homes and create new families through adoption; and

WHEREAS, social workers in schools work with families and schools to foster the happiness and success of future generations by ensuring students reach their full academic and personal potential; and

WHEREAS, social workers help older adults and their families improve their quality of life and ability to live independently as long as possible and obtain access to quality mental health services and health care; and

WHEREAS, social workers stand ready to help our society overcome current pressing issues, including equal rights for all, the need for improved availability of health care and mental health services, immigration reform, voting rights, and the environmental impact of global climate change.

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

1. That the Legislature recognizes March 2019 as Social Work Month in Nebraska and encourages all citizens to join the National Association of Social Workers in celebrating and supporting the social work profession.

2. That a copy of this resolution be sent to the National Association of Social Workers, Nebraska Chapter.

Laid over.

NOTICE OF COMMITTEE HEARING(S)

Education

Room 1525

Tuesday, March 12, 2019 1:30 p.m.

LB431
LB180
LB27
LB702

(Signed) Mike Groene, Chairperson
AMENDMENT(S) - Print in Journal

Senator Howard filed the following amendment to LB112:
AM526
1 1. Strike original sections 6 and 8 and insert the following new
2 section:
3 Sec. 6. Young worker means (1) for an initial credential under the
4 Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art
5 Practice Act, except for a body art license, an applicant who is between
6 the ages of seventeen and twenty-five years or (2) for an initial
7 credential issued under any other provision of the Uniform Credentialing
8 Act, including a body art license, an applicant who is between the ages
9 of eighteen and twenty-five years.
10 2. On page 5, line 17, after the second "credential" insert "except
11 the actual cost of the fingerprinting and criminal background check for
12 an initial license under section 38-131".
13 3. On page 9, line 4, after "waived" insert "except the actual cost
14 of the fingerprinting and criminal background check for an initial
15 license under section 38-131".
16 4. Renumber the remaining sections and correct the repealer
17 accordingly.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 183. Placed on Select File.

(Signed) Julie Slama, Chairperson

MOTION(S) - Print in Journal

Senator Crawford filed the following motion to LB306:
MO19
Reconsider the vote on the final passage of the bill.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Kolowski name added to LB15.
Senator Linehan name added to LB352.
Senator Briese name added to LB556.
Senator Groene name added to LB569.
VISITOR(S)

Visitors to the Chamber were Commander Alex Baerg of the USS Nebraska and his wife, Nicole; Senator Bolz's mom, Pam Eisenhauer, and nieces, Alysa and Grace Myers; students from Omaha Christian Academy; students from Yutan Elementary; Speaker Sheer's wife, Kris, daughter, grandson, and granddaughter, Keeli, Miller, and Stella Vrbicky; and Galen, Marsha, and Samuel Banzhaf from Overton.

ADJOURNMENT

At 11:49 a.m., on a motion by Senator Dorn, the Legislature adjourned until 9:00 a.m., Monday, March 4, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
PRAYER

The prayer was offered by Pastor Paul Warneke, Zion Lutheran Church, Hastings.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Scheer presiding.

The roll was called and all members were present except Senators Hilgers, Hughes, and Lathrop who were excused; and Senators Cavanaugh, DeBoer, Friesen, Morfeld, Stinner, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-fourth day was approved.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LR26 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR26.

MOTION(S) - Confirmation Report(s)

Senator Briese moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 608:

- Nebraska Commission on Problem Gambling
  Todd Zohner

Voting in the affirmative, 33:
The appointment was confirmed with 33 ayes, 0 nays, 7 present and not voting, and 9 excused and not voting.

Senator Howard moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 636:

* Nebraska Rural Health Advisory Commission
  - Cherlyn Hunt
  - Kyle Klammer
  - Michael Allen Sitorius

Voting in the affirmative, 34:

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<td>Briese</td>
<td>Halloran</td>
<td>Linehan</td>
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Voting in the negative, 0.

Present and not voting, 7:

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Excused and not voting, 8:

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<td>Cavanaugh</td>
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<td>Hughes</td>
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<td>DeBoer</td>
<td>Hilgers</td>
<td>Lathrop</td>
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Voting in the negative, 0.

Present and not voting, 7:

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<td>Hansen, M.</td>
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<td>Chambers</td>
<td>Groene</td>
<td>Kolterman</td>
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Excused and not voting, 8:
The appointments were confirmed with 34 ayes, 0 nays, 7 present and not voting, and 8 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 284. Title read. Considered.
Committee AM392, found on page 578, was offered.

Senator Linehan offered the following amendment to the committee amendment:

AM540
(Amendments to Standing Committee amendments, AM392)

The Linehan amendment was adopted with 44 ayes, 0 nays, 2 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 43 ayes, 0 nays, 3 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 44 ayes, 0 nays, 2 present and not voting, and 3 excused and not voting.

NOTICE OF COMMITTEE HEARING(S)
Appropriations
Room 1524

Monday, March 18, 2019 1:30 p.m.

LB199
LB625
Agency 5 - Supreme Court
Agency 94 - Public Advocacy, Commission on
Agency 15 - Parole, Nebraska Board of
Agency 46 - Correctional Services, Department of
Agency 11 - Attorney General

Tuesday, March 19, 2019 1:30 p.m.

LB292
Agency 13 - Education, Department of
Agency 32 - Educational Lands and Funds, Board of
Agency 69 - Arts Council, Nebraska
Agency 34 - Library Commission, Nebraska
Agency 47 - Educational Telecommunications Commission, Nebraska
Room 1003

Wednesday, March 20, 2019 1:30 p.m.

LB678
Agency 71 - Nebraska Energy Office
Agency 33 - Game and Parks Commission
Agency 18 - Agriculture, Department of
Agency 29 - Natural Resources, Department of
Agency 84 - Environmental Quality, Department of

Thursday, March 21, 2019 1:30 p.m.

LB129
LB394
LB494
Agency 27 - Transportation, Department of
Agency 31 - Military Department
Agency 36 - Racing Commission, Nebraska State

(Signed) John Stinner, Chairperson

Government, Military and Veterans Affairs
Room 1507

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

LB98
LB210
LB436
LR9

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

LB718
LB733
LB687

Friday, March 15, 2019 1:30 p.m.

LB704
LB709

(Signed) Tom Brewer, Chairperson
EXPLANATION(S) OF VOTE(S)

Had I been present, I would have voted "aye" on final passage of LBs 82e, 117, 190, 11, 32, 42, 56, 57, 61, 63e, 65, 70, 75, 78, 102, 115, 121, 193, 194, 196, 258e, 259e, 355, 71, 122e, 301e, 359, 7, 55, 146, 154, and 264.

(Signed) Justin Wayne

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Wayne has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

GENERAL FILE

LEGISLATIVE BILL 318. Senator Brewer withdrew his motion, MO20, found on page 693, to indefinitely postpone.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 443. Title read. Considered.

SENATOR WILLIAMS PRESIDING

Senator McCollister moved for a call of the house. The motion prevailed with 26 ayes, 4 nays, and 19 not voting.

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

Voting in the affirmative, 28:

Blood    DeBoer    Hunt    McDonnell    Walz
Bolz     Dorn      Kolowski  Morfeld     Wayne
Brandt   Gragert   Kolterman Pansing Brooks Williams
Cavanaugh Hansen, M. Lindstrom Quick Wishart
Chambers Hilkemann Linehan Slama
Crawford Howard McCollister Vargas

Voting in the negative, 11:

Albrecht Briese Geist Moser
Bostelman Clements Halloran Murman
Brewer Erdman Lowe

Present and not voting, 3:
Arch Friesen Hansen, B.

Excused and not voting, 7:

Groene Hughes Lathrop Stinner
Hilgers La Grone Scheer

Advanced to Enrollment and Review Initial with 28 ayes, 11 nays, 3 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 627.** Title read. Considered.

Pending.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 52.** Placed on Final Reading.

**LEGISLATIVE BILL 152.** Placed on Final Reading.

**LEGISLATIVE BILL 186.** Placed on Final Reading.

**LEGISLATIVE BILL 186A.** Placed on Final Reading.

**LEGISLATIVE BILL 214.** Placed on Final Reading.

**LEGISLATIVE BILL 223.** Placed on Final Reading.

**LEGISLATIVE BILL 442.** Placed on Final Reading.

**LEGISLATIVE BILL 536.** Placed on Final Reading.

(Signed) Julie Slama, Chairperson

**COMMITTEE REPORT(S)**

Urban Affairs

**LEGISLATIVE BILL 476.** Placed on General File.

**LEGISLATIVE BILL 68.** Placed on General File with amendment. AM334

1 1. Strike original sections 1, 2, 3, 4, 6, 7, 9, 10, 16, 17, 18, 19, 20, 21, 22, and 23.

2 2. Renumber the remaining sections and correct the repealer accordingly.

**LEGISLATIVE BILL 96.** Placed on General File with amendment. AM497

1 1. On page 2, line 28, after "village" insert ", except that such code shall not apply to construction on a farm or for farm purposes".
LEGISLATIVE BILL 107. Placed on General File with amendment.
AM356
1 1. On page 5, line 19, after the period insert "The chairperson of
2 the plumbing board shall also call a meeting of the plumbing board upon
3 the written request of a license applicant, licensee, or another member
4 of the plumbing board. Such meeting shall be held within four weeks of
5 such written request.".
6 2. On page 7, line 24, after "trustees" insert ", except that such
7 fees shall not exceed the costs of administering the licensing program".

LEGISLATIVE BILL 424. Placed on General File with amendment.
AM509
1 1. On page 3, lines 10 and 23, after "class" insert "or city of the
2 primary class".

LEGISLATIVE BILL 445. Placed on General File with amendment.
AM520
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 18-1208, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 18-1208 (1) Except as otherwise provided in this section, after July
6 19, 2012, a municipality may impose a new occupation tax or increase the
7 rate of an existing occupation tax, which new occupation tax or increased
8 rate of an existing occupation tax is projected to generate annual
9 occupation tax revenue in excess of the applicable amount listed in
10 subsection (2) of this section, pursuant to section 14-109, 15-202,
11 15-203, 16-205, or 17-525 if the question of whether to impose the tax or
12 increase the rate of an existing occupation tax has been submitted at an
13 election held within the municipality and in which all registered voters
14 shall be entitled to vote on the question. The officials of the
15 municipality shall order the submission of the question by submitting a
16 certified copy of the resolution proposing the tax or tax rate increase
17 to the election commissioner or county clerk at least fifty days before
18 the election. The election shall be conducted in accordance with the
19 Election Act. If a majority of the votes cast upon the question are in
20 favor of the new tax or increased rate of an existing occupation tax,
21 then the governing body of such municipality shall be empowered to impose
22 the new tax or to impose the increased tax rate. If a majority of those
23 voting on the question are opposed to the new tax or increased rate, then
24 the governing body of the municipality shall not impose the new tax or
25 increased rate but shall maintain any existing occupation tax at its
26 current rate.
27 (2) The applicable amount of annual revenue for each new occupation
1 tax or annual revenue raised by the increased rate for an existing
2 occupation tax for purposes of subsection (1) of this section is:
3 (a) For cities of the metropolitan class, six million dollars;
4 (b) For cities of the primary class, three million dollars;
5 (c) For cities of the first class, seven hundred thousand dollars;
6 and 
7 (d) For cities of the second class and villages, three hundred 
8 thousand dollars. 
9 (3) After July 19, 2012, a municipality shall not be required to 
10 submit the following questions to the registered voters: 
11 (a) Whether to change the rate of an occupation tax imposed for a 
12 specific project which does not provide for deposit of the tax proceeds 
13 in the municipality's general fund; or 
14 (b) Whether to terminate an occupation tax earlier than the 
15 determinable termination date under the original question submitted to 
16 the registered voters. 
17 This subsection applies to occupation taxes imposed prior to, on, or 
19 (4) The provisions of this section do not apply to an occupation tax 
20 subject to section 86-704. 
21 (5) No later than sixty days after the end of the fiscal year, each 
22 municipality that imposes or increases any occupation tax as provided 
23 under this section shall provide an annual report on the collection and 
24 use of such occupation tax. The report shall be posted on the 
25 municipality's public web site or made available for public inspection at 
26 a location designated by the municipality. The report shall include, but 
27 not be limited to: 
28 (a) A list of all such occupation taxes collected by the 
29 municipality; 
30 (b) The amount generated annually by each such occupation tax; 
31 (c) Whether funds generated by each such occupation tax are 
1 deposited in the general fund, cash funds, or other funds of the 
2 municipality; 
3 (d) Whether any such occupation tax is dedicated for a specific 
4 purpose, and if so, the amount dedicated for such purpose; and 
5 (e) The scheduled or projected termination date, if any, of each 
6 such occupation tax. 
7 Sec. 2. Original section 18-1208, Reissue Revised Statutes of 
8 Nebraska, is repealed. 

LEGISLATIVE BILL 574. Placed on General File with amendment. 
AM505
1 1. Insert the following new section: 
2 Sec. 3. Since an emergency exists, this act takes effect when 
3 passed and approved according to law. 

(Signed) Justin Wayne, Chairperson 

AMENDMENT(S) - Print in Journal 

Senator Bolz filed the following amendment to LB332: 
AM557
1 1. On page 12, line 3, strike "and" and show as stricken; and in 
2 line 15 after "adult" insert "; and
3 (4) Who is a Nebraska resident, except that this shall not
disqualify a young adult who was a Nebraska resident but was placed
outside Nebraska pursuant to the Interstate Compact for the Placement of
Children".

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

- Senator Pansing Brooks name added to LB15.
- Senator Wishart name added to LB15.
- Senator Cavanaugh name added to LB15.
- Senator Blood name added to LB164.
- Senator Cavanaugh name added to LB627.

**VISITOR(S)**

Visitors to the Chamber were Bailey Mooney from Bee; students and
teachers from MontClair Elementary, Millard; and students from Westside
Elementary, Norfolk.

**ADJOURNMENT**

At 11:56 a.m., on a motion by Senator Brandt, the Legislature adjourned
until 9:00 a.m., Tuesday, March 5, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
PRAYER

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

ROLL CALL

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

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

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-fifth day was approved.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 37. Introduced by Quick, 35.

WHEREAS, Jonathan Novinski, a sophomore at Grand Island Central Catholic, took first place in the boys 500-yard freestyle and second place in the boys 200-yard freestyle at the 2019 State Swimming and Diving Championship; and
WHEREAS, this is the second time Jonathan has taken first place in the boys 500-yard freestyle at the State Swimming and Diving Championship; and
WHEREAS, Jonathan also broke the longest-standing boys record at the meet with a time of 4:32.04 in the boys 500-yard freestyle; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates Jonathan Novinski on taking first place in the boys 500-yard freestyle at the 2019 State Swimming and Diving Championship.
2. That a copy of this resolution be sent to Jonathan Novinski and to Coach Brian Jensen.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 627. Considered.

Pending.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 4. Placed on Final Reading.
LEGISLATIVE BILL 4A. Placed on Final Reading.
LEGISLATIVE BILL 103. Placed on Final Reading.
LEGISLATIVE BILL 185. Placed on Final Reading.
LEGISLATIVE BILL 372. Placed on Final Reading.
LEGISLATIVE BILL 406. Placed on Final Reading.
LEGISLATIVE BILL 450. Placed on Final Reading.
LEGISLATIVE BILL 450A. Placed on Final Reading.

LEGISLATIVE BILL 622. Placed on Final Reading.

ST8
The following changes, required to be reported for publication in the Journal, have been made:
1. On page 1, line 8, "to provide immunity for the director and administrator as prescribed;" was inserted after the semicolon.

(Signed) Julie Slama, Chairperson

COMMITTEE REPORT(S)
Government, Military and Veterans Affairs


LEGISLATIVE BILL 148. Placed on General File with amendment.
AM421
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 13-503, Revised Statutes Cumulative Supplement, 4 2018, is amended to read:
5 13-503 For purposes of the Nebraska Budget Act, unless the context 6 otherwise requires:
7 (1) Governing body means the governing body of any county
agricultural society, elected county fair board, joint airport authority
formed under the Joint Airport Authorities Act, city or county airport
authority, bridge commission created pursuant to section 39-868, cemetery
district, city, village, municipal county, community college, community
redevelopment authority, county, drainage or levee district, educational
service unit, rural or suburban fire protection district, historical
society, hospital district, irrigation district, learning community,
natural resources district, nonprofit county historical association or
society for which a tax is levied under subsection (1) of section
23-355.01, public building commission, railroad transportation safety
district, reclamation district, road improvement district, rural water
district, school district, sanitary and improvement district, township,
offstreet parking district, transit authority, metropolitan utilities
district, Educational Service Unit Coordinating Council, and political
subdivision with the authority to have a property tax request, with the
authority to levy a toll, or that receives state aid, and joint entity
created pursuant to the Interlocal Cooperation Act that receives tax
funds generated under section 2-3226.05;
(2) Levying board means any governing body which has the power or
duty to levy a tax;
(3) Fiscal year means the twelve-month period used by each governing
body in determining and carrying on its financial and taxing affairs;
(4) Tax means any general or special tax levied against persons,
property, or business for public purposes as provided by law but shall
not include any special assessment;
(5) Auditor means the Auditor of Public Accounts;
(6) Cash reserve means funds required for the period before revenue
would become available for expenditure but shall not include funds held
in any special reserve fund;
(7) Public funds means all money, including nontax money, used in
the operation and functions of governing bodies. For purposes of a
county, city, or village which has a lottery established under the
Nebraska County and City Lottery Act, only those net proceeds which are
actually received by the county, city, or village from a licensed lottery
operator shall be considered public funds, and public funds shall not
include amounts awarded as prizes;
(8) Adopted budget statement means a proposed budget statement which
has been adopted or amended and adopted as provided in section 13-506.
Such term shall include additions, if any, to an adopted budget statement
made by a revised budget which has been adopted as provided in section
13-511;
(9) Special reserve fund means any special fund set aside by the
governing body for a particular purpose and not available for expenditure
for any other purpose. Funds created for (a) the retirement of bonded
indebtedness, (b) the funding of employee pension plans, (c) the purposes
of the Political Subdivisions Self-Funding Benefits Act, (d) the purposes
of the Local Option Municipal Economic Development Act, (e) voter-
approved sinking funds, or (f) statutorily authorized sinking funds shall
be considered special reserve funds;
30 (10) Biennial period means the two fiscal years comprising a
biennium commencing in odd-numbered or even-numbered years used by a
city, village, or natural resources district in determining and carrying
on its financial and taxing affairs; and
3 (11) Biennial budget means (a) a budget by a city of the primary or
metropolitan class that adopts a charter provision providing for a
biennial period to determine and carry on the city's financial and taxing
affairs, (b) a budget by a city of the first or second class or village
that provides for a biennial period to determine and carry on the city's
or village's financial and taxing affairs, or (c) a budget by a natural
resources district that provides for a biennial period to determine and
carry on the natural resources district's financial and taxing affairs.
31 Sec. 2. Section 13-506, Revised Statutes Cumulative Supplement,
2018, is amended to read:
13-506 (1) Each governing body shall each year or biennial period
conduct a public hearing on its proposed budget statement. Such hearing
shall be held separately from any regularly scheduled meeting of the
governing body and shall not be limited by time. Notice of place and time
of such hearing, together with a summary of the proposed budget
statement, shall be published at least four calendar days prior to the
date set for hearing in a newspaper of general circulation within the
governing body's jurisdiction. For purposes of such notice, the four
calendar days shall include the day of publication but not the day of
hearing. When the total operating budget, not including reserves, does
not exceed ten thousand dollars per year or twenty thousand dollars per
biennial period, the proposed budget summary may be posted at the
governing body's principal headquarters. At such hearing, the governing
body shall make at least three copies of the proposed budget statement
available to the public and shall make a presentation outlining key
provisions of the proposed budget statement, including, but not limited
to, a comparison with the prior year's budget. Any member of the public
desiring to speak on the proposed budget statement shall be allowed to
address the governing body at the hearing and shall be given a reasonable
amount of time to do so. After such hearing, the proposed budget
statement shall be adopted, or amended and adopted as amended, and a
written record shall be kept of such hearing. The amount to be received
from personal and real property taxation shall be certified to the
levying board after the proposed budget statement is adopted or is
amended and adopted as amended. If the levying board represents more than
one county, a member or a representative of the governing board shall,
upon the written request of any represented county, appear and present
its budget at the hearing of the requesting county. The certification of
the amount to be received from personal and real property taxation shall
specify separately (a) the amount to be applied to the payment of
principal or interest on bonds issued by the governing body and (b) the
amount to be received for all other purposes. If the adopted budget
statement reflects a change from that shown in the published proposed
budget statement, a summary of such changes shall be published within
twenty calendar days after its adoption in the manner provided in this
17 section, but without provision for hearing, setting forth the items
18 changed and the reasons for such changes.
19 (2) Upon approval by the governing body, the budget shall be filed
20 with the auditor. The auditor may review the budget for errors in
21 mathematics, improper accounting, and noncompliance with the Nebraska
22 Budget Act or sections 13-518 to 13-522. If the auditor detects such
23 errors, he or she shall immediately notify the governing body of such
24 errors. The governing body shall correct any such error as provided in
25 section 13-511. Warrants for the payment of expenditures provided in the
26 budget adopted under this section shall be valid notwithstanding any
27 errors or noncompliance for which the auditor has notified the governing
28 body.
29 Sec. 3. Section 84-1411, Revised Statutes Cumulative Supplement,
30 2018, is amended to read:
31 84-1411  (1)(a) (1) Each public body shall give reasonable advance
32 publicized notice of the time and place of each meeting as provided in
33 this subsection by a method designated by each public body and recorded
34 in its minutes. Such notice shall be transmitted to all members of the
35 public body and to the public.
36 (b)(i) Except as provided in subdivision (1)(b)(ii) of this section,
37 in the case of a public body described in subdivision (1)(a)(i) of
38 section 84-1409 or such body's advisory committee, such notice shall be
39 published in a newspaper of general circulation within the public body's
40 jurisdiction and, if available, in a digital advertisement on such
41 newspaper's web site.
42 (ii) In the case of the governing body of a city of the second class
43 or village or such body's advisory committee, such notice shall be
44 published by:
45 (A) Publication in a newspaper of general circulation within the
46 public body's jurisdiction and, if available, in a digital advertisement
47 on such newspaper's web site; or
48 (B) Posting written notice in three conspicuous public places in
49 such city or village. Such notice shall be posted in the same three
50 places for each meeting.
51 (iii) In the case of a public body not described in subdivision (1)
52 (b)(i) or (ii) of this section, such notice shall be given by a method
53 designated by the public body.
54 (c) In addition to a method of notice required by subdivision (1)(b)
55 (i) or (ii) of this section, such notice may also be provided by any
56 other appropriate method designated by such public body or such advisory
57 committee.
58 (d) Each public body shall record the methods and dates of such
59 notice in its minutes.
60 (e) Such notice shall contain an agenda of subjects known at the
61 time of the publicized notice or a statement that the agenda, which shall
62 be kept continually current, shall be readily available for public
63 inspection at the principal office of the public body during normal
64 business hours. Agenda items shall be sufficiently descriptive to give
65 the public reasonable notice of the matters to be considered at the
meeting. Except for items of an emergency nature, the agenda shall not be altered later than (i) twenty-four hours before the scheduled commencement of the meeting or (ii) forty-eight hours before the scheduled commencement of a meeting of a city council or village board scheduled outside the corporate limits of the municipality. The public body shall have the right to modify the agenda to include items of an emergency nature only at such public meeting.

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

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

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

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

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

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

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

(3) A meeting of a board of an educational service unit, of the Educational Service Unit Coordinating Council, of the governing body of an entity formed under the Interlocal Cooperation Act, the Joint Public Agency Act, or the Municipal Cooperative Financing Act, of the governing body of a risk management pool or its advisory committees organized in accordance with the Intergovernmental Risk Management Act, of a community college board of governors, of the governing body of a public power district, of the governing body of a public power and irrigation district, of a board of an educational service unit, of the Educational Service Unit Coordinating Council, of the governing body of an entity formed under the Interlocal Cooperation Act, the Joint Public Agency Act, or the Municipal Cooperative Financing Act, of the governing body of a risk management pool or its advisory committees organized in accordance with the Intergovernmental Risk Management Act, of a community college board of governors, of the governing body of a public power district, of the governing body of a public power and irrigation district, or of a city council of a municipality may be held by means of videoconferencing or, in the case of the Judicial Resources Commission in those cases specified in section 24-1204, by telephone conference, if:

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

(b) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including seating, recordation by audio or visual recording devices, and a reasonable opportunity for input such as public comment or questions to at least the same extent as would be provided if videoconferencing or telephone conferencing was not used;
district, or of the Nebraska Brand Committee may be held by telephone conference call if:

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

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

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

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

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

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

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

(h) No more than one-half of the board's, council's, governing body's, committee's, entity's, or pool's meetings in a calendar year are held by telephone conference call, except that a governing body of a risk management pool that meets at least quarterly and the advisory committees of the governing body may each hold more than one-half of its meetings by telephone conference call if the governing body's quarterly meetings are not held by telephone conference call or videoconferencing.

Nothing in this subsection shall prevent the participation of consultants, members of the press, and other nonmembers of the governing body at sites not identified in the public notice. Telephone conference calls, emails, faxes, or other electronic communication shall not be used to circumvent any of the public government purposes established in the Open Meetings Act.

(4) The secretary or other designee of each public body shall
maintain a list of the news media requesting notification of meetings and shall make reasonable efforts to provide advance notification to them of the time and place of each meeting and the subjects to be discussed at that meeting.

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

(6) A public body may allow a member of the public or any other witness other than a member of the public body to appear before the public body by means of video or telecommunications equipment.

Sec. 4. Original sections 13-503, 13-506, and 84-1411, Revised Statutes Cumulative Supplement, 2018, are repealed.

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

LEGISLATIVE BILL 447. Placed on General File with amendment. AM548 1 1. Strike the original sections and insert the following new sections:

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

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

8 (a) All personnel of the office of the Governor;
9 (b) All personnel of the office of the Lieutenant Governor;
10 (c) All personnel of the office of the Secretary of State;
11 (d) All personnel of the office of the State Treasurer;
12 (e) All personnel of the office of the Attorney General;
13 (f) All personnel of the office of the Auditor of Public Accounts;
14 (g) All personnel of the Legislature;
15 (h) All personnel of the court systems;
16 (i) All personnel of the Board of Educational Lands and Funds;
17 (j) All personnel of the Public Service Commission;
18 (k) All personnel of the Nebraska Brand Committee;
19 (l) All personnel of the Commission of Industrial Relations;
20 (m) All personnel of the State Department of Education;
21 (n) All personnel of the Nebraska state colleges and the Board of Trustees of the Nebraska State Colleges;
22 (o) All personnel of the University of Nebraska;
23 (p) All personnel of the Coordinating Commission for Postsecondary
Education;
(q) All personnel of the Governor's Policy Research Office, but not to include personnel within the State Energy Office;
(r) All personnel of the Commission on Public Advocacy;
s) All agency heads;
t(i) The Director of Behavioral Health of the Division of Behavioral Health; (ii) the Director of Children and Family Services of the Division of Children and Family Services; (iii) the Director of Developmental Disabilities of the Division of Developmental Disabilities;
(iv) the Director of Medicaid and Long-Term Care of the Division of Medicaid and Long-Term Care; and (v) the Director of Public Health of the Division of Public Health;
u) The chief medical officer established under section 81-3115, the Administrator of the Office of Juvenile Services, and the chief executive officers of the Beatrice State Developmental Center, Lincoln Regional Center, Norfolk Regional Center, Hastings Regional Center, Grand Island Veterans' Home, Norfolk Veterans' Home, Eastern Nebraska Veterans' Home, Western Nebraska Veterans' Home, Youth Rehabilitation and Treatment Center-Kearney, and Youth Rehabilitation and Treatment Center-Geneva;
v) The chief executive officers of all facilities operated by the Department of Correctional Services and the medical director for the department appointed pursuant to section 83-4,156;
w) All personnel employed as pharmacists, physicians, psychiatrists, or psychologists by the Department of Correctional Services;
x) All personnel employed as pharmacists, physicians, psychiatrists, psychologists, service area administrators, or facility operating officers of the Department of Health and Human Services or the Department of Veterans' Affairs;
y) Deputies and examiners of the Department of Banking and Finance and the Department of Insurance as set forth in sections 8-105 and 44-119, except for those deputies and examiners who remain in the State Personnel System; and
(z) All personnel of the Tax Equalization and Review Commission;
(aa) The associate director of the Conservation Division of the Nebraska State Historical Society and all personnel employed as a Conservator I or Conservator II of the Conservation Division of the Nebraska State Historical Society.
(2) At each agency head's discretion, up to the following number of additional positions may be exempted from the State Personnel System, based on the following agency size categories:

<table>
<thead>
<tr>
<th>Number of Agency Employees</th>
<th>Number of Noncovered Positions</th>
</tr>
</thead>
<tbody>
<tr>
<td>less than 25</td>
<td>0</td>
</tr>
<tr>
<td>25 to 100</td>
<td>1</td>
</tr>
<tr>
<td>101 to 250</td>
<td>2</td>
</tr>
<tr>
<td>251 to 500</td>
<td>3</td>
</tr>
<tr>
<td>501 to 1000</td>
<td>4</td>
</tr>
</tbody>
</table>
16 1001 to 2000  5  
17 2001 to 3000  8  
18 3001 to 4000  11  
19 4001 to 5000  40  
20 over 5000  50  

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

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

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

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

(2) A nominating committee comprised of society members, one from each of the congressional districts, shall be appointed each year by the president of the board of trustees with the approval of the board of trustees. Such appointments shall be made at least one hundred twenty days prior to the date of the annual meeting of the members. The nominating committee shall file, in writing, its slate of nominees for trustee with the secretary of the society not later than ninety days prior to the date of the annual meeting. Thereafter, additional nominations may be made for trustee by written petition filed by not less than twenty-five active members of the society, which petition shall be filed with the secretary of the society not later than sixty days prior to the annual meeting. Candidates nominated by the nominating committee shall file a similar petition. Not later than thirty days prior to the
date of the annual meeting, the secretary of the society shall deliver mail a ballot listing the names of the nominees to the active members of the society eligible to vote, to be marked by the members and returned to the secretary. The ballot shall be mailed or sent electronically. All returned ballots, whether sent electronically or by mail, must be received by the secretary at least ten days prior to the date of the annual meeting in order to be counted. The board of trustees shall adopt a system of ballot certification insuring a secret ballot and that the person submitting the ballot is a society member entitled to vote. The returned ballots shall be counted by the secretary of the society, and the names of the successful candidates shall be announced at the annual meeting. The ballots and other records of the election shall be retained for one year following the election until after the annual meeting and shall be available for inspection by any member prior to the annual meeting. All members of the nominating committee, all members signing a nominating petition, and all members who are entitled to cast a ballot must be active members of the society who are in good standing. A member shall be considered in good standing when the member has fulfilled all requirements for membership. All general and other specified classes of members shall be eligible to vote for election or to be chosen as an officer or trustee or to serve as a member of the nominating committee. Only nominees named on the ballot shall be eligible for election. The candidate for a particular trustee post receiving the highest number of votes shall be declared elected even though such votes do not constitute a majority of the votes cast for such post. When two trustees are elected from a congressional district for a certain term, those declared elected shall be the two receiving the highest number of votes cast for such term, even though one or both fail to receive a majority of the votes cast for such term.

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

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

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

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

(7) Members of the board of trustees shall serve without pay. The trustees shall receive remuneration for travel and expenses incurred while engaged in the business of the society.
22 Sec. 3. Original section 82-101.01, Reissue Revised Statutes of
23 Nebraska, and section 81-1316, Revised Statutes Cumulative Supplement,
24 2018, are repealed.

LEGISLATIVE BILL 505. Placed on General File with amendment.

AM125
1 1. Strike original section 1 and insert the following new section:
2 Section 1. Section 43-3342.03, Reissue Revised Statutes of Nebraska,
3 is amended to read:
4 43-3342.03 (1) All support orders shall direct payment of support as
5 provided in section 42-369. Any support order issued prior to the date
6 that the State Disbursement Unit becomes operative for which the payment
7 is to be made to the clerk of the district court shall be deemed to
8 require payment to the State Disbursement Unit after a notice to the
9 obligor is issued. Support order payments made to the clerk of the
10 district court shall be forwarded to the State Disbursement Unit by
11 electronic transfer.
12 (2) The State Disbursement Unit may collect a fee equal to the
13 actual cost of processing any payments for returned check charges or
14 charges for electronic payments not accepted, except that the fee shall
15 not exceed thirty dollars. After a payor has originated one payment
16 payments resulting in returned checks or charges for
17 electronic payments not accepted within a period of two years,
18 the unit may issue a notice to the originator that, for the following
19 year, any payment shall be required to be paid by money order, cashier's
20 check, or certified check, or any other form of guaranteed payment as may
21 be approved by the unit. After a payor has originated two payments
22 resulting in returned checks or electronic payments not
23 accepted, the unit may issue a notice to the originator that all future
24 payments shall be paid by money order, cashier's check, or certified
25 check, or any other form of guaranteed payment as may be approved by the
26 unit, except that pursuant to rule and regulation and at least two years
27 after such issuance of notice, the unit may waive for good cause shown
1 such requirements for methods of payment. The fees shall be remitted to
2 the State Treasurer for credit to the State Disbursement Unit Cash Fund,
3 which is hereby created, which funds shall be used to offset the expenses
4 incurred in the collection of child support bad debt and other collection
5 expenses incurred by the unit. Any money in the fund available for
6 investment shall be invested by the state investment officer pursuant to
7 the Nebraska Capital Expansion Act and the Nebraska State Funds
8 Investment Act.
9 (3) The State Disbursement Unit shall use automated procedures,
10 electronic processes, and computer-driven technology to the maximum
11 extent feasible, efficient, and economical for the collection and
12 disbursement of support payments.
13 (4) Employers with more than fifty employees who have an employee
14 with a child support order shall remit child support payments
15 electronically.

(Signed) Tom Brewer, Chairperson
COMMITTEE REPORT(S)
Natural Resources

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

Mark Czaplewski - Nebraska Natural Resources Commission

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

Donald P. Batie - Nebraska Natural Resources Commission

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

(Signed) Dan Hughes, Chairperson

COMMITTEE REPORT(S)
Natural Resources

LEGISLATIVE BILL 374. Placed on General File with amendment.
AM335
1 1. On page 2, line 12, strike ", including XX, ".

(Signed) Dan Hughes, Chairperson

NOTICE OF COMMITTEE HEARING(S)
Natural Resources

Room 1525

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

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

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

Frank Reida - Nebraska Power Review Board
LB285
LB509

(Signed) Dan Hughes, Chairperson
GENERAL FILE

LEGISLATIVE BILL 627. Considered.

Pending.

ANNOUNCEMENT(S)

Priority designation(s) received:

Government, Military and Veterans Affairs - LB411
Government, Military and Veterans Affairs - LB511
Williams - LB463

RESOLUTION(S)

LEGISLATIVE RESOLUTION 38. Introduced by Gragert, 40.

WHEREAS, the Wynot High School girls' basketball team won the 2019 Class D-2 Girls' State Basketball Championship; and
WHEREAS, the Wynot Blue Devils girls' basketball team defeated the two-time defending champion Falls City Sacred Heart in the championship game by a score of 39-38; and
WHEREAS, earlier in the championship, the Wynot Blue Devils defeated the number one seed in another close game, winning 45-44; and
WHEREAS, the victory marked the Wynot Blue Devils' seventh girls' state basketball title; and
WHEREAS, the Wynot Blue Devils girls' basketball team members are positive role models of hard work, dedication, perseverance, and discipline for young athletes in their community; and
WHEREAS, such a team achievement is made possible through the support of teachers, administrators, parents, and the community; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of youth of our state.

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

1. That the Legislature recognizes and congratulates the Wynot High School girls' basketball team and its coaches on winning the 2019 Class D-2 Girls' State Basketball Championship.
2. That a copy of this resolution be sent to the Wynot High School girls' basketball team and Coach Steve Wieseler.

Laid over.
LEGISLATIVE BILL 627. Considered.

SPEAKER SCHEER PRESIDING

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

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

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

PRESIDENT FOLEY PRESIDING

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

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

Voting in the affirmative, 16:

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

Voting in the negative, 26:

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

Present and not voting, 2:

Chambers  Quick

Absent and not voting, 1:

Vargas

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

The Chair was sustained.

The Chair declared the call raised.

Pending.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 25.** Placed on Final Reading.

**LEGISLATIVE BILL 25A.** Placed on Final Reading.

**LEGISLATIVE BILL 119.** Placed on Final Reading.

**LEGISLATIVE BILL 159.** Placed on Final Reading.

ST9

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

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

**LEGISLATIVE BILL 203.** Placed on Final Reading.

**LEGISLATIVE BILL 235.** Placed on Final Reading.

**LEGISLATIVE BILL 333.** Placed on Final Reading.

**LEGISLATIVE BILL 380.** Placed on Final Reading.

**LEGISLATIVE BILL 469.** Placed on Final Reading.

**LEGISLATIVE BILL 624.** Placed on Final Reading.

(Signed) Julie Slama, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator Brewer filed the following amendment to LB373:

AM428

1 1. Strike original section 6.
2 2. On page 2, strike lines 5 through 15 and insert the following new
3 subsection:
4 "(2) Beginning September 7, 2021, no wind energy generation project
5 shall be constructed unless the county in which the project would be
6 located has zoning regulations or a zoning resolution described in
7 section 23-114 as prescribed in subsection (3) of this section."
8 3. On page 8, line 2, strike "July 1, 2019" and insert "September 7,
9 2021". 


LEGISLATIVE BILL 101. Placed on General File.
LEGISLATIVE BILL 246. Placed on General File.
LEGISLATIVE BILL 280. Placed on General File.
LEGISLATIVE BILL 342. Placed on General File.
LEGISLATIVE BILL 385. Placed on General File.

LEGISLATIVE BILL 608. Placed on General File with amendment. AM137
1 1. On page 15, strike beginning with "An" in line 4 through "(4)" in line 11.

LEGISLATIVE BILL 618. Placed on General File with amendment. AM593
1 1. Strike the original sections and insert the following new sections:
3 Section 1. Section 32-1524, Reissue Revised Statutes of Nebraska, is amended to read:
5 32-1524 (1) For purposes of this section:
6 (a) Electioneering means the deliberate, visible display or audible or physical dissemination of information for the purpose of advocating for or against:
8 (i) Any candidate on the ballot for the election at which such display or dissemination is occurring;
9 (ii) Any elected officeholder of a state constitutional office or federal office at the time of the election at which such display or dissemination is occurring;
11 (iii) Any political party on the ballot for the election at which such display or dissemination is occurring; or
13 (iv) Any measure on the ballot for the election at which such display or dissemination is occurring; and
15 (b) Information includes:
17 (i) Such a candidate's name, likeness, logo, or symbol;
18 (ii) Such a ballot measure's number, title, subject matter, logo, or symbol;
19 (iii) A button, hat, pencil, pen, shirt, sign, or sticker containing information prohibited by this section;
21 (iv) Audible information prohibited by this section; and
23 (v) Literature or any writing or drawing referring to a candidate, officeholder, or ballot measure described in subdivision (a) of this subsection.
25 (2) (1) No judge or clerk of election or precinct or district inspector shall do any electioneering while acting as an election official.
27 (3) (2) No person shall do any electioneering, or circulate petitions, or perform any action that involves solicitation within any polling place or any building designated for voters to cast ballots by
the election commissioner or county clerk pursuant to the Election Act
while the polling place or building is set up for voters to cast ballots
or within two hundred feet of any such polling place or building except
as otherwise provided in subsection (3) of this section.

(4) Subject to any local ordinance, a person may display yard
signs on private property within two hundred feet of a polling place or
building designated for voters to cast ballots if the property is not
under common ownership with the property on which the polling place or
building is located.

(5) Any person violating this section shall be guilty of a Class
misdemeanor.

Sec. 2. Original section 32-1524, Reissue Revised Statutes of
Nebraska, is repealed.

(Signed) Tom Brewer, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)

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

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

VISITOR(S)

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

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

ADJOURNMENT

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

Patrick J. O'Donnell
Clerk of the Legislature
THIRTY-SEVENTH DAY - MARCH 6, 2019

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

THIRTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 6, 2019

PRAYER

The prayer was offered by Reverend Andrew Gerike, Mt. Calvary Lutheran Church, Omaha.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Scheer presiding.

The roll was called and all members were present except Senators Cavanaugh, Groene, Hilkemann, Hughes, McDonnell, Morfeld, Vargas, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-sixth day was approved.

ANNOUNCEMENT(S)

Priority designation(s) received:

Kolowski - LB619
Blood - LB138

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 30, 31, and 32 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 30, 31, and 32.
Senator La Grone offered the following amendment:

AM416

1 1. Insert the following new section:
2 Sec. 2. Section 24-806, Reissue Revised Statutes of Nebraska, is
3 amended to read:
4 24-806 (1) Lawyer members and alternate lawyer members of any
5 judicial nominating commission shall be members of the bar of the State
6 of Nebraska and shall reside in the judicial district or area of the
7 state served by the commission except as provided in subsection (2) of
8 this section. Not more than two lawyer members of each commission shall
9 be registered members of the same political party or category, and not
10 more than two alternate lawyer members shall be registered members of the
11 same political party or category. The members of the bar who are
12 registered members of the same political party shall elect the lawyer
13 members and alternate lawyer members to represent that political party on
14 a judicial nominating commission. Nominations for lawyer members of each
15 commission shall be solicited in writing by the Clerk of the Supreme
16 Court from all the lawyers of the district or area served on or before
17 September 1 of each even-numbered year. Nominations of lawyer members
18 shall be made in writing and filed in the office of the Clerk of the
19 Supreme Court on or before October 1 of each even-numbered year. Each
20 nomination of a lawyer member shall be accompanied by a written consent
21 of the nominee to serve as a member of the commission if elected. The
22 nominations shall be solicited and distributed on the ballot by the Clerk
23 of the Supreme Court from the legally recognized political parties and in
24 such a manner as will permit the final selection to be made within the
25 required political party.
26 (2) If solicited nominations are insufficient to provide candidates
27 from the permissible political parties for each vacancy, the Executive
1 Council of the Nebraska State Bar Association, within ten days after the
2 last day for filing nominations, shall nominate additional candidates for
3 the position so that there shall be a qualified candidate for each
4 position. Such candidates need not reside in the judicial district or
5 area served by such judicial nominating commission.
6 (3) The Clerk of the Supreme Court shall mail a ballot with the name
7 of each nominee to all members of the bar of Nebraska of the applicable
8 political party residing in the judicial district or area designating a
9 date at least ten days and not more than fourteen days after the date of
10 such mailing by the Clerk of the Supreme Court when the ballots will be
11 opened and counted. The ballots shall be counted by a board consisting of
12 the Clerk of the Supreme Court, the Secretary of State, and the Attorney
13 General or by alternates designated by any of them to serve in his or her
14 place. The Clerk of the Supreme Court shall insure that the election is
15 so conducted as to maintain the secrecy of the ballot and the validity of
16 the results. The candidate of the required political party receiving the
17 highest number of votes shall be considered as having been elected to the
THIRTY-SEVENTH DAY - MARCH 6, 2019

18 commission. The candidate of the required political party receiving the
19 next highest number of votes shall be considered as having been elected
20 an alternate lawyer member of the commission and shall serve as a lawyer
21 member of the commission in the event of a lawyer member vacancy of the
22 same political party or category on the commission created either by
23 resignation or disqualification. In the case of a resignation, an
24 alternate lawyer member shall continue to serve as a member of the
25 commission until the term of office of his or her predecessor expires.
26 (4) In any election when more than one lawyer member of a judicial
27 nominating commission is to be elected, the nominees shall be submitted
28 without designation of the term. Each voter shall be instructed to vote
29 for as many nominees as there are vacancies to be filled. The candidate
30 receiving the highest number of votes shall be considered as having been
31 elected for the longest term. The candidate receiving the next highest
1 number of votes shall be deemed to have been elected for next to the
2 longest term, and if an alternate lawyer member or members are to be
3 elected, the candidate or candidates receiving the third and fourth
4 highest number of votes shall be deemed elected as the alternate lawyer
5 member or members. In case of ties the determination shall be made by lot
6 by the counting board.
7 2. Renumber the remaining section and correct the repealer
8 accordingly.

Senator La Grone withdrew his amendment.

Pending.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 8. Placed on Final Reading.
LEGISLATIVE BILL 124. Placed on Final Reading.
LEGISLATIVE BILL 127. Placed on Final Reading.
LEGISLATIVE BILL 139. Placed on Final Reading.
LEGISLATIVE BILL 156. Placed on Final Reading.
LEGISLATIVE BILL 160. Placed on Final Reading.
LEGISLATIVE BILL 195. Placed on Final Reading.
LEGISLATIVE BILL 319. Placed on Final Reading.
LEGISLATIVE BILL 699. Placed on Final Reading.

(Signed) Julie Slama, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 284. Placed on Select File with amendment.

ER44
1 1. On page 1, strike beginning with "adopt" in line 1 through line 3
2 and insert "amend sections 77-2701.13, 77-2701.16, 77-2701.32, 77-2705,
3 and 77-2708, Reissue Revised Statutes of Nebraska; to redefine terms; to
4 change sales and use tax provisions relating to certain out-of-state
5 retailers and multivendor marketplace platforms; to require certain
6 retailers to obtain a sales tax permit and collect sales taxes as
7 prescribed; to relieve certain retailers of their obligation to collect
8 sales taxes as prescribed; to provide an operative date; to provide
9 severability; to repeal the original sections; and to declare an
10 emergency.”.

LEGISLATIVE BILL 318. Placed on Select File.
LEGISLATIVE BILL 443. Placed on Select File.

(Signed) Julie Slama, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Muotri, Alysson R. - Stem Cell Research Advisory Committee - Health and
Human Services

(Signed) Mike Hilgers, Chairperson
Executive Board

BILL ON FIRST READING

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

LEGISLATIVE BILL 130A. Introduced by DeBoer, 10.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to
aid in carrying out the provisions of Legislative Bill 130, One Hundred
Sixth Legislature, First Session, 2019.

NOTICE OF COMMITTEE HEARING(S)

Revenue
Room 1524

Wednesday, March 13, 2019 1:30 p.m.
LB472
LB585
LB707
LB437

Thursday, March 14, 2019 1:30 p.m.
LB315
LB349
LEGISLATIVE BILL 339. Considered.

LEGISLATIVE BILL 340. Title read. Considered.

LEGISLATIVE BILL 141. Title read. Considered.

Committee AM145, found on page 537, was offered.

Senator Chambers offered the following amendment to the committee amendment:

FA19
Amend AM145
Page 3, line 2 strike and show as stricken "or" and insert "and"

The Chambers amendment was adopted with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

The committee amendment, as amended, was adopted with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 45 ayes, 0 nays, 2 present and not voting, and 2 excused and not voting.
LEGISLATIVE BILL 354. Title read. Considered.

Committee AM112, found on page 539, was adopted with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 449. Title read. Considered.

Senator Walz offered her amendment, AM349, found on page 617.

The Walz amendment was adopted with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 354A.** Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 354, One Hundred Sixth Legislature, First Session, 2019.

**AMENDMENT(S) - Print in Journal**

Senator Hilgers filed the following amendment to LB617: AM549

1 1. Strike the original sections and insert the following new sections:
2 Section 1. Section 86-101, Reissue Revised Statutes of Nebraska, is amended to read:
3 86-101 Sections 86-101 to 86-165 and sections 3 to 6 and 11 of this act shall be known and may be cited as the Nebraska Telecommunications Regulation Act.
4 Sec. 2. Section 86-103, Reissue Revised Statutes of Nebraska, is amended to read:
5 86-103 For purposes of the Nebraska Telecommunications Regulation Act, unless the context otherwise requires, the definitions found in sections 86-103.01 to 86-121 and sections 3 to 6 of this act apply.
6 Sec. 3. Competitive local provider means a telecommunications company offering a telecommunications service for which there are alternative services available without regard to the technology employed.
7 Sec. 4. Internet protocol has the same meaning as in section 86-1011.
Sec. 5. Internet-protocol-enabled service or IP-enabled service means any service, capability, functionality, or application, other than voice over Internet protocol service, which uses Internet protocol or a successor protocol that enables an end user to send or receive a voice, data, or video communication utilizing a broadband connection at the end user's location.

Sec. 6. Voice over Internet protocol service means any service that enables real-time, two-way communication originating from or terminating at the user's location using Internet protocol or a successor protocol, that uses a broadband connection from the user's location, that requires Internet-protocol-compatible equipment, and that permits a user to receive a call that originates on the public-switched telephone network and to terminate a call to the public-switched telephone network.

Sec. 7. Section 86-123, Reissue Revised Statutes of Nebraska, is amended to read:

86-123 (1) Except as provided in section 86-124, the commission shall regulate the quality of telecommunications service provided by telecommunications companies and shall investigate and resolve subscriber complaints concerning quality of telecommunications service, subscriber deposits, and disconnection of telecommunications service. If such a complaint cannot be resolved informally, then, upon petition by the subscriber, the commission shall set the matter for hearing in accordance with the commission's rules and regulations for notice and hearing. The commission may by order grant or deny, in whole or in part, the subscriber's petition or provide such other relief as is reasonable based on the evidence presented at the hearing. Any such order of the commission may be enforced against any telecommunications company as provided in sections 75-140 to 75-144, and such order may be appealed by an interested party. The appeal shall be in accordance with section 75-136.

(2) Except as provided in section 86-124, the commission may regulate telecommunications company rates pursuant to sections 86-139 to 86-157.

(3) The Nebraska Telecommunications Regulation Act shall preempt and prohibit any regulation of a telecommunications company by counties, cities, villages, townships, or any other local governmental entity.

Sec. 8. Section 86-124, Reissue Revised Statutes of Nebraska, is amended to read:

86-124 (1) The commission shall not regulate the following:

(a) One-way broadcast or cable television transmission of television or radio signals; and

(b) Mobile radio services, radio paging services, and wireless telecommunications service;

(c) The rates, terms, conditions, definition, and standards of local exchange telecommunications service provided by a telecommunications company deemed or determined to be a competitive local provider as provided in subsection (2) of section 86-143;

(d) Interexchange services;

(e) Local exchange telecommunications service or interexchange
service provided as a business service; and
at Internet-protocol-enabled service and voice over Internet
(2) This section shall not affect or modify:
(f) Internet-protocol-enabled service and voice over Internet
protocol service, including rates, service or contract terms, conditions,
or requirements for entry for such service.
(2) This section shall not affect or modify:
(a) The enforcement of criminal or civil laws, including, without
limitation, laws concerning consumer protection and unfair or deceptive
trade practices which apply generally to the conduct of business;
(b) Any entity's obligations or rights or commission authority under
section 86-122 and 47 U.S.C. 251 and 252, as such federal sections
existed on January 1, 2019, and other federal law and any applicable
carrier-to-carrier tariff rates, service quality standards,
interconnection agreements, or other obligations for which the commission
has jurisdiction under state or federal law;
(c) Any requirement to contribute to any fund administered by the
commission authorized by the Enhanced Wireless 911 Services Act and the
Nebraska Telecommunications Universal Service Fund Act;
(d) The eligibility and requirements for the receipt of funds from
the Nebraska Telecommunications Universal Service Fund and the rules,
regulations, and orders under the Nebraska Telecommunications Universal
Service Fund Act or the receipt of funds from the federal universal
service fund, regardless of the unregulated status of the provider's
service under this section; and
(e) Any entity's rights and obligations with respect to (i)
registration under section 86-125, (ii) the use of public streets, roads,
highways, and rights-of-way, or (iii) a certificate of public convenience
and necessity or a permit.
(3) Notwithstanding any other provision of the Nebraska
Telecommunications Regulation Act, the commission shall retain limited
authority with respect to adequacy and quality of service for local
exchange telecommunications services determined to be competitive under
subdivision (1)(c) of this section and section 86-143. Such authority is
limited to nonbinding mediation of disputes between customers and
providers.
9 Sec. 9. Section 86-143, Reissue Revised Statutes of Nebraska, is
amended to read:
14 86-143 (1)(a) Except as provided in subdivision (b) of this
15 subsection, in an exchange in which local competition exists,
telecommunications companies shall file rate lists for each
17 telecommunications service which shall be effective after ten days'
notice to the commission.
19 (b) Notwithstanding any other provision of Chapter 86, a
telecommunications company shall not be required to file rate lists,
tariffs, or contracts for any telecommunications service, including local
exchange and interexchange services, provided as a business service. Upon
written notice to the commission, a telecommunications company may
withdraw any rate list, tariff, or contract not required to be filed
under this subdivision if the telecommunications company posts the rates,
terms, and conditions of its telecommunications service on the company's
(2)(a) A telecommunications company shall be deemed a competitive local provider pursuant to this subsection and its telecommunications services exempt from regulation pursuant to subdivision (1)(c) of section 86-124 in any geographic area defined by that company's telephone exchange boundary. (2) Local competition shall be deemed to exist in an exchange if a telecommunications company files an application with the commission requesting a determination as to whether local competition exists in one or more exchanges specified in the application and the commission enters an order after public notice and a hearing which determines that local competition exists in such exchange or exchanges. Notwithstanding any other provision of the Nebraska Telecommunications Regulation Act, the commission may consider any wireless telecommunications service provided in the exchange or exchanges when determining whether local competition exists.

(b) A telecommunications company shall be deemed a competitive local provider in a telephone exchange if it files a verified statement with the commission that one of the following conditions exists with respect to the exchange designated by the telecommunications company in its verified statement: (i) The number of active residential local exchange telecommunications subscribers it then serves constitutes fifty percent or less of the total number of households, as determined by the United States Bureau of the Census or other federal agency, located in the exchange or (ii) at least sixty percent of the total number of households, as determined by the United States Bureau of the Census or other federal agency, located in the exchange can choose voice service communications capability from among two or more other unaffiliated providers. Within ninety days after receipt of the telecommunications company's verified statement, the commission shall review the information provided in the verified statement, and upon failure of the commission within ninety days after receipt of the verified statement to determine that both of the conditions in subdivisions (2)(b)(i) and (ii) of this section are not met, the telecommunications company that filed the verified statement shall be deemed a competitive local provider in the exchange designated in its verified statement. Notwithstanding any other provision of the Nebraska Telecommunications Regulation Act, in determining whether at least sixty percent of the total number of households, as determined by the United States Bureau of the Census or other federal agency, located in the exchange can choose voice service communications capability from among two or more other unaffiliated providers, the commission shall include the availability of all types of voice communications service offered by unaffiliated providers, regardless of the technology employed and the regulatory classification of such other providers under state or federal law, including, without limitation, wireless service, satellite service, and voice over Internet protocol service in the exchange.

(3) Notwithstanding anything in Chapter 75 or Chapter 86 to the contrary, no exchange in which the incumbent telecommunications company has been deemed a competitive local provider pursuant to subsection (2)
of this section shall receive support for voice services under any high-
cost program of the Nebraska Telecommunications Universal Service Act.
The commission shall reallocate any support for voice services previously
accruing to an exchange in which the incumbent telecommunications company
has been deemed a competitive local provider to the high-cost program for
redistribution to telecommunications companies, including the incumbent
telecommunications company, for the deployment of advanced services in
unserved rural areas of the state. Only that portion of support that the
commission has allocated to ongoing expenses to an exchange deemed
competitive shall be subject to reallocation. The amount of support to be
reallocated shall be the original amount geographically allocated by the
commission to the exchange as adjusted to reflect the change in the
original amount of total annual support received by the incumbent
telecommunications company compared to the total annual support for
ongoing expenses received by the telecommunications company immediately
prior to the date it is deemed a local competitive provider, while
ensuring that the exchange's proportion of support for ongoing expenses
is the same as the proportion of total support the exchange originally
received. The notice of the hearing on the telecommunications company's
application shall be given once each week for two consecutive weeks in a
newspaper of general circulation in the affected area and shall state
that a determination of local competition may result in the freeing of
the telecommunications company from rate regulation by the commission.
The notice of the hearing on the commission's motion shall be sent to the
telecommunications company by certified mail, return receipt requested,
and notice of such hearing shall be published in a newspaper of general
circulation in the exchange area. The hearing on the commission's motion
shall be held no sooner than ten days after the receipt of notice by the
telecommunications company.

(4) The commission may, on its own motion at any time after a
determination as to whether local competition exists, reexamine and
redetermine the determination after notice and a hearing on the issue.
Sec. 10. Section 86-144, Reissue Revised Statutes of Nebraska, is
amended to read:
In exchanges in which the incumbent telecommunications
company has not been deemed a competitive local provider pursuant to
subsection (2) or (3) of section 86-143 (1)(a) Except as provided in
subdivision (b) of this subsection, in an exchange in which local
competition does not exist, telecommunications companies shall file rate
lists which, for all telecommunications service not exempt from
commission regulation by section 86-124. The rate lists except for basic
local exchange rates, shall be effective after ten days' notice to the
commission. (b) Notwithstanding any other provision of Chapter 86, a
telecommunications company shall not be required to file rate lists,
tariffs, or contracts for any telecommunications service, including local
exchange and interexchange services, provided as a business service. Upon
written notice to the commission, a telecommunications company may
withdraw any rate list, tariff, or contract not required to be filed
under this section subdivision if the telecommunications company posts
the rates, terms, and conditions of its telecommunications service on the
company's web site.
(2) In an exchange in which local competition does not exist, basic
local exchange rates may be increased by a telecommunications company
only after ninety days' notice to all affected subscribers. Such notice
of increase shall include (a) the reasons for the rate increase, (b) a
description of the affected telecommunications service, (c) an
explanation of the right of the subscriber to petition the commission for
a public hearing on the rate increase, (d) a list of exchanges which are
affected by the proposed rate increase, and (e) the dates, times, and
places for the public informational meetings required by this section.
(3) A telecommunications company which proposes to increase its
basic local exchange rates shall hold at least one public informational
meeting in each public service commissioner district as established by
section 75-101.01 in which there is an exchange affected by the proposed
rate increase.
Sec. 11. Nothing in the Nebraska Telecommunications Regulation Act
as amended by this legislative bill shall be construed to affect sections
86-133 and 86-134 or the commission's oversight authority over 911
service.
Sec. 12. Original sections 86-101, 86-103, 86-123, 86-124, 86-143,
and 86-144, Reissue Revised Statutes of Nebraska, are repealed.
Sec. 13. The following sections are outright repealed: Sections
86-145, 86-146, 86-147, and 86-148, Reissue Revised Statutes of Nebraska.

MESSAGE(S) FROM THE GOVERNOR

March 6, 2019

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 1, 2, 3, 12e, 33e, 33Ae, 49, 67, 77, and 79e
were received in my office on February 28, 2019.
These bills were signed and delivered to the Secretary of State on March
6, 2019.

Sincerely,
(Signed) Pete Ricketts
Governor
Senator Bolz filed the following amendment to LB481:

AMENDMENT(S) - Print in Journal

AM614

1 1. Strike original section 1 and insert the following new section:
2 Section 1. The Department of Health and Human Services shall
3 administer the Federal Title X Program in accordance with applicable
4 federal regulations in existence as of the effective date of this act.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Wayne name added to LB104.
Senator B. Hansen name added to LB304.
Senator Cavanaugh name added to LB518.

VISITOR(S)

Visitors to the Chamber were students and sponsors from Heritage
Elementary School, Bennington; Will Kathrein from Omaha; students and
teacher from Lincoln Northeast High School; students from Pershing
Elementary School, Lexington; students from Waverly Middle School; and
members from the Civic Nebraska Leadership Academy.

The Doctor of the Day was Dr. Gilbert Head from Elkhorn.

ADJOURNMENT

At 11:42 a.m., on a motion by Senator Hilgers, the Legislature adjourned
until 9:00 a.m., Thursday, March 7, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
THIRTY-EIGHTH DAY - MARCH 7, 2019

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

THIRTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 7, 2019

PRAYER

The prayer was offered by Pastor Steve Mason, SouthPointe Christian Church, Lincoln.

ROLL CALL

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

The roll was called and all members were present except Senator Hughes who was excused; and Senators Cavanaugh, Chambers, Hunt, Kolowski, McDonnell, Morfeld, Vargas, and Walz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-seventh day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 339. Placed on Select File.
LEGISLATIVE BILL 340. Placed on Select File.

LEGISLATIVE BILL 141. Placed on Select File with amendment.
ER45
1 1. On page 1, strike beginning with "section" in line 1 through
2 "section" in line 4 and insert "sections 28-115 and 28-310.01, Reissue
3 Revised Statutes of Nebraska; to prohibit assault by strangulation or
4 suffocation as prescribed; to provide for an enhanced penalty for assault
5 by strangulation or suffocation of a pregnant woman; to harmonize
6 provisions; and to repeal the original sections".

(Signed) Julie Slama, Chairperson
LEGISLATIVE BILL 320. Placed on General File.

LEGISLATIVE BILL 594. Placed on General File with amendment.
AM313
1 1. Strike original section 1.
2 2. On page 10, strike lines 15 through 17 and insert the following
3 new subdivision:
4 "(23) Violates any provision of the Nebraska Pure Food Act relating
5 to the labeling, packing or packaging, or advertising of food.",
6 3. Renumber the remaining sections and correct the repealer
7 accordingly.

LEGISLATIVE RESOLUTION 13. Reported to the Legislature for
further consideration with the following amendment:
AM435
1 1. Strike the original provisions and insert the following new
2 resolution:
3 WHEREAS, milk is a standardized food, described in 21 C.F.R.
4 131.110(a) as the lacteal secretion, practically free of colostrum,
5 obtained by the complete milking of one or more healthy cows; and
6 WHEREAS, further standards of identity have long been promulgated
7 for cultured milk, yogurt, butter, ice cream, cheese, and cheese-related
8 products under the Federal Food, Drug, and Cosmetic Act and regulations
9 of the federal Food and Drug Administration that require milk or cream as
10 an essential and characteristic element of the product; and
11 WHEREAS, there has been an emergence and expansion of plant-based
12 products labeled with names that include standardized dairy food terms
13 such as milk, cultured milk, and cheese that are often sold in packaging
14 mimicking that of real dairy food counterparts and often sold within or
15 adjacent to the dairy display in retail stores; and
16 WHEREAS, such plant-based milk and other dairy food analog products
17 may not have the same basic nature and characterizing composition as real
18 dairy counterparts and differ in physical properties, nutritional
19 composition, flavor characteristics, and shelf life such that they are
20 not suitable dairy food substitutes, and, except for fortified soy
21 beverages, do not meet the recommendation for dairy food group intake in
22 the 2015-2020 Dietary Guidelines for Americans published by the United
23 States Department of Agriculture and the United States Department of
24 Health and Human Services; and
25 WHEREAS, consumer demand for such plant-based dairy food analog
26 products is in part derived from cultivating consumer perceptions that
27 falsely equate such products compositionally, nutritionally, and
1 functionally with real dairy food products by utilization of the term
2 milk and other standardized dairy food product terms in non-dairy product
3 names; and
4 WHEREAS, such change in perception is eroding the market distinction
5 and the unique cultural, dietary, historical, and culinary values
6 consumers associate with high-quality dairy products supplied by
7 America's dairy farmers; and
8 WHEREAS, the Food and Drug Administration has initiated a review of
9 labeling issues associated with the use of milk and other dairy terms
10 with standardized definitions in the names of products that are derived
11 from non-dairy sources in Docket ID FDA-2018-N-3522 and has invited
12 comments regarding how consumers understanding, perception, purchase
13 practices, and consumption of plant-based milk and other dairy food
14 analog products is influenced by the use of milk and other standardized
15 dairy terms to identify non-dairy products; and
16 WHEREAS, the Legislature of North Carolina during its 2018 session
17 became the first state legislature to enact legislation through passage
18 of SB711 which directs the North Carolina Department of Agriculture to
19 prepare regulations and enforcement policies to address mislabeling of
20 plant-based milk and other dairy food analog products and to implement
21 such regulations when at least ten other states pass similar legislation;
22 and
23 WHEREAS, additional states may consider similar legislation in the
24 absence of clear federal direction and enforcement of the use of
25 standardized dairy food terms for the labeling of plant-based milk and
26 other dairy food analog products.
27 NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED
28 SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
29 1. That the Legislature urges the appropriate federal agencies of
30 the United States Government responsible for food labeling to:
31 a. Establish and enforce standards for nomenclature of plant-based
32 imitation milk and dairy food products that are truthful, not misleading,
33 and sufficient to differentiate non-dairy derived beverages and food
34 products from milk and dairy products that conform to the standard of
35 identity in 21 C.F.R. part 131 and 21 C.F.R. part 133;
36 b. Enforce product labeling and statements of product identity that
37 exclusively reserve the use of the term milk and other standardized dairy
38 food product terms such as yogurt, butter, ice cream, and cheese to
39 products derived from real dairy origin that conform to the standards of
40 identity in 21 C.F.R. parts 131, 133, and 135 and the Federal Food, Drug,
41 and Cosmetic Act; and
42 c. Ensure certainty and consistency in regulation of the labeling of
43 traditional dairy milk and other real dairy food products and plant-based
44 beverages and other dairy food analog products to aid consumer
45 understanding of the distinction between such products and to avoid
46 market distortion.
47 2. That a copy of this resolution be sent to President Donald J.
48 Trump, Commissioner of Food and Drugs of the United States Department of
49 Health and Human Services Scott Gottlieb, M.D., United States Secretary
50 of Agriculture George E. (Sonny) Perdue, III, and to each member of
51 Nebraska's congressional delegation.

(Signed) Steve Halloran, Chairperson
RESOLUTION(S)

LEGISLATIVE RESOLUTION 39. Introduced by Blood, 3; Crawford, 45.

WHEREAS, Madison DeMeo, age 13, has worked tirelessly to help those in her Bellevue community who are less fortunate; and
WHEREAS, Madison was recently nominated for and selected by the U.S. Cellular Future of Good program; and
WHEREAS, Madison was one of sixteen young humanitarians under age sixteen to be awarded a $10,000 prize to give to a charity of her choice.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates Madison DeMeo on her ongoing efforts helping those in need.
2. That a copy of this resolution be sent to Madison DeMeo.

Laid over.

NOTICE OF COMMITTEE HEARING(S)
General Affairs
Room 1510

Monday, March 18, 2019 1:30 p.m.

LB252
LB591
LB722

(Signed) Tom Briese, 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 March 6, 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
RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 33 and 34 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 33 and 34.

GENERAL FILE

LEGISLATIVE BILL 354A. Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

MOTION(S) - Withdraw LB715

Senator Hilkemann offered his motion, MO18, found on page 638 and corrected on page 659, to withdraw LB715.

The Hilkemann motion to withdraw the bill prevailed with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

RESOLUTION ON FINAL READING

The following resolution was read and put upon final passage:

LEGISLATIVE RESOLUTION 1CA.

THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2020, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article I, section 2:

I-2 There shall be neither slavery nor involuntary servitude in this state, otherwise than for punishment of crime, whereof the party shall have been duly convicted.
Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:
A constitutional amendment to eliminate slavery or involuntary servitude as a punishment for crime.
For
Against.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the resolution pass?'"

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Present and not voting, 1:
Walz

Excused and not voting, 4:
Chambers  Hughes  McDonnell  Vargas

A constitutional three-fifths majority having voted in the affirmative, the resolution was declared passed for the general election.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 22.

A BILL FOR AN ACT relating to nursing facilities; to amend sections 71-2097, 71-2098, and 71-20,100, Reissue Revised Statutes of Nebraska; to redefine a term; to change provisions relating to distribution of the Nursing Facility Penalty Cash Fund; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 60.

A BILL FOR AN ACT relating to infants; to amend sections 71-2102, 71-2103, 71-2104, and 79-1902, Reissue Revised Statutes of Nebraska, and section 43-2606, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to training requirements and shaken baby syndrome; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

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Voting in the negative, 0.

Present and not voting, 2:
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 74.

A BILL FOR AN ACT relating to the Pharmacy Practice Act; to amend section 38-2845, Reissue Revised Statutes of Nebraska, and sections 38-2801 and 38-2802, Revised Statutes Cumulative Supplement, 2018; to define and redefine terms; to provide for validation of acts, tasks, and functions by certified pharmacy technicians as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Present and not voting, 1:

Lowe

Excused and not voting, 4:

Chambers   Hughes   McDonnell   Vargas

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.
LEGISLATIVE BILL 80.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-146, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to identification inspections; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Chambers  Hughes  McDonnell  Vargas

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 81.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-6,170, 60-6,172, 60-6,173, and 60-6,174, Reissue Revised Statutes of Nebraska, and sections 60-601 and 60-605, Revised Statutes Cumulative Supplement, 2018; to define a term; to change provisions relating to special stops at railroad grade crossings; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:
Voting in the negative, 0.

Excused and not voting, 4:

Chambers Hughes McDonnell Vargas

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 111.

A BILL FOR AN ACT relating to certificates of title; to amend sections 37-1278 and 60-151, Revised Statutes Cumulative Supplement, 2018; to change a certificate of title application signature requirement as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Arch Crawford Hilgers Lindstrom Slama
Blood DeBoer Hilkemann Linehan Stinner
Bolz Dorn Howard McCollister Walz
Bostelman Friesen Hunt Morfeld Wayne
Brandt Geist Kolowski Moser Williams
Briese Gragert Kolterman Pansing Brooks Wishart
Cavanaugh Hansen, B. Hansen, M. La Grone Quick

Voting in the negative, 6:

Albrecht Erdman Halloran
Clements Groene Lowe

Present and not voting, 1:

Moser
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB192 with 38 ayes, 3 nays, 4 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 192.**

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-484, 60-4,117, 60-4,144, 60-4,189, and 80-414, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to veteran designations on operators' licenses and state identification cards; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:


Voting in the negative, 0.

Excused and not voting, 4:

Chambers  Hughes  McDonnell  Vargas

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.
The following bills were read and put upon final passage:

**LEGISLATIVE BILL 192A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 192, One Hundred Sixth Legislature, First Session, 2019.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Chambers  Hughes  McDonnell  Vargas

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 200.**

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-1,121, Reissue Revised Statutes of Nebraska; to change provisions relating to licensure under the Health Care Facility Licensure Act of mental health substance use treatment centers providing civil protective custody for intoxicated persons; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 256. With Emergency Clause.**

A BILL FOR AN ACT relating to community colleges; to amend section 85-1509, Reissue Revised Statutes of Nebraska; to authorize insurance coverage for community college boards of governors members as prescribed; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 44:

Voting in the negative, 0.

Present and not voting, 1:
Dorn

Excused and not voting, 4:
Chambers  Hughes  McDonnell  Vargas

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 307.

A BILL FOR AN ACT relating to water; to amend sections 71-5316, 71-5318, 71-5325, and 71-5327, Reissue Revised Statutes of Nebraska, and section 81-15,151, Revised Statutes Cumulative Supplement, 2018; to update a reference to federal law; to provide for transfers between funds by the Director of Environmental Quality; to change authorized terms of loans; to eliminate a termination provision; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:
Albrecht  Clements  Halloran  La Grone  Pansing Brooks
Arch  Crawford  Hansen, B.  Lathrop  Quick
Blood  DeBoer  Hansen, M.  Lindstrom  Scheer
Bolz  Dorn  Hilgers  Linehan  Slama
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Cavanaugh  Groene  Koltermann  Murman  Wishart

Voting in the negative, 0.

Excused and not voting, 4:
Chambers  Hughes  McDonnell  Vargas

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 52.

A BILL FOR AN ACT relating to state government; to amend sections 85-1807 and 85-1813, Reissue Revised Statutes of Nebraska; to define terms; to require public funds to be recorded in the state accounting system
and invested by the state investment officer as prescribed; to provide for enforcement; to change and eliminate provisions relating to the transfer and use of funds under the Nebraska educational savings plan trust; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Chambers  Hughes  McDonnell

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 152.**

A BILL FOR AN ACT relating to the Nebraska National Guard; to amend section 23-3211, Revised Statutes Cumulative Supplement, 2018; to state the rights of members of the Nebraska National Guard; to provide for confidentiality of Nebraska National Guard members' residential addresses; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 214.**

A BILL FOR AN ACT relating to state government; to authorize cession of certain lands to the United States.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

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Voting in the negative, 0.

Excused and not voting, 2:

Chambers Hughes

Voting in the affirmative, 46:

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Voting in the negative, 0.

Present and not voting, 1:

Walz

Excused and not voting, 2:
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 223.**

A BILL FOR AN ACT relating to the Nebraska National Guard; to provide powers and duties for the Adjutant General relating to a state-sponsored insurance program for guard members; and to define a term.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

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Voting in the negative, 0.

Present and not voting, 1:

Groene

Excused and not voting, 2:

Chambers Hughes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 442.**

A BILL FOR AN ACT relating to insurance; to require coverage for filling prescriptions to synchronize the patient's medications.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB536 with 38 ayes, 3 nays, 6 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 536.

A BILL FOR AN ACT relating to trusts; to amend sections 30-3805, 30-3808, 30-3855, and 30-3859, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Uniform Directed Trust Act; to provide for applicability; to change and eliminate related Uniform Trust Code provisions; to harmonize provisions; to repeal the original sections; and to outright repeal section 30-3873, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:
Voting in the negative, 0.

Excused and not voting, 2:

Chambers Hughes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 25.

A BILL FOR AN ACT relating to health and human services; to amend sections 38-151 and 71-8701, Reissue Revised Statutes of Nebraska; to provide additional fees for certain credentials; to provide for a termination date; to create a fund; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?"'

Voting in the affirmative, 47:

Voting in the negative, 0.

Excused and not voting, 2:
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 25A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 25, One Hundred Sixth Legislature, First Session, 2019.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Chambers    Hughes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 103. With Emergency Clause.**

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1601.02, Reissue Revised Statutes of Nebraska; to change the procedure for setting a political subdivision's property tax request; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 47:
Voting in the negative, 0.

Excused and not voting, 2:

Chambers Hughes

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 119.

A BILL FOR AN ACT relating to the Health Care Quality Improvement Act; to amend sections 71-7904, 71-7906, 71-7907, 71-7910, 71-7911, 71-7912, and 71-7913, Reissue Revised Statutes of Nebraska; to define and redefine terms; to provide for immunity from liability and confidentiality of information relating to peer review; to provide a burden of proof relating to the protection of certain communications and documents; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Voting in the negative, 0.

Present and not voting, 2:
Kolowski     Walz
Excused and not voting, 2:
Chambers     Hughes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB159 with 42 ayes, 3 nays, 2 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 159.** With Emergency Clause.

A BILL FOR AN ACT relating to insurance; to amend sections 44-2706, 44-2707, 44-2708, 44-2709, 44-2713, 44-2718, and 44-2719.01, Reissue Revised Statutes of Nebraska, and sections 44-2702, 44-2703, and 44-2719.02, Revised Statutes Cumulative Supplement, 2018; to change provisions of the Nebraska Life and Health Insurance Guaranty Association Act; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 47:

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Voting in the negative, 0.

Excused and not voting, 2:
A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 185.**

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1344 and 77-1347, Reissue Revised Statutes of Nebraska; to change provisions relating to the special valuation of agricultural or horticultural land; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Chambers    Hughes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 203.**

A BILL FOR AN ACT relating to the Music Licensing Agency Act; to amend section 59-1402, Revised Statutes Cumulative Supplement, 2018; to redefine a term; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Albrecht    Crawford    Hansen, M.    Linehan    Slama
Arch        DeBoer      Hilgers      Lowe       Stinner
Blood       Dorn        Hilkemann   McCollister Vargas
Boz         Erdman      Howard      McDonnell  Walz
Bostelman   Friesen     Hunt        Morfeld    Wayne
Brandt      Geist       Kolowski    Moser      Williams
Brewer      Gragert     Koltermann  Murman     Wishart
Briese      Groene      La Grone    Pansing    Brooks
Cavanaugh   Halloran    Lathrop    Quick
Clements    Hansen, B.  Lindstrom   Scheer
Voting in the negative, 0.

Present and not voting, 1:

Morfeld

Excused and not voting, 2:

Chambers Hughes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 235.**

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-168.06, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to prohibited acts; to change exceptions for making and serving certain types of alcoholic liquor by nonlicensed persons as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

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

Voting in the negative, 0.
Present and not voting, 2:

La Grone  Morfeld

Excused and not voting, 2:

Chambers  Hughes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 333.

A BILL FOR AN ACT relating to the Nebraska Milk Act; to amend sections 2-3965, 2-3966, and 2-3982, Revised Statutes Cumulative Supplement, 2018; to update federal references; to redefine a term; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Howard

Excused and not voting, 2:

Chambers  Hughes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.
LEGISLATIVE BILL 372.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1363, Reissue Revised Statutes of Nebraska; to change provisions relating to classes and subclasses of agricultural land and horticultural land; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Chambers  Hughes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB380 with 32 ayes, 12 nays, 3 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 380.

A BILL FOR AN ACT relating to the Nebraska Property and Liability Insurance Guaranty Association Act; to amend sections 44-2401, 44-2403, 44-2406, 44-2407, 44-2409, 44-2410, 44-2411, 44-2415, and 44-2418, Reissue Revised Statutes of Nebraska; to redefine terms; to change obligations for covered claims; to change powers and duties of the Nebraska Property and Liability Guaranty Association and the Director of Insurance as prescribed; to change provisions relating to the exhaustion of remedies by
claimants; to provide for a stay in proceedings; to harmonize provisions; and

to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure
having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Chambers  Hughes

A constitutional majority having voted in the affirmative, the bill was
declared passed and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 406.** With Emergency Clause.

A BILL FOR AN ACT relating to the Uniform Disposition of Unclaimed
Property Act; to amend sections 24-345, 25-2717, 69-1311, 69-1317, and
69-1321, Reissue Revised Statutes of Nebraska; to change provisions
relating to abandoned property notices, disposition of funds, transfers of
funds, and duties of the State Treasurer; to harmonize provisions; to repeal
the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure
having been complied with, the question is, 'Shall the bill pass with the
emergency clause attached?' "

Voting in the affirmative, 46:
A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB469 with 36 ayes, 5 nays, 6 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 469.**

A BILL FOR AN ACT relating to insurance; to amend sections 44-5501, 44-5507, 44-7508.02, 44-7513, and 44-7514, Reissue Revised Statutes of Nebraska, and sections 44-5502 and 44-5508, Revised Statutes Cumulative Supplement, 2018; to define a term; to authorize domestic surplus lines insurers as prescribed and change requirements for nonadmitted insurers under the Surplus Lines Insurance Act; to eliminate requirements for the adoption of certain rules and regulations and change provisions relating to exemptions from policy form approval under the Property and Casualty Insurance Rate and Form Act; to eliminate provisions relating to employee benefit plans; to harmonize provisions; to repeal the original sections; and to outright repeal sections 44-213.01, 44-213.02, 44-213.03, 44-213.04, 44-213.05, 44-213.06, 44-213.07, and 44-7512, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure
having been complied with, the question is, 'Shall the bill pass?'

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:
Cavanaugh

Excused and not voting, 2:
Chambers  Hughes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB622 with 40 ayes, 4 nays, 3 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 622.

A BILL FOR AN ACT relating to the Public Funds Deposit Security Act; to amend sections 77-2386, 77-2387, 77-2388, 77-2392, 77-2394, 77-2395, 77-2396, 77-2397, 77-2398, 77-2399, 77-23,100, 77-23,101, and 77-23,102, Reissue Revised Statutes of Nebraska; to define terms; to change provisions relating to securing deposits, setting deposit guaranty bond and securities values, designating duties, and default procedures; to provide for pooled collateral; to provide powers and duties for the Director of Banking and Finance; to provide immunity for the director and administrator as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.
Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

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Voting in the negative, 0.

Present and not voting, 2:

Cavanaugh       Walz

Excused and not voting, 2:

Chambers       Hughes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 624.**

A BILL FOR AN ACT relating to the Nebraska Craft Brewery Board; to amend section 53-502, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to terms of office; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:
Voting in the negative, 0.
Present and not voting, 2:
Cavanaugh  Walz

Excused and not voting, 2:
Chambers  Hughes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR1CA and LBs 22, 60, 74, 80, 81, 111, 192, 192A, 200, 256, 307, 52, 152, 214, 223, 442, 536, 25, 25A, 103, 119, 159, 185, 203, 235, 333, 372, 380, 406, 469, 622, and 624.

SELECT FILE

LEGISLATIVE BILL 224. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 16. Senator Briese offered the following amendment:
AM636
1 1. On page 4, strike lines 1 through 21 and insert the following new subdivision:
3 "(9) Information that relates details of physical and cyber assets
4 of critical energy infrastructure or critical electric infrastructure,
5 including (a) specific engineering, vulnerability, or detailed design
6 information about proposed or existing critical energy infrastructure or
7 critical electric infrastructure that (i) relates details about the
8 production, generation, transportation, transmission, or distribution of
9 energy, (ii) could be useful to a person in planning an attack on such
10 critical infrastructure, and (iii) does not simply give the general
11 location of the critical infrastructure and (b) the identity of personnel
whose primary job function makes such personnel responsible for (i) providing or granting individuals access to physical or cyber assets or (ii) operating and maintaining physical or cyber assets, if a reasonable person, knowledgeable of the electric utility or energy industry, would conclude that the public disclosure of such identity could create a substantial likelihood of risk to such physical or cyber assets.

Subdivision (9)(b) of this section shall not apply to the identity of a chief executive officer, general manager, vice president, or board member of a public entity that manages critical energy infrastructure or critical electric infrastructure. The lawful custodian of the records must provide a detailed job description for any personnel whose identity is withheld pursuant to subdivision (9)(b) of this section. For purposes of subdivision (9) of this section, critical energy infrastructure and critical electric infrastructure mean existing and proposed systems and assets, including a system or asset of the bulk-power system, whether physical or virtual, the incapacity or destruction of which would negatively affect security, economic security, public health or safety, or any combination of such matters;".

The Briese amendment was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 116.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 145.** ER37, found on page 606, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 384.** ER39, found on page 606, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 660.** ER38, found on page 606, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 660A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 486.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 254.** ER40, found on page 611, was adopted.

Advanced to Enrollment and Review for Engrossment.
LEGISLATIVE BILL 48. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 112. ER42, found on page 638, was adopted.

Senator Howard offered her amendment, AM526, found on page 697.

The Howard amendment was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 112A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 29. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 575. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 125. ER41, found on page 638, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 284. ER44, found on page 729, was adopted.

Senator Linehan offered the following amendment:

AM643

(Amendments to Standing Committee amendments, AM392)

1 1. On page 8, line 7, strike "or" and show as stricken; in line 11
2 strike the period, show as stricken, and insert "; or"; and after line 11
3 insert the following new subdivision:
4 "(e) Any payment processor appointed by a retailer whose sole
5 activity with regard to a sale or lease transaction is to process the
6 payment made from the customer to the retailer.".
7 2. On page 9, line 15, after the period insert "Such retailer shall
8 also be subject to the Local Option Revenue Act and sections 13-319 and
9 13-2813 and shall collect and remit the sales tax due under such act and
10 sections.".
11 3. On page 15, line 15, strike "jointly"; and after line 16 insert
12 the following new subdivision:
13 "(f) A multivendor marketplace platform is relieved of its
14 obligation to collect and remit the correct amount of state and local
15 sales taxes to Nebraska to the extent that the multivendor marketplace
16 platform can establish that the error was due to insufficient or
17 incorrect information given to the multivendor marketplace platform by
18 the seller and relied on by the multivendor marketplace platform. This
19 subdivision shall not apply if the multivendor marketplace platform and
20 the seller are related persons under either section 267(b) or (c) or
21 section 707(b) of the Internal Revenue Code of 1986 or if the seller is
22 also the multivendor marketplace platform operator.”.

The Linehan amendment was adopted with 40 ayes, 0 nays, 7 present and
not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 399. ER43, found on page 639, was adopted.

Senator Chambers withdrew his amendment, FA15, found on page 574.

Senator Hunt offered her amendment, AM443, found on page 575.

Senator Hunt moved for a call of the house. The motion prevailed with 16
ayes, 3 nays, and 30 not voting.

Senator Chambers requested a record vote on the Hunt amendment.

Voting in the affirmative, 12:

Bolz    Howard    Morfeld    Vargas
Cavanaugh    Hunt    Pansing Brooks    Wayne
Chambers    Kolowski    Quick    Wishart

Voting in the negative, 31:

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

Present and not voting, 2:

Crawford    Hansen, M.

Excused and not voting, 4:

Hughes    McCollister    Stinner    Walz
The Hunt amendment lost with 12 ayes, 31 nays, 2 present and not voting, and 4 excused and not voting.

Pending.

The Chair declared the call raised.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 7, 2019, at 10:50 a.m. were the following: LBs 22, 60, 74, 80, 81, 111, 192, 192A, 200, 256e, 307, 52, 152, 214, 223, 442, 536, 25, 25A, 103e, 119, 159e, 185, 203, 235, 333, 372, 380, 406e, 469, 622, and 624.

(Signed) Laura Gerkin
Clerk of the Legislature's Office

PRESENTED TO THE SECRETARY OF STATE

Presented to the Secretary of State on March 7, 2019, at 10:40 a.m. was the following: LR1CA.

(Signed) Laura Gerkin
Clerk of the Legislature's Office

AMENDMENT(S) - Print in Journal

Senator Hilkemann filed the following amendment to LB716:

AM524
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Sections 1 to 8 of this act shall be known and may be
4 cited as the Health Information Initiative Act.
5 Sec. 2. The purpose of the Health Information Initiative Act is to
6 require the chief executive officer of the Department of Health and Human
7 Services to designate a health information exchange to provide the data
8 infrastructure needed to assist in operating the medical assistance
9 program by facilitating health record interoperability, care
10 coordination, care transition management, and related systems integrator
11 services.
12 Sec. 3. For purposes of the Health Information Initiative Act:
13 (1) Department means the Department of Health and Human Services;
14 and
15 (2) Designated health information exchange means the entity selected
16 pursuant to section 7 of this act.
17 Sec. 4. Subject to oversight and approval by the department as
18 required by applicable law, the designated health information exchange
19 shall provide the governance oversight necessary to ensure that any
20 health information in the designated health information exchange received
21 from or on behalf of the department may be accessed, used, or disclosed
only in accordance with the privacy and security protections set forth in
the federal Health Insurance Portability and Accountability Act of 1996,
Public Law 104-191, and regulations promulgated thereunder, as such act
and regulations existed on January 1, 2019, and in compliance with
sections 81-663 to 81-675 or the laws governing a specific registry or
set of health data, as well as all other applicable laws. All protected
health information and personally identifiable information provided to
the designated health information exchange is confidential and not a
public record.

Sec. 5. The department shall, to the extent allowed by applicable
law, provide the designated health information exchange with data related
to health care delivery and claims which is collected by the Division of
Medicaid and Long-Term Care of the department and the Division of Public
Health of the department and other departmental data sets in order for
the designated health information exchange to carry out the purpose of
the Health Information Initiative Act. This section applies only to
health care delivery and claims related data and does not apply to
administrative data sets that do not inform health care delivery. The
department and the designated health information exchange may clarify
operational parameters by supplemental agreements.

Sec. 6. To the extent allowed by applicable law, each health care
facility as defined in section 71-413, home health service, laboratory,
medicaid managed care organization, federally qualified health center,
rural health clinic, local public health department, and other health
care entity providing health care in Nebraska shall participate in and
connect to the designated health information exchange in order to share
clinical information pursuant to common data exchange standards. If such
facility or entity is unable to connect to the designated health
information exchange, the entity may submit a waiver request to the
department and the designated health information exchange for
consideration. The designated health information exchange shall provide
validation to the department regarding any technical inability of such
facility or entity to connect to the designated health information
exchange. If the designated health information exchange validates such
technical inability, the department may approve such waiver.

Sec. 7. The chief executive officer of the department shall select
the designated health information exchange.

Sec. 8. The Health Information Initiative Fund is created. The fund
shall consist of funds appropriated by the Legislature for the Health
Information Initiative Act. The fund may receive funds from health care
facilities and entities described in section 6 of this act, private
funds, donations, or other sources of funding. Any money in the Health
Information Initiative Fund available for investment shall be invested by
the state investment officer pursuant to the Nebraska Capital Expansion
Act and the Nebraska State Funds Investment Act.

Senator Williams filed the following amendment to LB463:

On page 8, line 5, strike "subsection", show as stricken, and
insert "subsections" and after "(2)" insert "and (3)"; and after line 15
insert the following new subsection:
"(3) Tax sale certificates sold and issued between January 1, 2017, and the effective date of this act shall be governed by the laws and statutes that are in effect on the effective date of this act with regard to all matters relating to tax deed proceedings, including noticing and application, and foreclosure proceedings."

Senator Quick filed the following amendment to LB269:
AM611 is available in the Bill Room.

Senator Linehan filed the following amendment to LB610:
AM481 is available in the Bill Room.

Senator McDonnell filed the following amendment to LB445:
AM641
(Amendments to Standing Committee amendments, AM520)
1. On page 2, line 21, strike "sixty" and insert "ninety".

Senator Slama filed the following amendment to LB399:
AM617
(Amendments to E&R amendments, ER43)
1. On page 5, strike beginning with the comma in line 27 through "dismissal" in line 30, show the old matter as stricken, and insert "Neglect thereof by any employee may be considered a cause for dismissal".

Senator Vargas filed the following amendment to LB399:
AM565
(Amendments to E&R amendments, ER43)
1. On page 3, line 4, after "student" insert ", except for any student receiving specialized instruction for limited English proficiency who has been receiving such instruction for less than two years, any student receiving special education services for whom such curriculum requirement would conflict with the individualized education plan, and any student receiving services under a plan pursuant to the requirements of section 504 of the federal Rehabilitation Act of 1973, 29 U.S.C. 794, or Title II of the federal Americans with Disabilities Act of 1990, 42 U.S.C. 12131 to 12165, as such acts and sections existed on January 1, 2019, for whom such curriculum requirement would conflict with such section 504 or Title II plan".

Senator Chambers filed the following amendment to LB399:
FA20
Amend ER43
Page 1, line 5 strike "are" and insert "be".

MOTION(S) - Print in Journal

Senator Chambers filed the following motion to LB399:
MO21
Recommit to the Education Committee.
NOTICE OF COMMITTEE HEARING(S)
Health and Human Services
Room 1510

Friday, March 15, 2019 1:30 p.m.
AM524 to LB716

Thursday, March 28, 2019 1:00 p.m.
Community Services Block Grant Briefing
(Signed)  Sara Howard, Chairperson
Education
Room 1525

Monday, March 18, 2019 1:30 p.m.
LB668
LB640
LB537
LB568

Tuesday, March 19, 2019 1:30 p.m.
LB679
LB647
LB350
LB351

(Signed)  Mike Groene, Chairperson
Revenue
Room 1524

Thursday, March 14, 2019 1:30 p.m.
AM481
Note: Amendment to LB610
(Signed)  Lou Ann Linehan, Chairperson
LEGISLATIVE BILL 305. Placed on General File with amendment.
AM592
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Sections 1 to 9 of this act shall be known and may be
4 cited as the Healthy and Safe Families and Workplaces Act.
5 Sec. 2. For purposes of the Healthy and Safe Families and
6 Workplaces Act:
7 (1) Commissioner means the Commissioner of Labor;
8 (2) Department means the Department of Labor;
9 (3) Domestic abuse means any behavior within an intimate
10 relationship that causes physical, psychological, or emotional harm to
11 those in the relationship, including behavior that causes the employee
12 fear or concern for his or her own safety or the safety of someone close
13 to the employee or behavior done with the intent to harm or exert control
14 over the employee;
15 (4) Domestic assault means domestic assault in the first, second, or
16 third degree under section 28-323 or any similar crime committed in
17 another state;
18 (5) Employee means any individual employed by an employer who
19 receives compensation from such employer and includes recipients of
20 public benefits who are engaged in work activity as a condition of
21 receiving public assistance. Employee includes both full-time and part-
22 time employees. Employee does not include a minor child employed by his
23 or her parent.
24 (6) Employer includes any individual, partnership, limited liability
25 company, association, corporation, business trust, legal representative,
26 or any organized group of persons employing four or more employees at any
27 one time, excluding any employees who work no more than twenty weeks in
28 any calendar year, but does not include the United States, the State of
29 Nebraska, or any political subdivision thereof;
30 (7) Family member means:
31 (a) A biological, adopted, or foster child, a stepchild, or a legal
32 ward of an employee or the employee's spouse or a person to whom the
33 employee or the employee's spouse stood in loco parentis when such person
34 was a minor child, regardless of the age or dependency status of such
35 child, stepchild, legal ward, or person;
36 (b) A biological, adoptive, or foster parent, a stepparent, or a
37 legal guardian of an employee or the employee's spouse or a person who
38 stood in loco parentis to the employee or the employee's spouse when the
39 employee or the employee's spouse was a minor child;
40 (c) An employee's spouse; or
41 (d) A grandparent, grandchild, or sibling, whether of a biological,
42 foster, adoptive, or step relationship, of the employee or the employee's
43 spouse;
44 (8) Health care professional means any person licensed under federal
or state law to provide medical or emergency services, including, but not
limited to, doctors, nurses, and emergency room personnel;
(9) Paid sick and safe time means time that is compensated at the
same hourly rate and with the same benefits, including health care
benefits, as the employee normally earns during hours worked and is
provided by an employer to an employee for the purposes described in
section 4 of this act, but in no case shall the hourly wage be less than
that provided under the Wage and Hour Act;
(10) Sexual assault means sexual assault under section 28-319 or
28-320, sexual assault of a child under section 28-319.01 or 28-320.01,
sexual assault by use of an electronic communication device under section
28-320.02, or any similar crime committed in another state; and
(11) Stalking means stalking under section 28-311.03 or any similar
crime committed in another state.
Sec. 3. (1) Employees shall accrue a minimum of one hour of paid
sick and safe time for every thirty hours worked. Such employees shall
not accrue more than forty hours of paid sick and safe time in a calendar
year unless the employer selects a higher limit.
(2) Employees who are exempt from overtime requirements under 29
U.S.C. 213(a)(1) shall be assumed to work forty hours in each work week
for purposes of paid sick and safe time accrual unless their normal work
week is less than forty hours, in which case paid sick and safe time
accrues based upon that normal work week.
(3) Paid sick and safe time accrual shall begin at the commencement
of employment.
(4) Employees shall be entitled to use accrued paid sick and safe
time beginning on the sixtieth calendar day following commencement of
employment. After the sixtieth calendar day, employees may use paid sick
and safe time as it is accrued.
(5) Paid sick and safe time shall be carried over to subsequent
calendar years, except that an employee's use of paid sick and safe time
in each calendar year shall not exceed forty hours unless the employer
selects a higher limit.
(6) Any employer with a paid leave policy, such as a paid time off
policy, who makes available an amount of paid leave which is sufficient
to meet the accrual requirements for paid sick and safe time under this
section and which may be used for the same purposes and under the same
conditions as paid sick and safe time under the Healthy and Safe Families
and Workplaces Act is not required to provide additional paid sick and
safe time.
(7) Nothing in this section shall be construed as requiring
financial or other reimbursement to an employee from an employer upon the
employee's termination, resignation, retirement, or other separation from
employment for accrued paid sick and safe time that has not been used.
(8) If an employee is transferred to a separate division, entity, or
location, but remains employed by the same employer, the employee shall
be entitled to all paid sick and safe time accrued at the prior division,
etity, or location and is entitled to use all paid sick and safe time as
provided in this section. When there is a separation from employment and
the employee is rehired within six months after separation by the same 
employer, previously accrued paid sick and safe time that had not been 
used shall be reinstated, and the employee shall be entitled to use 
accrued paid sick and safe time and accrue additional paid sick and safe 
time at the recommencement of employment. 
(9) At its discretion, the employer may loan paid sick and safe time 
to the employee in advance of accrual by such employee. 
Sec. 4. (1) An employer shall allow an employee to use paid sick 
and safe time for: 
(a) An employee's mental or physical illness, injury, or health 
condition; an employee's need for medical diagnosis, care, or treatment 
of a mental or physical illness, injury, or health condition; or an 
employee's need for preventive medical care; 
(b) Care of a family member with a mental or physical illness, 
injury, or health condition; care of a family member who needs medical 
diagnosis, care, or treatment of a mental or physical illness, injury, or 
health condition; or care of a family member who needs preventive medical 
care; or 
(c) Absence necessary due to domestic abuse, domestic assault, 
sexual assault, or stalking, regardless of whether a charge has been 
filed or a conviction has been obtained, if the leave is to allow the 
employee to obtain any of the following for the employee or the 
employee's family member: 
(i) Medical attention needed to recover from physical or 
psychological injury or disability caused by such domestic abuse, 
domestic assault, sexual assault, or stalking; 
(ii) Services from a victim services organization; 
(iii) Psychological or other counseling; 
(iv) Relocation due to the domestic abuse, domestic assault, sexual 
assault, or stalking; or 
(v) Legal services, including preparing for or participating in any 
civil or criminal legal proceeding relating to or resulting from the 
domestic abuse, domestic assault, sexual assault, or stalking. 
(2) Paid sick and safe time shall be provided upon the oral request 
of an employee as soon as practicable after the employee is aware of the 
need for such paid sick and safe time. The request shall include the 
expected duration of the absence, if reasonably possible. 
(3) An employer cannot require, as a condition of an employee's 
taking paid sick and safe time, that the employee search for or find a 
replacement worker to cover the hours during which the employee is on 
paid sick and safe time. 
(4) Accrued paid sick and safe time may be used in the smaller of 
hourly increments or the smallest increment that the employer's payroll 
system uses to account for absences or use of other time. 
(5) (a) If the use of paid sick and safe time exceeds more than three 
consecutive workdays, an employer may require reasonable documentation 
that the paid sick and safe time has been used for a purpose described in 
subsection (1) of this section. 
(b) Documentation signed by a health care professional indicating
that sick time is necessary shall be considered reasonable documentation.
(c) The following documentation shall be considered reasonable
documentation for absences due to domestic abuse, domestic assault,
sexual assault, or stalking:
(i) A police report indicating that the employee or his or her
family member was a victim of domestic abuse, domestic assault, sexual
assault, or stalking;
(ii) A court order protecting or separating the employee or his or her
family member from the perpetrator of an act of domestic abuse,
domestic assault, sexual assault, or stalking or other evidence from the
court or prosecuting attorney that the employee or his or her family
member has appeared in court or is scheduled to appear in court in a
proceeding related to the domestic abuse, domestic assault, sexual
assault, or stalking; or
(iii) Other documentation signed by an advocate as defined in
section 29-4302, an attorney, a police officer, a licensed mental health
professional, a medical professional, a social worker, an antiviolence
counselor, or a member of the clergy affirming that the employee or his
or her family member is a victim of domestic abuse, domestic
sexual assault, or stalking.
(d) The employee may choose the type of applicable documentation to
submit and the employer shall not require more than one type of
reasonable documentation for the same incident.
(e) An employer shall not require that the documentation explain the
nature of the illness or the details of the domestic abuse, domestic
assault, sexual assault, or stalking.
(f) If required by the employer, the employee shall provide such
reasonable documentation to the employer no later than thirty days after
the first day of the period of time for which the employee is requesting
paid sick and safe time. The employer shall not delay the commencement of
paid sick and safe time on the basis that the employer has not yet
received the documentation.
(g) Any information provided to an employer regarding paid sick and
safe time shall be confidential except to the extent that any disclosure
of such information is:
(a) Requested or consented to in writing by the employee;
(b) Otherwise required by federal or state law; or
(c) Necessary to prevent a clear and definite danger to other
employees.
Sec. 5. (1) It shall be unlawful for an employer or any other
person to interfere with, restrain, or deny the exercise of, or the
attempt to exercise, any right protected under the Healthy and Safe
Families and Workplaces Act.
(2) An employer shall not take retaliatory personnel action or
discriminate against an employee because the employee has exercised
rights protected under the act. Such rights include, but are not limited
to, the right to use paid sick and safe time pursuant to the act, the
right to file a complaint or inform any person about any employer's
alleged violation of the act, the right to cooperate with the department
in its investigations of alleged violations of the act, and the right to
inform any person of his or her potential rights under the act.

(3) It is unlawful for an employer's absence control policy to count
paid sick and safe time taken under the act as an absence that may lead
to or result in discipline, discharge, demotion, suspension, or any other
adverse action.

(4) Protections under this section shall apply to any person who
mistakenly but in good faith alleges violations of the act.

Sec. 6. Employers shall give notice at the time of hire that
employees are entitled to paid sick and safe time, the amount of paid
sick and safe time, the terms of use for paid sick and safe time
guaranteed under the Healthy and Safe Families and Workplaces Act, that
retaliation against employees who request or use paid sick and safe time
is prohibited, and that each employee has the right to file a complaint
or bring a civil action if paid sick and safe time is denied by the
employer or the employee is retaliated against for exercising his or her
rights under the act.

Sec. 7. (1) An employee or other person may report to the
commissioner any suspected violation of the Healthy and Safe Families and
Workplaces Act. The commissioner shall encourage reporting pursuant to
this subsection by keeping confidential, to the maximum extent permitted
by applicable law, the name and other identifying information of the
employee or person reporting the suspected violation, except that with
the authorization of such person, the commissioner may disclose the
person's name and identifying information as necessary to enforce the act
or for other appropriate purposes. The commissioner may summon witnesses
and require the production of records, books, and documents for
examination in any investigation conducted by the department pursuant to
this section. The commissioner shall assess an administrative penalty
against an employer when an investigation reveals that the employer
violated the act. The administrative penalty shall be not more than five
hundred dollars in the case of a first violation and not more than five
thousand dollars in the case of a second or subsequent violation. The
commissioner shall notify the employer of the proposed administrative
penalty by certified mail or any other manner of delivery by which the
United States Postal Service can verify delivery. The employer shall have
fifteen working days after the date the commissioner sends notification
of the penalty to contest such penalty. Notice of contest shall be sent
to the commissioner who shall provide a hearing in accordance with the
Administrative Procedure Act.

(2) Any person aggrieved by a violation of the Health and Safe
Families and Workplaces Act or any entity, a member of which is aggrieved
by a violation of the act, may bring a civil action in a court of
competent jurisdiction against an employer who violates the act. The
action may be brought without first filing an administrative complaint.
Upon prevailing in an action brought pursuant to this subsection, an
aggrieved person shall recover:
(a) The full amount of any unpaid sick and safe time; and
(b) Attorney's fees and costs associated with the action.
Sec. 8. (1) Nothing in the Healthy and Safe Families and Workplaces Act shall be construed to discourage or prohibit an employer from the adoption or retention of a paid sick and safe time policy that is more generous than the policy required by the act.

(2) The act provides minimum requirements pertaining to paid sick and safe time and shall not be construed to preempt, limit, or otherwise affect the applicability of any other law, rule, regulation, requirement, policy, contract, or standard that provides for greater accrual or use by employees of sick and safe time, whether paid or unpaid, or that extends other protections to employees.

Sec. 9. The department shall administer and enforce the Healthy and Safe Families and Workplaces Act and may adopt and promulgate rules and regulations to carry out the purposes of the act.

Sec. 10. If any section in this act or any part of any section is declared invalid or unconstitutional, the declaration shall not affect the validity or constitutionality of the remaining portions.

LEGISLATIVE BILL 311. Placed on General File with amendment. AM570 is available in the Bill Room.

(Signed) Matt Hansen, Chairperson

Urban Affairs

LEGISLATIVE BILL 87. Placed on General File.

LEGISLATIVE BILL 520. Placed on General File.

LEGISLATIVE RESOLUTION 14CA. Placed on General File.

(Signed) Justin Wayne, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 40. Introduced by Bolz, 29.

WHEREAS, Matthew Texel, a member of Troop 25 of Lincoln, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Throughout their scouting experience, these young men have learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 13 of which are in required areas, and complete an approved community service project; and

WHEREAS, Matthew displayed his commitment to community service by installing two concrete pad park benches along two locations on the Tierra Williamsburg Trail in the commons area of the Pine Lake Heights Homeowners Association; and

...
WHEREAS, Matthew, through his hard work and perseverance has joined other high achievers who are Eagle Scouts, including astronauts, leaders of government and industry, artists, scientists, and athletes.

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

1. That the Legislature congratulates Matthew Texel on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Matthew Texel.

Laid over.

EXPLANATION(S) OF VOTE(S)

Had I been present, I would have voted "aye" on final passage of LR1CA.

(Signed) Ernie Chambers

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Geist name added to LB103.
Senator Hilgers name added to LB103.

WITHDRAW - Cointroducer(s)

Senator Morfeld name withdrawn from LB720.

VISITOR(S)

Visitors to the Chamber were members of Lincoln's Young Professionals Group; and Brent and Tami Martin from Lincoln.

ADJOURNMENT

At 11:48 a.m., on a motion by Senator Quick, the Legislature adjourned until 9:00 a.m., Tuesday, March 12, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
THIRTY-NINTH DAY - MARCH 12, 2019

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

THIRTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 12, 2019

PRAYER

The prayer was offered by Father James Netusil, Saint Francis Borgia Roman Catholic Church, Blair.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Scheer presiding.

The roll was called and all members were present except Senator Stinner who was excused; and Senators M. Hansen, Howard, McCollister, Morfeld, Vargas, Walz, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-eighth day was approved.

MESSAGE(S) FROM THE GOVERNOR

March 7, 2019

Patrick J. O’Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O’Donnell:

Engrossed Legislative Bills 7, 11, 32, 42, 55, 56, 57, 61, 63e, 65, 70, 71, 75, 78, 82e, 102, 115, 117, 121, 122e, 146, 154, 190, 193, 194, 196, 258e, 259e, 264, 301e, 355, and 359 were received in my office on March 1, 2019. These bills were signed and delivered to the Secretary of State on March 7, 2019.

Sincerely,

(Signed) Pete Ricketts
Governor
COMMITTEE REPORT(S)
Judiciary

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

Shawn Eatherton - Crime Victim's Reparations Committee
Thomas Parker - Crime Victim's Reparations Committee
Michelle Schindler - Crime Victim's Reparations Committee


(Signed) Steve Lathrop, Chairperson

LEGISLATIVE BILL 396. Placed on General File.
LEGISLATIVE BILL 457. Placed on General File.
LEGISLATIVE BILL 514. Placed on General File.

(Signed) Steve Lathrop, Chairperson

NOTICE OF COMMITTEE HEARING(S)
Government, Military and Veterans Affairs
Room 1507

Wednesday, March 20, 2019 1:30 p.m.
LB581
LB717

Thursday, March 21, 2019 1:30 p.m.
Richard Grauerholz - State Emergency Response Commission
Tim Hofbauer - State Emergency Response Commission
Trent D. Kleinow - State Emergency Response Commission

(Signed) Tom Brewer, Chairperson

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Pansing Brooks has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.
RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 35, 36, 37, and 38 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 35, 36, 37, and 38.

MOTION(S) - Confirmation Report(s)

Senator Hughes moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 721:

- Nebraska Natural Resources Commission
  - Mark Czaplewski

Voting in the affirmative, 30:

- Albrecht
- DeBoer
- Halloran
- Kolterman
- Murman
- Bostelman
- Dorn
- Hansen, B.
- La Grone
- Pansing Brooks
- Brewer
- Friesen
- Hilgers
- Lathrop
- Quick
- Cavanaugh
- Geist
- Hilkemann
- Lindstrom
- Scheer
- Chambers
- Gragert
- Hughes
- Linehan
- Slama
- Crawford
- Groene
- Kolowski
- McDonnell
- Williams

Voting in the negative, 0.

Present and not voting, 11:

- Arch
- Brandt
- Erdman
- Moser
- Blood
- Briese
- Hunt
- Wayne
- Bolz
- Clements
- Lowe

Excused and not voting, 8:

- Hansen, M.
- McCollister
- Stinner
- Walz
- Howard
- Morfeld
- Vargas
- Wishart

The appointment was confirmed with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

Senator Hughes moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 721:

- Nebraska Natural Resources Commission
  - Donald P. Batie
Voting in the affirmative, 31:

Albrecht    DeBoer    Hansen, B.    Lathrop    Scheer
Bolz        Dorn      Hilgers       Lindstrom    Slama
Bostelman   Friesen   Hilkemann    Linehan      Williams
Cavanaugh   Geist     Hughes       McDonnell
Chambers    Gragert   Kolowski     Murman
Clements    Groene    Kolterman    Pansing Brooks
Crawford    Halloran  La Grone    Quick

Voting in the negative, 0.

Present and not voting, 10:

Arch       Brandt    Briese       Hunt        Moser
Blood      Brewer    Erdman      Lowe        Wayne

Excused and not voting, 8:

Hansen, M.  McCollister  Stinner   Walz
Howard     Morfeld    Vargas      Wishart

The appointment was confirmed with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 463. Title read. Considered.

Senator Williams offered his amendment, AM553, found on page 774.

The Williams amendment was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 354. Placed on Select File with amendment.

ER46 is available in the Bill Room.

LEGISLATIVE BILL 354A. Placed on Select File.

LEGISLATIVE BILL 449. Placed on Select File with amendment.

ER47

1 1. On page 1, strike beginning with "Cosmetology" in line 1 through
2 line 5 and insert "Uniform Credentialing Act; to amend sections 38-178,
3 38-180, and 38-2894, Reissue Revised Statutes of Nebraska, and section 4 38-1001, Revised Statutes Cumulative Supplement, 2018; to provide for 5 disciplinary action for performing scleral tattooing and prohibit such 6 practice as prescribed; to define a term; to provide for civil penalties; 7 to harmonize provisions; and to repeal the original sections.

(Signed) Julie Slama, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 16. Placed on Final Reading.
LEGISLATIVE BILL 29. Placed on Final Reading.
LEGISLATIVE BILL 48. Placed on Final Reading.

LEGISLATIVE BILL 112. Placed on Final Reading.
ST10
The following changes, required to be reported for publication in the Journal, have been made:
  1. On page 1, lines 3 and 4, "38-129.01, and 38-131" has been struck and "and 38-129.01" inserted.

LEGISLATIVE BILL 112A. Placed on Final Reading.

LEGISLATIVE BILL 116. Placed on Final Reading.
ST11
The following changes, required to be reported for publication in the Journal, have been made:
  1. On page 6, line 21, "simultaneous" has been struck and "simultaneously" inserted.

LEGISLATIVE BILL 125. Placed on Final Reading.
LEGISLATIVE BILL 145. Placed on Final Reading.
LEGISLATIVE BILL 224. Placed on Final Reading.
LEGISLATIVE BILL 254. Placed on Final Reading.
LEGISLATIVE BILL 384. Placed on Final Reading.
LEGISLATIVE BILL 486. Placed on Final Reading.
LEGISLATIVE BILL 575. Placed on Final Reading.
LEGISLATIVE BILL 660. Placed on Final Reading.
LEGISLATIVE BILL 660A. Placed on Final Reading.

(Signed) Julie Slama, Chairperson

SELECT FILE

LEGISLATIVE BILL 399. Senator Slama offered her amendment, AM617, found on page 775.

SENATOR HUGHES PRESIDING
Senator Slama offered the following motion:
MO22
Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Slama moved for a call of the house. The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

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

Voting in the affirmative, 40:

- Albrecht
- Clements
- Groene
- Lathrop
- Pansing
- Brooks
- Arch
- Crawford
- Halloran
- Lindstrom
- Quick
- Blood
- DeBoer
- Hansen, B.
- Linehan
- Scheer
- Bolz
- Dorn
- Hilgers
- Lowe
- Slama
- Bostelman
- Erdman
- Hilkemann
- McCollister
- Vargas
- Brandt
- Friesen
- Hughes
- McDonnell
- Walz
- Brewer
- Geist
- Koltermann
- Moser
- Williams
- Briese
- Gragert
- LaGrone
- Murman
- Wishart

Voting in the negative, 3:

- Chambers
- Hansen, M.
- Hunt

Present and not voting, 4:

- Cavanaugh
- Howard
- Kolowski
- Wayne

Excused and not voting, 2:

- Morfeld
- Stinner

The Slama motion to invoke cloture prevailed with 40 ayes, 3 nays, 4 present and not voting, and 2 excused and not voting.

Senator Chambers requested a record vote on the Slama amendment

Voting in the affirmative, 42:
The Slama amendment was adopted with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting. Senator Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 40:

Voting in the negative, 2:

Present and not voting, 5:

Excused and not voting, 2:

Morfeld     Stinner

Advanced to Enrollment and Review for Engrossment with 40 ayes, 2 nays,
5 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

**COMMITTEE REPORT(S)**
Enrollment and Review

**LEGISLATIVE BILL 284.** Placed on Final Reading.

(Signed) Julie Slama, Chairperson

**COMMITTEE REPORT(S)**
Health and Human Services

**LEGISLATIVE BILL 248.** Placed on General File.

**LEGISLATIVE BILL 556.** Placed on General File with amendment. AM383 is available in the Bill Room.

**LEGISLATIVE BILL 570.** Placed on General File with amendment. AM470

1. Strike original section 2 and insert the following new section:
2. Sec. 2. Section 81-6,122, Revised Statutes Cumulative Supplement, 2018, is amended to read:
3. 81-6,122 (1) The Department of Health and Human Services, the Governor's Policy Research Office, the Department of Correctional Services, the Department of Economic Development, the Department of Labor, the Department of Transportation, the State Department of Education, and the office of the state long-term care ombudsman shall develop a comprehensive strategic plan for providing services to qualified persons with disabilities in the most integrated community-based settings pursuant to the Olmstead decision.
4. (2) The Director of Behavioral Health of the Division of Behavioral Health of the Division of Developmental Disabilities of the Division of Developmental Disabilities of the Department of Health and Human Services, the Director of Medicaid and Long-Term Care of the Division of Medicaid and Long-Term Care of the Department of Health and Human Services, the Director of Public Health of the Division of Public Health of the Department of Health and Human Services, the Director of Correctional Services, the Director of Economic Development, the Commissioner of Labor, the Director-State Engineer, the Commissioner of Education, and the state long-term care ombudsman department shall (a) convene as a team to:
5. (a) Develop the strategic plan described in subsection (1) of this section;
6. (b) Appoint consisting of persons from each of the six divisions of the department to assess components of the strategic plan which may be in development; (b) consult with other state agencies that administer
programs serving persons with disabilities; (c) appoint and convene a
stakeholder advisory committee to assist in the review and development of
the strategic plan, such committee members to include a representative
from the State Advisory Committee on Mental Health Services, the Advisory
Committee on Developmental Disabilities, the Nebraska Statewide
Independent Living Council, the Nebraska Planning Council on
Developmental Disabilities, the Division of Rehabilitation Services in
the State Department of Education, the Commission for the Deaf and Hard
of Hearing, the Commission for the Blind and Visually Impaired, a housing
authority in a city of the first or second class and a housing authority
in a city of the primary or metropolitan class, the Assistive Technology
Partnership, the protection and advocacy system for Nebraska, an
assisted-living organization, the behavioral health regions, mental
health practitioners, developmental disability service providers, an
organization that advocates for persons with developmental disabilities,
an organization that advocates for persons with mental illness, an
organization that advocates for persons with brain injuries, and an area
agency on aging, and including two persons with disabilities representing
self-advocacy organizations, and, at the department’s discretion, other
persons with expertise in programs serving persons with disabilities;
(c) determine the need for consultation with an independent consultant to assist with the continued analysis and
revision development of the strategic plan and determine whether the
benchmarks, deadlines, and timeframes are in substantial compliance with
the strategic plan:
(d) Provide continuing analysis of the strategic plan and a report
on the progress of the strategic plan and changes or revisions to the
Legislature by December 15, 2021, and every three years thereafter; and
(e) Provide a preliminary progress report to the Legislature
and the Governor by December 15, 2016, which includes, but is not limited
to, (i) the components of the strategic plan which may be in development
and (ii) the department’s recommendation on hiring a consultant; (f)
provide a second progress report to the Legislature and the Governor by
December 15, 2017; and (g) provide the completed strategic plan to the
(3) The reports and completed plan shall be submitted electronically
8 to the Legislature.

LEGISLATIVE BILL 571. Placed on General File with amendment.
AM609
1 1. Strike original section 2 and insert the following new section:
2 Sec. 2. (1) For purposes of this section:
3 (a) Grievance means a written expression of dissatisfaction that may
4 or may not be the result of an unresolved complaint; and
5 (b) Grievance procedure means the written policy of an assisted-
6 living facility for addressing a grievance from an individual including
7 an employee or resident.
8 (2) Each assisted-living facility shall, on or before January 1,
9 2020, provide to the department the grievance procedure provided to an
10 applicant for admission to the assisted-living facility. When such
grievance procedure is modified, updated, or otherwise changed, the new grievance procedure shall be provided to the department within seven business days after such new grievance procedure takes effect. The department shall make such grievance procedure available to the deputy public counsel for institutions.

(Signed) Sara Howard, Chairperson

Executive Board

LEGISLATIVE BILL 561. Placed on General File.

(Signed) Mike Hilgers, Chairperson

ANNOUNCEMENT(S)

Priority designation(s) received:

Cavanaugh - LB311

AMENDMENT(S) - Print in Journal

Senator Chambers filed the following amendment to LB399:

FA21 Amend ER43 Page 3, strike all language in lines 11-21 and insert:

Between the commencement of eighth grade and completion of twelfth grade, attendance at or participation in a meeting of a public body as defined in section 84-1409 followed by the completion of a project or written report whereby each student demonstrates or discusses the personal learning experience of such student relative to such attendance or participation; or

(iii) Between the commencement of eighth grade and the completion of twelfth grade, completion of a project or a written report and a class presentation about a person or persons or an event commemorated by a holiday noted in subdivision (6) of this section or on a topic related to such person or persons or event; and.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Wayne name added to LB15.
Senator Albrecht name added to LB15.
Senator Lathrop name added to LB15.
Senator DeBoer name added to LB15.
Senator Wishart name added to LB605.
Senator Slama name added to LB640.
VISITOR(S)

Visitors to the Chamber were students and teachers from Madison High School; Robert Daro from David City and David Daro from Omaha; students from Cottonwood Elementary, Millard; students, teachers, and sponsors from St. Bernard Catholic School, Omaha; students and teachers from the Omaha Education Association; members from Leadership Kearney; Holly and Avery Clark from Blaine, MN, Julie Ann Hoffman from Sulphur, OK, and Leah Byelick and Allory Grace Arnold from Lincoln; members of Girl Scouts Spirit of Nebraska from Omaha, Fremont, and Lincoln; and students and teacher from Central Valley High School, Greeley.

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

ADJOURNMENT

At 12:07 p.m., on a motion by Senator Gragert, the Legislature adjourned until 9:00 a.m., Wednesday, March 13, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
FORTIETH DAY - MARCH 13, 2019

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

FORTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 13, 2019

PRAYER

The prayer was offered by Pastor Tom Starkjohn, Louisville Evangelical Free Church.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Scheer presiding.

The roll was called and all members were present except Senators Chambers, Howard, Lindstrom, Linehan, Morfeld, Pansing Brooks, Stinner, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-ninth day was approved.

MESSAGE(S) FROM THE GOVERNOR

March 12, 2019

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

    Engrossed Legislative Bills 22, 25, 25A, 52, 60, 74, 80, 81, 103e, 111, 119, 152, 159e, 185, 192, 192A, 200, 203, 214, 223, 235, 256e, 307, 333, 372, 380, 406e, 442, 469, 536, 622, and 624 were received in my office on March 7, 2019.
    These bills were signed and delivered to the Secretary of State on March 12, 2019.
MESSAGE(S) FROM THE GOVERNOR

March 8, 2019

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

Contingent upon your approval, the following individual is being reappointed to the State Personnel Board:

Christopher Waddle, 735 N. Derby Avenue, Grand Island, NE 68802

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

Sincerely,

(Signed) Pete Ricketts
Governor

Enclosures

March 8, 2019

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

Contingent upon your approval, the following individuals are being appointed to the Commission for the Deaf and Hard of Hearing:

Sandra Shaw, 312 E. Maple Street, Seward, NE 68434
Frances Beaurivage, 3726 Washington Street, Lincoln, NE 68506

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

Sincerely,
March 8, 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 Commission on Problem Gambling:

Susan Lutz, 2101 W. Eisenhower Avenue, Norfolk, NE 68701
James Patterson, 1102 Overland Trail, Papillion, NE 68046

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

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Lowe has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

COMMITTEE REPORT(S)
Government, Military and Veterans Affairs

LEGISLATIVE BILL 375. Placed on General File.
LEGISLATIVE BILL 452. Placed on General File.
LEGISLATIVE BILL 524. Placed on General File.
LEGISLATIVE BILL 525. Placed on General File.
LEGISLATIVE BILL 583. Placed on General File.
LEGISLATIVE BILL 609. Placed on General File.

LEGISLATIVE BILL 511. Placed on General File with amendment.
AM672 is available in the Bill Room.

(Signed) Tom Brewer, Chairperson
COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 463. Placed on Select File.

(Signed) Julie Slama, Chairperson

SELECT FILE

LEGISLATIVE BILL 309. Senator La Grone reoffered his amendment, AM471, found on page 612 and considered on page 629.

Senator La Grone withdrew his amendment, AM477, found on page 613.

Senator La Grone moved for a call of the house. The motion prevailed with 17 ayes, 2 nays, and 30 not voting.

Senator La Grone requested a roll call vote on his amendment, AM471.

Voting in the affirmative, 13:

Briese Erdman Hansen, B. La Grone Murman
Clements Groene Hilgers Lowe
Dorn Halloran Hughes Moser

Voting in the negative, 27:

Albrecht Brewer Hilkemann McDonnell Walz
Arch Cavanaugh Hunt Pansing Brooks Williams
Blood Crawford Kolowski Quick Wishart
Bolz DeBoer Kolterman Scheer
Bostelman Gragert Lathrop Slama
Brandt Hansen, M. McCollister Vargas

Present and not voting, 2:

Friesen Geist

Excused and not voting, 7:

Chambers Lindstrom Morfeld Wayne
Howard Linehan Stinner

The La Grone amendment lost with 13 ayes, 27 nays, 2 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.
Senator Lathrop offered the following amendment:

\[
\begin{align*}
\text{AM706} \\
1 & \text{On page 2, line 28, strike "In", show as stricken, and insert} \\
2 & "\text{Until July 1, 2021, in"}, \text{strike "seventeen"}, \text{and reinstate the stricken} \\
3 & \text{matter; in line 29 after the period insert "Beginning July 1, 2021, in} \\
4 & \text{the fourth judicial district there shall be seventeen judges of the} \\
5 & \text{district court," and insert paragraphing.}
\end{align*}
\]

The Lathrop amendment was adopted with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment

**LEGISLATIVE BILL 309A.** Senator Lathrop offered the following motion:

\[
\begin{align*}
\text{MO23} \\
\text{Indefinitely postpone.}
\end{align*}
\]

The Lathrop motion to indefinitely postpone prevailed with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

**COMMITTEE REPORT(S)**

Nebraska Retirement Systems

**LEGISLATIVE BILL 34.** Placed on General File with amendment. AM591 is available in the Bill Room.

\[
\begin{align*}
\text{(Signed) Mark Kolterman, Chairperson}
\end{align*}
\]

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 399.** Placed on Final Reading.

\[
\begin{align*}
\text{(Signed) Julie Slama, Chairperson}
\end{align*}
\]

**NOTICE OF COMMITTEE HEARING(S)**

Education

Room 1525

Monday, March 25, 2019 1:30 p.m.

Patricia Kircher - Nebraska Educational Telecommunications Commission
Paul Turman - Nebraska Educational Telecommunications Commission
Greg Adams - Nebraska Educational Telecommunications Commission
LB676
LB725
LB488
RESOLUTION(S)

LEGISLATIVE RESOLUTION 41. Introduced by Briese, 41.

WHEREAS, the Plainview High School wrestling team won the 2019 Class D State Wrestling Championship; and
WHEREAS, sophomore Eli Lanham won the 106-pound division title and junior Nate Christensen won the 126-pound division title; and
WHEREAS, this was the first State Wrestling team title for the Plainview Pirates wrestling team; and
WHEREAS, the Plainview Pirates wrestling team also won the 2019 Class D State Dual Championship; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Plainview High School wrestling team on its state wrestling championship.
2. That copies of this resolution be sent to Plainview High School and Coach Dean Boyer.

Laid over.

NOTICE OF COMMITTEE HEARING(S)

Revenue

Room 1524

Wednesday, March 20, 2019 1:30 p.m.

LB560
LB623
LB542
LB605
Wednesday, March 27, 2019 1:30 p.m.

LB429
LB601
LB440
LB97
LB338

(Signed) Lou Ann Linehan, Chairperson

GENERAL FILE

LEGISLATIVE BILL 590. Title read. Considered.
Committee AM330, found on page 559, was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 400. Title read. Considered.

SENATOR HILGERS PRESIDING

Pending.

COMMITTEE REPORT(S)

Revenue

LEGISLATIVE BILL 76. Placed on General File.
LEGISLATIVE BILL 236. Placed on General File.
LEGISLATIVE BILL 266. Placed on General File.

LEGISLATIVE BILL 218. Placed on General File with amendment.
AM536
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 77-103, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 77-103 Real property shall mean:
6 (1) All land;
7 (2) All buildings, improvements, and fixtures, except trade
8 fixtures;
9 (3) All electric generation, transmission, distribution, and street
10 lighting structures or facilities owned by a political subdivision of the
11 state or the public power industry as defined in section 70-601;
12 (4) (3) Mobile homes, cabin trailers, and similar property, not
13 registered for highway use, which are used, or designed to be used, for
14 residential, office, commercial, agricultural, or other similar purposes,
but not including mobile homes, cabin trailers, and similar property when
unoccupied and held for sale by persons engaged in the business of
selling such property when such property is at the location of the
business;
(5) Mines, minerals, quarries, mineral springs and wells, oil
and gas wells, overriding royalty interests, and production payments with
respect to oil or gas leases; and
(6) All privileges pertaining to real property described in
subdivisions (1) through (5) of this section.
Sec. 2. Section 77-117, Reissue Revised Statutes of Nebraska, is
amended to read:
77-117 Improvements on leased land shall mean any item of real
property defined in subdivisions (2) through (5) of section 77-103
which is located on land owned by a person other than the owner of the
item.
Sec. 3. Section 77-2701.16, Reissue Revised Statutes of Nebraska, is
amended to read:
77-2701.16 (1) Gross receipts means the total amount of the sale or
lease or rental price, as the case may be, of the retail sales of
7 retailers.
(2) Gross receipts of every person engaged as a public utility
specified in this subsection, as a community antenna television service
operator, or as a satellite service operator or any person involved in
connecting and installing services defined in subdivision (2)(a), (b), or
d (d) of this section means:
(a) In the furnishing of telephone communication service, other
than mobile telecommunications service as described in section
77-2703.04, the gross income received from furnishing ancillary services,
except for conference bridging services, and intrastate
telecommunications services, except for value-added, nonvoice data
service.
(ii) In the furnishing of mobile telecommunications service as
defined in section 77-2703.04, the gross income received from
furnishing mobile telecommunications service that originates and
terminates in the same state to a customer with a place of primary use in
Nebraska;
(b) In the furnishing of telegraph service, the gross income
received from the furnishing of intrastate telegraph services;
(c) In the furnishing of gas, sewer, water, and electricity
service, other than electricity service to a customer-generator as
defined in section 70-2002, the gross income received from the furnishing
of such services upon billings or statements rendered to consumers for
such utility services.
(ii) In the furnishing of electricity service to a customer-
generator as defined in section 70-2002, the net energy use upon billings
or statements rendered to customer-generators for such electricity
service;
(d) In the furnishing of community antenna television service or
satellite service, the gross income received from the furnishing of such
6 community antenna television service as regulated under sections 18-2201 to 18-2205 or 23-383 to 23-388 or satellite service; and
8 (e) The gross income received from the provision, installation, construction, servicing, or removal of property used in conjunction with the furnishing, installing, or connecting of any public utility services specified in subdivision (2)(a) or (b) of this section or community antenna television service or satellite service specified in subdivision (2)(d) of this section, except when acting as a subcontractor for a public utility, this subdivision does not apply to the gross income received by a contractor electing to be treated as a consumer of building materials under subdivision (2) or (3) of section 77-2701.10 for any such services performed on the customer's side of the utility demarcation point. This subdivision also does not apply to the gross income received by a political subdivision of the state or the public power industry as defined in section 70-601 for the lease or use of electric generation, transmission, distribution, or street lighting structures or facilities owned by a political subdivision of the state or the public power industry.

24 (3) Gross receipts of every person engaged in selling, leasing, or otherwise providing intellectual or entertainment property means:
26 (a) In the furnishing of computer software, the gross income received, including the charges for coding, punching, or otherwise producing any computer software and the charges for the tapes, disks, punched cards, or other properties furnished by the seller; and
28 (b) In the furnishing of videotapes, movie film, satellite programming, satellite programming service, and satellite television signal descrambling or decoding devices, the gross income received from the license, franchise, or other method establishing the charge.
3 (4) Gross receipts for providing a service means:
4 (a) The gross income received for building cleaning and maintenance, pest control, and security;
6 (b) The gross income received for motor vehicle washing, waxing, towing, and painting;
8 (c) The gross income received for computer software training;
9 (d) The gross income received for installing and applying tangible personal property if the sale of the property is subject to tax. If any charge for installation is free to the customer and is paid by a third-party service provider to the installer, any tax due on that part of the activation commission, finder's fee, installation charge, or similar payment paid by the third-party service provider shall be paid and remitted by the third-party service provider;
16 (e) The gross income received for services of recreational vehicle parks;
18 (f) The gross income received for labor for repair or maintenance services performed with regard to tangible personal property the sale of which would be subject to sales and use taxes, excluding motor vehicles, except as otherwise provided in section 77-2704.26 or 77-2704.50;
22 (g) The gross income received for animal specialty services except veterinary services, (ii) specialty services performed on livestock
24 as defined in section 54-183, and (iii) animal grooming performed by a
25 licensed veterinarian or a licensed veterinary technician in conjunction
26 with medical treatment; and
27 (h) The gross income received for detective services.
28 (5) Gross receipts includes the sale of admissions. When an
29 admission to an activity or a membership constituting an admission is
30 combined with the solicitation of a contribution, the portion or the
31 amount charged representing the fair market price of the admission shall
1 be considered a retail sale subject to the tax imposed by section
2 77-2703. The organization conducting the activity shall determine the
3 amount properly attributable to the purchase of the privilege, benefit,
4 or other consideration in advance, and such amount shall be clearly
5 indicated on any ticket, receipt, or other evidence issued in connection
6 with the payment.
7 (6) Gross receipts includes the sale of live plants incorporated
8 into real estate except when such incorporation is incidental to the
9 transfer of an improvement upon real estate or the real estate.
10 (7) Gross receipts includes the sale of any building materials
11 annexed to real estate by a person electing to be taxed as a retailer
12 pursuant to subdivision (1) of section 77-2701.10.
13 (8) Gross receipts includes the sale of and recharge of prepaid
14 calling service and prepaid wireless calling service.
15 (9) Gross receipts includes the retail sale of digital audio works,
16 digital audiovisual works, digital codes, and digital books delivered
17 electronically if the products are taxable when delivered on tangible
18 storage media. A sale includes the transfer of a permanent right of use,
19 the transfer of a right of use that terminates on some condition, and the
20 transfer of a right of use conditioned upon the receipt of continued
21 payments.
22 (10) Gross receipts does not include:
23 (a) The amount of any rebate granted by a motor vehicle or motorboat
24 manufacturer or dealer at the time of sale of the motor vehicle or
25 motorboat, which rebate functions as a discount from the sales price of
26 the motor vehicle or motorboat; or
27 (b) The price of property or services returned or rejected by
28 customers when the full sales price is refunded either in cash or credit.
29 Sec. 4. This act becomes operative on July 1, 2019.
30 Sec. 5. Original sections 77-103, 77-117, and 77-2701.16, Reissue
31 Revised Statutes of Nebraska, are repealed.
1 Sec. 6. Since an emergency exists, this act takes effect when
2 passed and approved according to law.

(Signed) Lou Ann Linehan, Chairperson

General Affairs

LEGISLATIVE BILL 734. Placed on General File with amendment.
AM545
1 1. On page 2, line 12; page 4, lines 9, 24, 28, and 30; page 5,
RESOLUTION(S)

LEGISLATIVE RESOLUTION 42. Introduced by Lathrop, 12; McDonnell, 5; Quick, 35.

WHEREAS, Brian Saathoff was born in Omaha and graduated from Thomas Jefferson High School in Council Bluffs, Iowa; and
WHEREAS, Brian protected lives and property as a volunteer firefighter in Carter Lake and Waterloo, Iowa, in addition to joining the Ralston Volunteer Fire Department in 2008; and
WHEREAS, Brian held the offices of Vice President and Training Captain during his service with the Ralston Volunteer Fire Department and was a member of the Nebraska State Volunteer Firefighters Association; and
WHEREAS, Brian was a Nuclear Security Sergeant with the Omaha Public Power District at Fort Calhoun; and
WHEREAS, as a member of the International Brotherhood of Electric Workers Local 1483, Brian served on the union's executive board; and
WHEREAS, Brian passed away suddenly on February 4, 2019, at the age of 39; and
WHEREAS, Brian Saathoff is survived by his wife, Tara; children, Johnathen Thomsen (Indi), Nate Thomsen (Kala), Anthony Thomsen (Tess), Natasha Thomsen (Josiah); parents, J. Lynn and Valerie Saathoff; brother, Doug Saathoff; sister, Maureen Workman; mother-in-law, Barbara Grosvenor; five grandchildren and many other family and friends; and
WHEREAS, Brian continues to help others as an organ donor.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature recognizes the impact Brian Saathoff had on his community and the significance of his organ donation to others.
2. That the Legislature extends its sympathy and condolences to the family and friends of Brian Saathoff.
3. That a copy of this resolution be sent to the family of Brian Saathoff and the Ralston Volunteer Fire Department.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 400. Senator Halloran offered the following amendment:
AM578
1 1. Strike original section 1 and insert the following new section:
2 Section 1. Section 48-1203, Revised Statutes Cumulative Supplement,
3 2018, is amended to read:
4 48-1203 (1) Except as otherwise provided in this section and section
5 48-1203.01, every employer shall pay to each of his or her employees a
6 minimum wage of:
7 (a) Seven dollars and twenty-five cents per hour through December
8 31, 2014;
9 (b) Eight dollars per hour on and after January 1, 2015, through
10 December 31, 2015; and
11 (c) Nine dollars per hour on and after January 1, 2016.
12 (2) For persons compensated by way of gratuities such as waitresses,
13 waiters, hotel bellhops, porters, and shoeshine persons, the employer
14 shall pay wages at the minimum rate of two dollars and twelve thirteen
15 cents per hour, plus all gratuities given to them for services rendered.
16 The sum of wages and gratuities received by each person compensated by
17 way of gratuities shall equal or exceed the minimum wage rate provided in
18 subsection (1) of this section. In determining whether or not the
19 individual is compensated by way of gratuities, the burden of proof shall
20 be upon the employer.
21 (3) Any employer employing student-learners as part of a bona fide
22 vocational training program shall pay such student-learners' wages at a
23 rate of at least seventy-five percent of the minimum wage rate which
24 would otherwise be applicable.

Senator Wishart offered the following amendment to the Halloran
amendment:
FA22
Amend AM578
On line 14, strike "two dollars and twelve" and insert "four dollars and
fifty".

Pending.

COMMITTEE REPORT(S)
Banking, Commerce and Insurance

LEGISLATIVE BILL 15. Placed on General File with amendment.
AM410
1 1. On page 3, line 2, after "diagnosed" insert "by an
2 otolaryngologist with an auditory assessment completed"; and in line 13
3 after "audiologist" insert "with the medical clearance from an
4 otolaryngologist".

LEGISLATIVE BILL 619. Placed on General File with amendment.
AM287
1 1. Strike the original section and insert the following new section:
2 Section 1. (1) For purposes of this section:
3 (a) Health insurance policy means (i) any individual or group
4 sickness and accident insurance policy or subscriber contract delivered,
5 issued for delivery, or renewed in this state and any hospital, medical,
6 or surgical expense-incurred policy, except for a policy that provides
7 coverage for a specified disease or other limited-benefit coverage, and
8 (ii) any self-funded employee benefit plan to the extent not preempted by
9 federal law; and
10 (b) School means a public, private, denominational, or parochial
11 school which meets the requirements for accreditation or approval
12 prescribed in Chapter 79.
13 (2) Notwithstanding section 44-3,131, an insurer offering a health
14 insurance policy shall not deny coverage or payment for a mental health
15 service solely because the service is delivered in a school.
16 (3) Nothing in this section shall require an insurer offering a
17 health insurance policy to pay for mental health services that are
18 otherwise excluded from such health insurance policy or prevent
19 application of any other provision of such health insurance policy.
20 (4) This section applies to health insurance policies issued or
21 renewed on or after January 1, 2020, and to claims for reimbursement
22 based on such policies for costs incurred on or after January 1, 2020.

(Signed)  Matt Williams, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 447A. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to
aid in carrying out the provisions of Legislative Bill 447, One Hundred
Sixth Legislature, First Session, 2019.

AMENDMENT(S) - Print in Journal

Senator Halloran filed the following amendments to LB400:
AM579
1 1. Strike original section 1 and insert the following new section:
2 Section 1. Section 48-1203, Revised Statutes Cumulative Supplement,
3 2018, is amended to read:
4 48-1203 (1) Except as otherwise provided in this section and section
5 48-1203.01, every employer shall pay to each of his or her employees a
6 minimum wage of:
7 (a) Seven dollars and twenty-five cents per hour through December
8 31, 2014;
9 (b) Eight dollars per hour on and after January 1, 2015, through
10 December 31, 2015; and
11 (c) Nine dollars per hour on and after January 1, 2016.
12 (2) For persons compensated by way of gratuities such as waitresses,
13 waiters, hotel bellhops, porters, and shoeshine persons, the employer
14 shall pay wages at the minimum rate of two dollars and eleven thirteen
15 cents per hour, plus all gratuities given to them for services rendered.
The sum of wages and gratuities received by each person compensated by way of gratuities shall equal or exceed the minimum wage rate provided in subsection (1) of this section. In determining whether or not the individual is compensated by way of gratuities, the burden of proof shall be upon the employer.

(3) Any employer employing student-learners as part of a bona fide vocational training program shall pay such student-learners' wages at a rate of at least seventy-five percent of the minimum wage rate which would otherwise be applicable.

AM580
1. Strike original section 1 and insert the following new section:
2. Section 1. Section 48-1203, Revised Statutes Cumulative Supplement, 3. 2018, is amended to read:
4. 48-1203 (1) Except as otherwise provided in this section and section
5. 48-1203.01, every employer shall pay to each of his or her employees a
6. minimum wage of:
7. (a) Seven dollars and twenty-five cents per hour through December
8. 31, 2014;
9. (b) Eight dollars per hour on and after January 1, 2015, through
10. December 31, 2015; and
11. (c) Nine dollars per hour on and after January 1, 2016.
12. (2) For persons compensated by way of gratuities such as waitresses,
13. waiters, hotel bellhops, porters, and shoeshine persons, the employer
14. shall pay wages at the minimum rate of two dollars and ten
15. thirteen cents per hour, plus all gratuities given to them for services rendered. The sum of wages and gratuities received by each person compensated by way of gratuities shall equal or exceed the minimum wage rate provided in subsection (1) of this section. In determining whether or not the individual is compensated by way of gratuities, the burden of proof shall be upon the employer.

16. (3) Any employer employing student-learners as part of a bona fide vocational training program shall pay such student-learners' wages at a rate of at least seventy-five percent of the minimum wage rate which would otherwise be applicable.

AM581
1. Strike original section 1 and insert the following new section:
2. Section 1. Section 48-1203, Revised Statutes Cumulative Supplement, 3. 2018, is amended to read:
4. 48-1203 (1) Except as otherwise provided in this section and section
5. 48-1203.01, every employer shall pay to each of his or her employees a
6. minimum wage of:
7. (a) Seven dollars and twenty-five cents per hour through December
8. 31, 2014;
9. (b) Eight dollars per hour on and after January 1, 2015, through
10. December 31, 2015; and
11. (c) Nine dollars per hour on and after January 1, 2016.
12. (2) For persons compensated by way of gratuities such as waitresses,
13 waiters, hotel bellhops, porters, and shoeshine persons, the employer shall pay wages at the minimum rate of two dollars and nine
14 cents per hour, plus all gratuities given to them for services rendered.
15 The sum of wages and gratuities received by each person compensated by
16 way of gratuities shall equal or exceed the minimum wage rate provided in
17 subsection (1) of this section. In determining whether or not the
18 individual is compensated by way of gratuities, the burden of proof shall
19 be upon the employer.
20 (3) Any employer employing student-learners as part of a bona fide
21 vocational training program shall pay such student-learners' wages at a
22 rate of at least seventy-five percent of the minimum wage rate which
23 would otherwise be applicable.

AM582
1 1. Strike original section 1 and insert the following new section:
2 Section 1. Section 48-1203, Revised Statutes Cumulative Supplement,
3 2018, is amended to read:
4 48-1203 (1) Except as otherwise provided in this section and section
5 48-1203.01, every employer shall pay to each of his or her employees a
6 minimum wage of:
7 (a) Seven dollars and twenty-five cents per hour through December
8 31, 2014;
9 (b) Eight dollars per hour on and after January 1, 2015, through
10 December 31, 2015; and
11 (c) Nine dollars per hour on and after January 1, 2016.
12 (2) For persons compensated by way of gratuities such as waitresses,
13 waiters, hotel bellhops, porters, and shoeshine persons, the employer
14 shall pay wages at the minimum rate of two dollars and eight
15 cents per hour, plus all gratuities given to them for services rendered.
16 The sum of wages and gratuities received by each person compensated by
17 way of gratuities shall equal or exceed the minimum wage rate provided in
18 subsection (1) of this section. In determining whether or not the
19 individual is compensated by way of gratuities, the burden of proof shall
20 be upon the employer.
21 (3) Any employer employing student-learners as part of a bona fide
22 vocational training program shall pay such student-learners' wages at a
23 rate of at least seventy-five percent of the minimum wage rate which
24 would otherwise be applicable.

AM583
1 1. Strike original section 1 and insert the following new section:
2 Section 1. Section 48-1203, Revised Statutes Cumulative Supplement,
3 2018, is amended to read:
4 48-1203 (1) Except as otherwise provided in this section and section
5 48-1203.01, every employer shall pay to each of his or her employees a
6 minimum wage of:
7 (a) Seven dollars and twenty-five cents per hour through December
8 31, 2014;
9 (b) Eight dollars per hour on and after January 1, 2015, through
10 December 31, 2015; and
11 (c) Nine dollars per hour on and after January 1, 2016.
12 (2) For persons compensated by way of gratuities such as waitresses,
13 waiters, hotel bellhops, porters, and shoeshine persons, the employer
14 shall pay wages at the minimum rate of two dollars and **seven thirteen**
15 cents per hour, plus all gratuities given to them for services rendered.
16 The sum of wages and gratuities received by each person compensated by
17 way of gratuities shall equal or exceed the minimum wage rate provided in
18 subsection (1) of this section. In determining whether or not the
19 individual is compensated by way of gratuities, the burden of proof shall
20 be upon the employer.
21 (3) Any employer employing student-learners as part of a bona fide
22 vocational training program shall pay such student-learners' wages at a
23 rate of at least seventy-five percent of the minimum wage rate which
24 would otherwise be applicable.

AM584
1 1. Strike original section 1 and insert the following new section:
2 Section 1. Section 48-1203, Revised Statutes Cumulative Supplement,
3 2018, is amended to read:
4 48-1203 (1) Except as otherwise provided in this section and section
5 48-1203.01, every employer shall pay to each of his or her employees a
6 minimum wage of:
7 (a) Seven dollars and twenty-five cents per hour through December
8 31, 2014;
9 (b) Eight dollars per hour on and after January 1, 2015, through
10 December 31, 2015; and
11 (c) Nine dollars per hour on and after January 1, 2016.
12 (2) For persons compensated by way of gratuities such as waitresses,
13 waiters, hotel bellhops, porters, and shoeshine persons, the employer
14 shall pay wages at the minimum rate of two dollars and **six thirteen**
15 cents per hour, plus all gratuities given to them for services rendered. The
16 sum of wages and gratuities received by each person compensated by way of
17 gratuities shall equal or exceed the minimum wage rate provided in
18 subsection (1) of this section. In determining whether or not the
19 individual is compensated by way of gratuities, the burden of proof shall
20 be upon the employer.
21 (3) Any employer employing student-learners as part of a bona fide
22 vocational training program shall pay such student-learners' wages at a
23 rate of at least seventy-five percent of the minimum wage rate which
24 would otherwise be applicable.

AM585
1 1. Strike original section 1 and insert the following new section:
2 Section 1. Section 48-1203, Revised Statutes Cumulative Supplement,
3 2018, is amended to read:
4 48-1203 (1) Except as otherwise provided in this section and section
5 48-1203.01, every employer shall pay to each of his or her employees a
6 minimum wage of:
7 (a) Seven dollars and twenty-five cents per hour through December 8 31, 2014;
9 (b) Eight dollars per hour on and after January 1, 2015, through
10 December 31, 2015; and
11 (c) Nine dollars per hour on and after January 1, 2016.
12 (2) For persons compensated by way of gratuities such as waitresses, 13 waiters, hotel bellhops, porters, and shoeshine persons, the employer
14 shall pay wages at the minimum rate of two dollars and five thirteen
15 cents per hour, plus all gratuities given to them for services rendered.
16 The sum of wages and gratuities received by each person compensated by
17 way of gratuities shall equal or exceed the minimum wage rate provided in
18 subsection (1) of this section. In determining whether or not the
19 individual is compensated by way of gratuities, the burden of proof shall
20 be upon the employer.
21 (3) Any employer employing student-learners as part of a bona fide 22 vocational training program shall pay such student-learners' wages at a
23 rate of at least seventy-five percent of the minimum wage rate which 24 would otherwise be applicable.

Senator Wayne filed the following amendment to LB98:
AM712
1 1. Insert the following new section:
2 Section 1. Section 18-2515, Reissue Revised Statutes of Nebraska, is
3 amended to read:
4 18-2515 (1) Each petition presented for signature must be identical
5 to the petition authorized for circulation by the city clerk pursuant to
6 section 18-2512.
7 (2) Every petition shall contain the name and place of residence of
8 not more than three persons as chief petitioners or sponsors of the
9 measure. The chief petitioners or sponsors shall be qualified electors of
10 the municipal subdivision potentially affected by the initiative or
11 referendum proposal.
12 (3) Every petition shall contain the caption and the statement
13 specified in subdivisions (1)(a) and (1)(c) of section 18-2513.
14 (4) When a special election is being requested, such fact shall be
15 stated on every petition.
16 2. Renumber the remaining sections and correct the repealer
17 accordingly.

Senator Lindstrom filed the following amendment to LB610:
AM701 is available in the Bill Room.

Senator Briese filed the following amendments to LB183:
AM709
(Amendments to Standing Committee amendments, AM158)
1 1. On page 2, line 7, after "to" insert "property".
(Amendments to Standing Committee amendments, AM158)
1 1. On page 1, line 10, after "to" insert "property".

(Amendments to Standing Committee amendments, AM158)
1 1. On page 1, line 21, after "to" insert "property".

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Chambers name added to LB15.
Senator Slama name added to LB15.
Senator Lowe name added to LB626.

VISITOR(S)

Visitors to the Chamber were Senator DeBoer's brother, John DeBoer, from Bennington; Maeve Hemmer from Lincoln; Senator Walz's daughter, Emma, from Fremont; students and teacher from Sutherland High School; Emily and Betty King from Lincoln; and students from Avery Elementary School, Bellevue.

ADJOURNMENT

At 11:50 a.m., on a motion by Senator Moser, the Legislature adjourned until 9:00 a.m., Thursday, March 14, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
FORTY-FIRST DAY - MARCH 14, 2019

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

FORTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 14, 2019

PRAYER

The prayer was offered by Pastor Joe Laughlin, Victory Church, Omaha.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Williams presiding.

The roll was called and all members were present except Senators Bolz, Cavanaugh, Howard, Morfeld, Vargas, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fortieth day was approved.

UNANIMOUS CONSENT - Room Change

Senator M. Hansen asked unanimous consent that the Business and Labor Committee conduct its hearings on Monday, March 18, 2019, and on Monday, March 25, 2019, in the Warner Chamber instead of Room 1003. No objections. So ordered.

MOTION(S) - Confirmation Report(s)

Senator Lathrop moved the adoption of the Judiciary Committee report for the confirmation of the following appointment(s) found on page 786:

Crime Victim's Reparations Committee
  Shawn Eatherton
  Thomas Parker
  Michelle Schindler

Voting in the affirmative, 37:
Voting in the negative, 0.

Present and not voting, 6:

Erdman Hansen, M. Walz
Friesen Lindstrom Wishart

Excused and not voting, 6:

Bolz Howard Vargas
Cavanaugh Morfeld Wayne

The appointments were confirmed with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 411. Title read. Considered.

Committee AM514, found on page 716, was offered.

Senator La Grone offered the following amendment to the committee amendment:

AM647  
(Amendments to Standing Committee amendments, AM514)
1 1. On page 38, lines 20 and 21, strike the new matter.
2 2. On page 41, line 26, after "five" insert "business".

SPEAKER SCHEER PRESIDING

The La Grone amendment was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

The committee amendment, as amended, was adopted with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.
COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 309. Placed on Final Reading.

(Signed) Julie Slama, Chairperson

ANNOUNCEMENT(S)

Priority designation(s) received:
Hunt - LB169

AMENDMENT(S) - Print in Journal

Senator Lathrop filed the following amendment to LB340:
AM644
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 29-2262, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 29-2262 (1) When a court sentences an offender to probation, it
6 shall attach such reasonable conditions as it deems necessary or likely
7 to insure that the offender will lead a law-abiding life. No offender
8 shall be sentenced to probation if he or she is deemed to be a habitual
9 criminal pursuant to section 29-2221.
10 (2) The court may, as a condition of a sentence of probation,
11 require the offender:
12 (a) To refrain from unlawful conduct;
13 (b) To be confined periodically in the county jail or to return to
14 custody after specified hours but not to exceed the lesser of ninety days
15 or the maximum jail term provided by law for the offense;
16 (c) To meet his or her family responsibilities;
17 (d) To devote himself or herself to a specific employment or
18 occupation;
19 (e) To undergo medical or psychiatric treatment and to enter and
20 remain in a specified institution for such purpose;
21 (f) To pursue a prescribed secular course of study or vocational
22 training;
23 (g) To attend or reside in a facility established for the
24 instruction, recreation, or residence of persons on probation;
25 (h) To refrain from frequenting unlawful or disreputable places or
26 consorting with disreputable persons;
27 (i) To possess no firearm or other dangerous weapon if convicted of
1 a felony, or if convicted of any other offense, to possess no firearm or
2 other dangerous weapon unless granted written permission by the court;
3 (j) To remain within the jurisdiction of the court and to notify the
4 court or the probation officer of any change in his or her address or his
5 or her employment and to agree to waive extradition if found in another
6 jurisdiction;
7 (k) To report as directed to the court or a probation officer and to
8 permit the officer to visit his or her home;
9 (l) To pay a fine in one or more payments as ordered;
10 (m) To pay for tests to determine the presence of drugs or alcohol,
11 psychological evaluations, offender assessment screens, and
12 rehabilitative services required in the identification, evaluation, and
13 treatment of offenders if such offender has the financial ability to pay
14 for such services;
15 (n) To perform community service as outlined in sections 29-2277 to
16 29-2279 under the direction of his or her probation officer;
17 (o) To be monitored by an electronic surveillance device or system
18 and to pay the cost of such device or system if the offender has the
19 financial ability;
20 (p) To participate in a community correctional facility or program
21 as provided in the Community Corrections Act;
22 (q) To successfully complete an incarceration work camp program as
23 determined by the Department of Correctional Services;
24 (r) To make restitution as described in sections 29-2280 and
25 29-2281; or
26 (s) (t) To pay for all costs imposed by the court, including court
27 costs and the fees imposed pursuant to section 29-2262.06.
30 (3) When jail time is imposed as a condition of probation under
31 subdivision (2)(b) of this section, the court shall advise the offender
1 on the record the time the offender will serve in jail assuming no good
2 time for which the offender will be eligible under section 47-502 is lost
3 and assuming none of the jail time imposed as a condition of probation is
4 waived by the court.
5 (4) Jail time may only be imposed as a condition of probation under
6 subdivision (2)(b) of this section if:
7 (a) The court would otherwise sentence the defendant to a term of
8 imprisonment instead of probation; and
9 (b) The court makes a finding on the record that, while probation is
10 appropriate, periodic confinement in the county jail as a condition of
11 probation is necessary because a sentence of probation without a period
12 of confinement would depreciate the seriousness of the offender's crime
13 or promote disrespect for law.
14 (5) In all cases in which the offender is guilty of violating
15 section 28-416, a condition of probation shall be mandatory treatment and
16 counseling as provided by such section.
17 (6) In all cases in which the offender is guilty of a crime covered
18 by the DNA Identification Information Act, a condition of probation shall
19 be the collecting of a DNA sample pursuant to the act and the paying of
20 all costs associated with the collection of the DNA sample prior to
21 release from probation.
22 Sec. 2. Section 83-4,142, Reissue Revised Statutes of Nebraska, is
23 amended to read:
24 83-4,142 The Department of Correctional Services shall develop and
25 implement an incarceration work camp for placement of felony offenders as
26 a condition of a sentence of intensive supervision probation, as a
27 transitional phase prior to release on parole, or as assigned by the
28 Director of Correctional Services pursuant to subsection (2) of section
29 83-176. As part of the incarceration work camp, an intensive residential
30 drug treatment program may be developed and implemented for felony
31 offenders.

1 It is the intent of the Legislature that the incarceration work camp
2 serve to reduce prison overcrowding and to make prison bed space
3 available for violent offenders. It is the further intent of the
4 Legislature that the incarceration work camp serve the interests of
5 society by addressing the criminogenic needs of certain designated
6 offenders and by deterring such offenders from engaging in further
7 criminal activity. To accomplish these goals, the incarceration work camp
8 shall provide regimented, structured, disciplined programming, including
9 all of the following: Work programs; vocational training; behavior
10 management and modification; money management; substance abuse awareness,
11 counseling, and treatment; and education, programming needs, and
12 aftercare planning, which will increase the offender's abilities to lead
13 a law-abiding, productive, and fulfilling life as a contributing member
14 of a free society.

15 Sec. 3. Section 83-4,143, Revised Statutes Cumulative Supplement,
16 2018, is amended to read:
17 83-4,143  (1) It is the intent of the Legislature that the court
18 target the felony offender (a) who is eligible and by virtue of his or
19 her criminogenic needs is suitable to be sentenced to intensive
20 supervision probation with placement at the incarceration work camp, (b)
21 for whom the court finds that other conditions of a sentence of intensive
22 supervision probation, in and of themselves, are not suitable, and (c)
23 who, without the existence of an incarceration work camp, would, in all
24 likelihood, be sentenced to prison.

25 (2) When the court is of the opinion that imprisonment is
26 appropriate, but that a brief and intensive period of regimented,
27 structured, and disciplined programming within a secure facility may
28 better serve the interests of society, the court may place an offender in
29 an incarceration work camp for a period not to exceed one hundred eighty
30 days as a condition of a sentence of intensive supervision probation. The
31 court may consider such placement if the offender (a) is a male or female
32 offender convicted of a felony offense in a district court, (b) is
33 medically and mentally fit to participate, with allowances given for
34 reasonable accommodation as determined by medical and mental health
35 professionals, and (c) has not previously been incarcerated for a violent
36 felony crime. Offenders convicted of a crime under sections 28-319 to
37 28-322.04 or of any capital crime are not eligible to be placed in an
38 incarceration work camp.

8 (1) (2) It is also the intent of the Legislature that the Board of
9 Parole may recommend placement of felony offenders at the incarceration
work camp. The offenders recommended by the board shall be offenders currently housed at other Department of Correctional Services adult correctional facilities and shall complete the incarceration work camp programming prior to release on parole.

(2) When the Board of Parole is of the opinion that a felony offender currently incarcerated in a Department of Correctional Services adult correctional facility may benefit from a brief and intensive period of regimented, structured, and disciplined programming immediately prior to release on parole, the board may direct placement of such an offender in an incarceration work camp for a period not to exceed one hundred eighty days as a condition of release on parole. The board may consider such placement if the felony offender (a) is medically and mentally fit to participate, with allowances given for reasonable accommodation as determined by medical and mental health professionals, and (b) has not previously been incarcerated for a violent felony crime. Offenders convicted of a crime under sections 28-319 to 28-322.04 or of any capital crime are not eligible to be placed in an incarceration work camp.

(3) The Director of Correctional Services may assign a felony offender to an incarceration work camp if he or she believes it is in the best interests of the felony offender and of society, except that offenders convicted of a crime under sections 28-319 to 28-321 or of any capital crime are not eligible to be assigned to an incarceration work camp pursuant to this subsection.

Sec. 4. Section 83-4,144, Reissue Revised Statutes of Nebraska, is amended to read:

Upon successful completion of the incarceration work camp program, as determined by the Department of Correctional Services, the sentencing court may modify the offender's conditions of his or her sentence of probation, place the offender in an aftercare program, or discharge the offender. An offender placed in an incarceration work camp pursuant to a recommendation of the Board of Parole shall be released on parole upon successful completion, as determined by the board, of the incarceration work camp program.

Sec. 5. Section 83-4,145, Reissue Revised Statutes of Nebraska, is amended to read:

If the offender for any reason fails to successfully complete the incarceration work camp program pursuant to a recommendation of the Board of Parole who fails to successfully complete the incarceration work camp program shall be returned to the board for a rescission hearing. Credit shall be given for time actually served in the incarceration work camp program.

Sec. 6. Section 83-4,146, Reissue Revised Statutes of Nebraska, is amended to read:

All costs incurred during the period the offender is committed to an incarceration work camp shall be the responsibility of the state, including Counties shall be liable for the cost of transporting the offender to the incarceration work camp and for...
returning the offender to the appropriate court for reimposition of
sentence or such other disposition as the court may then deem appropriate
only if the offender is discharged for unsatisfactory performance from
the incarceration work camp, except that the state shall be liable for
the cost of transporting the offender to the incarceration work camp when
such placement was made pursuant to a recommendation by the Board of
Parole and for returning the offender to the appropriate Department of
Correctional Services adult correctional facility if the offender is
discharged for unsatisfactory performance from the incarceration work
camp.

Sec. 7. Original sections 29-2262, 83-4,142, 83-4,144, 83-4,145, and
83-4,146, Reissue Revised Statutes of Nebraska, and section 83-4,143,
Revised Statutes Cumulative Supplement, 2018, are repealed.

COMMITTEE REPORT(S)
Business and Labor

LEGISLATIVE BILL 345. Placed on General File with amendment.
AM626
1 1. Strike the original section and insert the following new
2 sections:
3 Section 1. (1) For purposes of this section:
4 (a) Correctional facility means a facility as defined in section
5 83-170;
6 (b) Employee means an employee of the Department of Correctional
7 Services or the Department of Health and Human Services providing
8 services to individuals in a correctional facility or state institution
9 under the twenty-four-hour care and supervision of the state;
10 (c) State institution includes the:
11 (i) Beatrice State Developmental Center;
12 (ii) Lincoln Regional Center;
13 (iii) Norfolk Regional Center;
14 (iv) Hastings Regional Center;
15 (v) Youth Rehabilitation and Treatment Center-Kearney; and
16 (vi) Youth Rehabilitation and Treatment Center-Geneva; and
17 (d) Temporary emergency condition means a riot, natural disaster, or
18 severe weather.
19 (2) Except as provided in subsection (4) of this section:
20 (a) An employee may work more than twelve consecutive hours, but an
21 employee shall under no circumstances be required to work more than
22 twelve consecutive hours; and
23 (b) An employee may work more than seven straight days without a day
24 off, but an employee shall under no circumstances be required to work
25 seven straight days without a day off.
26 (3) The acceptance by an employee of overtime described in
27 subsection (2) of this section is strictly voluntary. An employee shall
1 not be disciplined nor lose any right, benefit, or privilege for refusing
2 to work such overtime. An employee's refusal to work such overtime shall
not be grounds for discrimination, dismissal, discharge, or any other
enforcement, threat of report for discipline, or employment decision adverse
to the employee.
(4) The prohibitions of this section shall not apply when the
Director of Correctional Services or his or her designee, in the case of
a correctional facility, or the chief executive officer of the Department
of Health and Human Services, in the case of a state institution, has
declared the existence of a temporary emergency condition. Such
declaration shall take effect when the director or chief executive
officer or his or her designee provides notice of such temporary
emergency condition to the Executive Board of the Legislative Council and
shall not extend beyond thirty calendar days after such notice.
Sec. 2. This act becomes operative on January 1, 2020.

(Signed) Matt Hansen, Chairperson

Urban Affairs

LEGISLATIVE BILL 731. Placed on General File with amendment.
AM607
1 1. Insert the following new section:
2 See. 4. Section 23-114.02, Reissue Revised Statutes of Nebraska, is
3 amended to read:
4 23-114.02 The general plan for the improvement and development of
5 the county shall be known as the comprehensive development plan and
6 shall, among other elements, include:
7 (1) A land-use element which designates the proposed general
8 distribution, general location, and extent of the uses of land for
9 agriculture, housing, commerce, industry, recreation, education, public
10 buildings and lands, and other categories of public and private use of
11 land;
12 (2) The general location, character, and extent of existing and
13 proposed major streets, roads, and highways, and air and other
14 transportation routes and facilities;
15 (3) When a new comprehensive plan or a full update to an existing
16 comprehensive plan is developed on or after July 15, 2010, but not later
17 than January 1, 2015, an energy element which: Assesses energy
18 infrastructure and energy use by sector, including residential,
19 commercial, and industrial sectors; evaluates utilization of renewable
20 energy sources; and promotes energy conservation measures that benefit
21 the community; and
22 (4) The general location, type, capacity, and area served of present
23 and projected or needed community facilities including recreation
24 facilities, schools, libraries, other public buildings, and public
25 utilities and services.
26 The comprehensive development plan shall consist of both graphic and
27 textual material and shall be designed to accommodate anticipated long-
range future growth which shall be based upon documented population and
2 economic projections.
3 2. Renumber the remaining section and correct the repealer
4 accordingly.

(Signed) Justin Wayne, Chairperson

GENERAL FILE

LEGISLATIVE BILL 400. Senator Wishart renewed her amendment,
FA22, found on page 808, to the Halloran amendment, AM578.

SENATOR WILLIAMS PRESIDING

SPEAKER SCHEER PRESIDING

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

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

Senator Chambers offered the following motion:
MO24
Recommit to the Business and Labor Committee.

Senator Chambers withdrew his motion to recommit to committee.

Senator Hunt offered the following motion:
MO25
Bracket until March 15, 2019.

SENATOR WILLIAMS PRESIDING

Pending.

NOTICE OF COMMITTEE HEARING(S)

Appropriations

Room 1524

Monday, March 25, 2019 1:30 p.m.

LB181
LB24
LB403
LB404
LB480
Agency 28 - Veterans' Affairs, Department of
Agency 25 - Health and Human Services
   Note: Medicaid, Public Health, Long Term Care
Tuesday, March 26, 2019 1:30 p.m.

LB202
LB226
LB326
LB327
LB485
LB558
Agency 25 - Health and Human Services
   Note: Children and Family Services, Division of Developmental Disabilities, Behavioral Health, Facilities
       Room 1003

Wednesday, March 27, 2019 1:30 p.m.

LB586
LB587
Agency 7 - Governor
Agency 8 - Lieutenant Governor
Agency 10 - Auditor of Public Accounts
Agency 12 - State Treasurer
Agency 14 - Public Service Commission
Agency 3 - Legislative Council

(Signed) John Stinner, Chairperson

**COMMITTEE REPORT(S)**
Transportation and Telecommunications

**LEGISLATIVE BILL 698.** Placed on General File with amendment.
AM554
1 1. On page 3, strike lines 27 through 31 and insert the following
2 new subdivision:
3 "(b)(i) A violation of this subsection is a Class III misdemeanor
4 for a first offense.
5 (ii) A violation of this subsection is a Class III misdemeanor for a
6 second or subsequent offense, except that in lieu of issuing a citation
7 to an operator for such second or subsequent offense the Superintendent
8 of Law Enforcement and Public Safety may assess the owner of the vehicle
9 a civil penalty of one thousand dollars for each violation of this
10 subsection. The superintendent".

**LEGISLATIVE BILL 719.** Placed on General File with amendment.
AM258
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 60-169, Revised Statutes Cumulative Supplement,
4 2018, is amended to read:
5 60-169 (1)(a) Except as otherwise provided in subdivision (c) (b) of
6 this subsection, each owner of a vehicle and each person mentioned as
7 owner in the last certificate of title, when the vehicle is dismantled,
8 destroyed, or changed in such a manner that it loses its character as a
9 vehicle or changed in such a manner that it is not the vehicle described
10 in the certificate of title, shall surrender his or her certificate of
11 title to any county treasurer or to the department. If the certificate of
12 title is surrendered to a county treasurer, he or she shall, with the
13 consent of any holders of any liens noted thereon, enter a cancellation
14 upon the records and shall notify the department of such cancellation.
15 Beginning on the implementation date designated by the director pursuant
16 to subsection (3) of section 60-1508, a wrecker or salvage dealer shall
17 report electronically to the department using the electronic reporting
18 system. If the certificate is surrendered to the department, it shall,
19 with the consent of any holder of any lien noted thereon, enter a
20 cancellation upon its records.
21 (b) This subdivision applies to all licensed wrecker or salvage
22 dealers and, except as otherwise provided in this subdivision, to each
23 vehicle located on the premises of such dealer. For each vehicle required
24 to be reported under 28 C.F.R. 25.56, as such regulation existed on
25 January 1, 2019, the information obtained by the department under this
26 section may be reported to the National Motor Vehicle Title Information
27 System in a format that will satisfy the requirement for reporting under
28 C.F.R. 25.56, as such regulation existed on January 1, 2019. Such
2 report shall include:
3 (i) The name, address, and contact information for the reporting
4 entity;
5 (ii) The vehicle identification number;
6 (iii) The date the reporting entity obtained such motor vehicle;
7 (iv) The name of the person from whom such motor vehicle was
8 obtained, for use only by a law enforcement or other appropriate
9 government agency;
10 (v) A statement of whether the motor vehicle was or will be crushed,
11 disposed of, offered for sale, or used for another purpose; and
12 (vi) Whether the motor vehicle is intended for export outside of the
13 United States.
14 The department may set and collect a fee, not to exceed the cost of
15 reporting to the National Motor Vehicle Title Information System, from
16 wrecker or salvage dealers for electronic reporting to the National Motor
17 Vehicle Title Information System, which shall be remitted to the State
18 Treasurer for credit to the Department of Motor Vehicles Cash Fund. This
19 subdivision does not apply to any vehicle reported by a wrecker or
20 salvage dealer to the National Motor Vehicle Title Information System as
21 required under 28 C.F.R. 25.56, as such regulation existed on January 1,
22 2019.
23 (c)(i) (b)(i) In the case of a mobile home or manufactured home for
24 which a certificate of title has been issued, if such mobile home or
25 manufactured home is affixed to real property in which each owner of the
mobile home or manufactured home has any ownership interest, the certificate of title may be surrendered for cancellation to the county treasurer of the county where such mobile home or manufactured home is affixed to real property if at the time of surrender the owner submits to the county treasurer an affidavit of affixture on a form provided by the department that contains all of the following, as applicable:

1. (A) The names and addresses of all of the owners of record of the mobile home or manufactured home;
2. (B) A description of the mobile home or manufactured home that includes the name of the manufacturer, the year of manufacture, the model, and the manufacturer's serial number;
3. (C) The legal description of the real property upon which the mobile home or manufactured home is affixed and the names of all of the owners of record of the real property;
4. (D) A statement that the mobile home or manufactured home is affixed to the real property;
5. (E) The written consent of each holder of a lien duly noted on the certificate of title to the release of such lien and the cancellation of the certificate of title;
6. (F) A copy of the certificate of title surrendered for cancellation; and
7. (G) The name and address of an owner, a financial institution, or another entity to which notice of cancellation of the certificate of title may be delivered.

(ii) The person submitting an affidavit of affixture pursuant to subdivision (c)(i)(b)(i) of this subsection shall swear or affirm that all statements in the affidavit are true and material and further acknowledge that any false statement in the affidavit may subject the person to penalties relating to perjury under section 28-915.

(2) If a certificate of title of a mobile home or manufactured home is surrendered to the county treasurer, along with the affidavit required by subdivision (1)(c)(i)(b) of this section, he or she shall enter a cancellation upon his or her records, notify the department of such cancellation, forward a duplicate original of the affidavit to the department, and deliver a duplicate original of the executed affidavit under subdivision (1)(c)(i)(b) of this section to the register of deeds for the county in which the real property is located to be filed by the register of deeds. The county treasurer shall be entitled to collect fees from the person submitting the affidavit in accordance with section 33-109 to cover the costs of filing such affidavit. Following the cancellation of a certificate of title for a mobile home or manufactured home, the county treasurer or designated county official shall not issue a certificate of title for such mobile home or manufactured home, except as provided in subsection (5) of this section.

(3) If a mobile home or manufactured home is affixed to real estate before June 1, 2006, a person who is the holder of a lien or security interest in both the mobile home or manufactured home and the real estate to which it is affixed on such date may enforce its liens or security interests by accepting a deed in lieu of foreclosure or in the manner
provided by law for enforcing liens on the real estate.

(4) A mobile home or manufactured home for which the certificate of title has been canceled and for which an affidavit of affixture has been duly recorded pursuant to subsection (2) of this section shall be treated as part of the real estate upon which such mobile home or manufactured home is located. Any lien thereon shall be perfected and enforced in the same manner as a lien on real estate. The owner of such mobile home or manufactured home may convey ownership of the mobile home or manufactured home only as a part of the real estate to which it is affixed.

(5)(a) If each owner of both the mobile home or manufactured home and the real estate described in subdivision (1)(c) (1)(b) of this section intends to detach the mobile home or manufactured home from the real estate, the owner shall do both of the following: (i) Before detaching the mobile home or manufactured home, record an affidavit of detachment in the office of the register of deeds in the county in which the affidavit is recorded under subdivision (1)(c) (1)(b) of this section; and (ii) apply for a certificate of title for the mobile home or manufactured home pursuant to section 60-147.

(b) The affidavit of detachment shall contain all of the following:
(i) The names and addresses of all of the owners of record of the mobile home or manufactured home;
(ii) A description of the mobile home or manufactured home that includes the name of the manufacturer, the year of manufacture, the model, and the manufacturer's serial number;
(iii) The legal description of the real estate from which the mobile home or manufactured home is to be detached and the names of all of the owners of record of the real estate;
(iv) A statement that the mobile home or manufactured home is to be detached from the real property;
(v) A statement that the certificate of title of the mobile home or manufactured home has previously been canceled;
(vi) The name of each holder of a lien of record against the real estate from which the mobile home or manufactured home is to be detached, with the written consent of each holder to the detachment; and
(vii) The name and address of an owner, a financial institution, or another entity to which the certificate of title may be delivered.

(6) An owner of an affixed mobile home or manufactured home for which the certificate of title has previously been canceled pursuant to subsection (2) of this section shall not detach the mobile home or manufactured home from the real estate before a certificate of title for the mobile home or manufactured home is issued by the county treasurer or department. If a certificate of title is issued by the county treasurer or department, the mobile home or manufactured home is no longer considered part of the real property. Any lien thereon shall be perfected pursuant to section 60-164. The owner of such mobile home or manufactured home may convey ownership of the mobile home or manufactured home only by way of a certificate of title.

(7) For purposes of this section:
(a) A mobile home or manufactured home is affixed to real estate if
31 the wheels, towing hitches, and running gear are removed and it is
1 permanently attached to a foundation or other support system; and
2 (b) Ownership interest means the fee simple interest in real estate
3 or an interest as the lessee under a lease of the real property that has
4 a term that continues for at least twenty years after the recording of
5 the affidavit under subsection (2) of this section.
6 (8) Upon cancellation of a certificate of title in the manner
7 prescribed by this section, the county treasurer and the department may
8 cancel and destroy all certificates and all memorandum certificates in
9 that chain of title.
10 Sec. 2. Original section 60-169, Revised Statutes Cumulative
11 Supplement, 2018, is repealed.

(Signed) Curt Friesen, Chairperson

Education

LEGISLATIVE BILL 180. Placed on General File.

LEGISLATIVE BILL 534. Placed on General File with amendment.

AM686

1 1. Strike the original section and insert the following new section:
2 Section 1. (1) On or before September 15, 2019, and September 15 of
3 each odd-numbered year thereafter, each public postsecondary institution
4 shall electronically submit a report to the Clerk of the Legislature and
5 the Education Committee of the Legislature regarding sexual violence,
6 dating violence, domestic violence, and stalking.
7 (2) The report shall include:
8 (a) Results of any campus climate survey related to sexual violence,
9 dating violence, domestic violence, and stalking; and
10 (b) Information related to the training provided to Title IX
11 coordinators, investigators, and decisionmakers regarding sexual
12 violence, dating violence, domestic violence, and stalking.
13 (3) The report shall not include any personally identifiable
14 information, information that is subject to a privilege arising under
15 state or federal law, or records that may be withheld from disclosure
16 under section 84-712.05.
17 (4) For purposes of this section:
18 (a) Postsecondary institution has the same meaning as in section
19 85-2403;
20 (b) Sexual violence means sexual acts perpetrated against a person's
21 will or when a person is incapable of giving consent by reason of, but
22 not limited to, the following:
23 (i) Such person's age;
24 (ii) Such person's use of drugs or alcohol; or
25 (iii) An intellectual or other disability that prevents such person
26 from having the capacity to give consent; and
27 (c) Title IX means Title IX of the Education Amendments of 1972,
1 Public Law 92-318, 20 U.S.C. 1681 to 1688, and its accompanying
2 regulations and guidance documents, as such law, regulations, and
documents existed on January 1, 2019.

(Signed) Mike Groene, Chairperson

AMENDMENT(S) - Print in Journal

Senator Dorn filed the following amendment to LB524:
AM332
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 13-509, Revised Statutes Cumulative Supplement,
4 2018, is amended to read:
5 13-509 (1) On or before August 20 of each year, the county assessor
6 shall certify to each governing body or board empowered to levy or
7 certify a tax levy the current taxable value of the taxable real and
8 personal property subject to the applicable levy. The certification shall
9 be provided to the governing body or board (a) by mail if requested by
10 the governing body or board, (b) electronically, or (c) by listing such
11 certification on the county assessor’s web site.
12 (2) Current taxable value for real property shall mean the value
13 established by the county assessor and equalized by the county board of
14 equalization and the Tax Equalization and Review Commission. Current
15 taxable value for tangible personal property shall mean the net book
16 value reported by the taxpayer and certified by the county assessor.
17 (3) If a political subdivision annexes property since the last time
18 taxable values were certified under subsection (1) of this section, the
19 governing body of such political subdivision shall file and record a
20 certified copy of the annexation ordinance, petition, or resolution in
21 the office of the register of deeds or, if none, the county clerk and the
22 county assessor of the county in which the annexed property is located.
23 The annexation ordinance, petition, or resolution shall include a full
24 legal description of the annexed property. If the register of deeds or
25 county clerk receives and records such ordinance, petition, or resolution
26 prior to July 1 or, for annexations by a city of the metropolitan class,
27 prior to August 1, the valuation of the real and personal property
1 annexed shall be considered in the taxable valuation of the annexing
2 political subdivision for the current year. If the register of deeds or
3 county clerk receives and records such ordinance, petition, or resolution
4 on or after July 1 or, for annexations by a city of the metropolitan
5 class, on or after August 1, the The valuation of the any real and
6 personal property annexed by a political subdivision on or after August 1
7 shall be considered in the taxable valuation of the annexing political
8 subdivision for the following year.
9 Sec. 2. Section 79-1074, Reissue Revised Statutes of Nebraska, is
10 amended to read:
11 79-1074 (1) The county clerk of any county in which a part of a
12 joint school district or learning community is located shall, on or
13 before the date prescribed in subsection (1) of section 13-509, certify
the taxable valuation of all taxable property of such part of the joint
district or learning community to the clerk of the headquarters county in
which the schoolhouse or the administrative office of the school district
or learning community is located.
(2) The county clerk of any county in which a part of a joint
affiliated school system or learning community is located shall, on or
before the date prescribed in subsection (1) of section 13-509, certify
the taxable valuation of all taxable property of such part of the joint
affiliated school system or learning community to the clerk of the
headquarters county in which the schoolhouse or the administrative office
of the high school district or learning community is located.
Sec. 3. Original section 79-1074, Reissue Revised Statutes of
Nebraska, and section 13-509, Revised Statutes Cumulative Supplement,
2018, are repealed.

GENERAL FILE

LEGISLATIVE BILL 217. Title read. Considered.
Committee AM387, found on page 560, was adopted with 30 ayes, 1 nay,
and 18 present and not voting.
Advanced to Enrollment and Review Initial with 27 ayes, 3 nays, and 19
present and not voting.

COMMITTEE REPORT(S)
   Enrollment and Review

LEGISLATIVE BILL 590. Placed on Select File with amendment.
ER48
1 1. On page 1, strike beginning with "child" in line 1 through line 6
2 and insert "the Quality Child Care Act; to amend section 43-2606, Revised
3 Statutes Cumulative Supplement, 2018; to require the use of the Nebraska
4 Early Childhood Professional Record System for documentation and
5 verification of staff training; and to repeal the original section.".

(Signed) Julie Slama, Chairperson

ANNOUNCEMENT

Senator Hilgers announced the Executive Board will hold an executive
session Friday, March 15, 2019, at 12:00 p.m., in Room 1525.
UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Geist name added to LB15.
Senator Blood name added to LB217.
Senator Hilkemann name added to LB327.
Senator Blood name added to LB409.

VISITOR(S)

Visitors to the Chamber were members of the Nebraska Association of Behavioral Health Organizations from across the state; Garrett Salisbury from Lincoln; a group with Miss Nebraska High School America; members from Leadership Nebraska City and Leadership Nemaha County; John and Mary Carter from Kew Gardens, NY and George Barry from Lincoln; students from Rohwer Elementary School, Millard; and Ryan O'Grady from Bellevue.

ADJOURNMENT

At 11:48 a.m., on a motion by Senator Wayne, the Legislature adjourned until 9:00 a.m., Friday, March 15, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
FORTY-SECOND DAY - MARCH 15, 2019

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

FORTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 15, 2019

PRAYER

The prayer was offered by Senator Williams.

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 Moser, Scheer, and Walz who were excused; and Senators DeBoer, Hunt, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-first day was approved.

COMMITTEE REPORT(S)

Agriculture

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

Chris Kircher - Nebraska State Fair Board


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

Dawn Caldwell - Nebraska State Fair Board

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

Jeremy Jensen - State Fair Board


(Signed) Steve Halloran, Chairperson

COMMITTEE REPORT(S)
Agriculture

LEGISLATIVE BILL 243. Placed on General File with amendment. AM640
1 1. Strike the original sections and insert the following new 2 sections:
3 Section 1. The Legislature finds that:
4 (1) Healthy soils are a limited natural resource and fundamental for 5 healthy and sustainable food production. Improving soil health means 6 increasing soil's organic matter and diversifying its microbial activity 7 to enhance agricultural productivity and environmental resilience. A 8 commitment to healthy and productive soils and clean water is critical as 9 world population and food production demands rise;
10 (2) Nebraska is a powerhouse agricultural state because of its 11 productive soils and abundant water. However, through the years there has 12 been a depletion of organic matter and trace minerals, making the soil 13 less fertile than it was;
14 (3) There is a significant opportunity for Nebraska farmers and 15 ranchers to capitalize on the economic and production benefits of 16 improved soil health, while simultaneously improving surface and ground 17 water quality;
18 (4) Improving the health of Nebraska's soil is the most effective 19 way for agricultural producers to increase crop and forage productivity 20 and profitability while also protecting the environment;
21 (5) Appropriate planning and coordination is needed to speed up and 22 coordinate the adoption of conservation practices that rebuild and 23 protect soil carbon to increase water holding capacity and enhance the 24 vitality of the subsurface microbiome for landowners to capitalize on the 25 economic and production benefits of soil health, while simultaneously 26 enhancing water quality, capturing carbon, building resilience to drought 27 and pests, reducing greenhouse gas emissions, expanding pollinator and 1 other wildlife habitat, and protecting fragile ecosystems for a more 2 sustainable future; and
3 (6) A number of states have initiated formal soil health programs
4 either through the establishment of new entities or collaborations 5 between existing entities.
FORTY-SECOND DAY - MARCH 15, 2019

6 Sec. 2. (1) The Healthy Soils Task Force is created.
7 (2) The task force shall consist of the following voting members:
8 (a) The Director of Agriculture or his or her designee;
9 (b) Two representatives of natural resources districts in Nebraska,
10 appointed by the Governor;
11 (c) Two academic experts in agriculture and natural resources in
12 Nebraska, appointed by the Governor;
13 (d) Six representatives from production agriculture, including at
14 least two producers that are using healthy soil practices, appointed by
15 the Governor;
16 (e) Two representatives from agribusiness, appointed by the
17 Governor; and
18 (f) Two representatives from environmental organizations in
19 Nebraska, appointed by the Governor.
20 (3) The task force shall consist of the following nonvoting members:
21 (a) The chairperson of the Natural Resources Committee of the
22 Legislature; and
23 (b) The chairperson of the Agriculture Committee of the Legislature.
24 (4) In selecting membership for appointment to the task force, the
25 Governor shall seek to appoint members with relevant expertise regarding
26 methods for incorporating healthy soil stewardship practices into working
27 agricultural operations and for optimizing environmental services
28 provided through such practices. Appointments to the task force shall be
29 made within sixty days after the effective date of this act and appointed
30 members shall begin serving immediately following notice of appointment.
31 Members shall be reimbursed for their actual and necessary expenses
32 incurred in carrying out their duties as members, as provided in sections
33 81-1174 to 81-1177.
3 (5) The task force shall hold its first meeting no later than
4 September 1, 2019. At its first meeting, the members shall elect a
5 chairperson. Subsequent to the initial meeting, the task force may meet
6 as necessary at the call of the chairperson.
7 (6) For administrative and budgetary purposes, the task force shall
8 be housed within the Department of Agriculture. Additional support to
9 facilitate the work of the task force may be requested from appropriate
10 federal and state agencies.
11 Sec. 3. (1) The Healthy Soils Task Force shall:
12 (a) Develop a comprehensive healthy soils initiative for the State
13 of Nebraska;
14 (b) Develop a comprehensive action plan to coordinate efforts to
15 carry out such healthy soils initiative using standards for organic
16 matter, biological activity, biological diversity, and soil structure as
17 measures to assess improved soil health. The action plan shall set goals,
18 formulate timelines for task completion, and determine resources required
19 and resource availability. In developing the action plan, the task force
20 shall examine:
21 (i) Issues related to providing farmers and ranchers with research,
22 education, technical assistance, and demonstration projects;
23 (ii) Options for financial incentives to improve soil health; and
(iii) The contribution of livestock to soil health;
(c) Identify realistic and achievable goals and timelines for improvement of soil health in Nebraska through voluntary partnerships among agricultural producers and relevant state and local agencies and other public and private entities; and
(d) Review provisions of the federal Agriculture Improvement Act of 2018, Public Law 115-334, and any implementing rules, regulations, and guidelines of the United States Department of Agriculture and identify opportunities to leverage state, local, or private funds under the Regional Conservation Partnership Program of the United States Department of Agriculture and other conservation programs for the purposes of the healthy soils initiative. Such information shall be included in the annual report issued pursuant to section 4 of this act.
(2) To carry out its duties, the Healthy Soils Task Force may consult other agencies or organizations, including, but not limited to, the University of Nebraska, the Natural Resources Conservation Service, the Farm Service Agency, and the Agricultural Research Service of the United States Department of Agriculture, the Soil Health Institute, the Soil Health Partnership, and other state and federal agencies or public or private organizations with responsibility or expertise in research, demonstration, education, advising, funding, or promotion relating to agronomic and other agricultural land management practices consistent with the purpose of the task force.
Sec. 4. On or before January 1, 2021, the Healthy Soils Task Force shall submit the comprehensive action plan and report its findings and recommendations to the Governor and electronically to the Agriculture Committee of the Legislature. The task force shall terminate on January 1, 2021.
Sec. 5. Section 81-2,162.27, Revised Statutes Cumulative Supplement, 2018, is amended to read:
81-2,162.27 (1) All money received under the Nebraska Commercial Fertilizer and Soil Conditioner Act and the Agricultural Liming Materials Act shall be remitted to the State Treasurer for credit to the Fertilizers and Soil Conditioners Administrative Fund, which fund is hereby created. Money so received shall be used by the department for defraying the expenses of administering the Nebraska Commercial Fertilizer and Soil Conditioner Act and the Agricultural Liming Materials Act. The fund may also be used to defray costs incurred by the department directly related to administrative and budgetary support of the Healthy Soils Task Force pursuant to sections 1 to 4 of this act, except that no more than ten thousand dollars each fiscal year may be expended by the department from the fund for such purpose.
Transfers may be made from the fund to the General Fund at the direction of the Legislature. The State Treasurer shall transfer two hundred seventy-five thousand dollars from the Fertilizers and Soil Conditioners Administrative Fund to the General Fund on or before June 30, 2019, on such dates and in such amounts as directed by the budget administrator of the budget division of the Department of Administrative Services.
(2) Any unexpended balance in the Fertilizers and Soil Conditioners
11 Administrative Fund at the close of any biennium shall, when
12 reappropriated, be available for the uses and purposes of the fund for
13 the succeeding biennium. Any money in the fund available for investment
14 shall be invested by the state investment officer pursuant to the
15 Nebraska Capital Expansion Act and the Nebraska State Funds Investment
16 Act.
17 Sec. 6. Original section 81-2,162.27, Revised Statutes Cumulative
18 Supplement, 2018, is repealed.
19 Sec. 7. Since an emergency exists, this act takes effect when passed
20 and approved according to law.

(Signed) Steve Halloran, Chairperson

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 14, 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

Aciz, Joshua
    Wolf-PAC
Gay, Tim
    Kutak Rock LLP
Lemay, Bryant
    Wolf-PAC
O'Hara Lindsay & Associates, Inc.
    Spin
Sedlacek, Ronald J.
    Husch Blackwell Strategies LLC

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

MOTION(S) - Return LB399 to Select File

Senator Vargas moved to return LB399 to Select File for his specific
amendment, AM565, found on page 775.

The Vargas motion to return prevailed with 35 ayes, 5 nays, 3 present and
not voting, and 6 excused and not voting.
SELEcT FILE

LEGISLATIVE BILL 399. The Vargas specific amendment, AM565, found on page 775, lost with 21 ayes, 20 nays, 4 present and not voting, and 4 excused and not voting.

Readvanced to Final Reading.

WITHDRAW - Amendments to LB399

Senator Chambers withdrew his amendments, FA20 and FA21, found on pages 775 and 794, to LB399.

WITHDRAW - Motion to LB399

Senator Chambers withdrew his motion, MO21, found on page 775, to recommit LB399 to committee.

MOTION(S) - Return LB399 to Select File

Senator Slama moved to return LB399 to Select File for the following specific amendment:

AM727

(Amendments to Final Reading copy)

1 1. Strike the original sections and insert the following new sections:
2 Section 1. Section 79-724, Reissue Revised Statutes of Nebraska, is amended to read:
3 79-724  It is the responsibility of society to ensure that youth are
4 given the opportunity to become competent, responsible, patriotic, and
5 civil citizens to ensure an informed, loyal, just, and patriotic
6 citizenship is necessary to a strong, stable, just, and prosperous America.
7 Such a citizenship necessitates that every member thereof be knowledgeable
8 of our fully acquainted with the nation's history, government, geography,
9 and economic system. The youth in our state should be committed to the
10 ideals and values of our country's democracy and the constitutional
11 republic established by the people. Schools should help prepare our youth
12 to make informed and reasoned decisions for the public good. Civic
13 competence is necessary to sustain and improve our democratic way of life
14 and must be taught in all public, private, denominational, and parochial
15 schools. A central role of schools is to impart civic knowledge and
16 skills that help our youth to see the relevance of a civic dimension for
17 their lives. Students should be made
18 with our form of government and fully aware of the liberties,
19 opportunities, and advantages we possess of which we are possessed and
20 the sacrifices and struggles of those through whose efforts these
21 benefits were gained. Since young people are youth is the time most
22 susceptible to the acceptance of principles and doctrines that will
23 influence them men and women throughout their lives, it is one of the
24 first duties of our educational system to conduct its activities, choose
The Every school board of each school district shall, at the beginning of each calendar year, appoint from its members a committee of three, to be known as the committee on American civics, which Americanism. The committee on Americanism shall:

(a) Hold no fewer than two public meetings annually, at least one when public testimony is accepted;
(b) Keep minutes of each meeting showing the time and place of the meeting, which members were present or absent, and the substance and details of all matters discussed;
(c) Examine and ensure that the social studies curriculum used in the district is aligned with the social studies standards adopted pursuant to section 79-760.01 and teaches foundational knowledge in civics, history, economics, financial literacy, and geography;
(d) Review and approve the social studies curriculum to ensure that it stresses:
   (i) Carefully examine, inspect, and approve all textbooks used in the teaching of American history and civil government in the school. Such textbooks shall adequately stress the services of the men and women who played a crucial role in the achievement of our national independence, establishment of our constitutional government, and preservation of our union and includes the incorporation of multicultural education as set forth in sections 79-719 to 79-723 in order shall be so written to include contributions by ethnic groups as to instill a pride and respect for our institutions and not be merely a mere recital of events and dates;
   (ii) Ensure that any curriculum recommended or approved by the committee on American civics is made readily accessible to the public and contains a reference to this section;
(f) Ensure that the district develops and utilizes formative, interim, and summative assessments to measure student mastery of the social studies standards adopted pursuant to section 79-760.01;
(g) Ensure that the social studies curriculum in the district incorporates one or more of the following for each student:
   (i) Administration of a written test that is identical to the entire civics portion of the naturalization test used by United States Citizenship and Immigration Services prior to the completion of eighth grade and again prior to the completion of twelfth grade with the individual score from each test for each student made available to a parent or guardian of such student; or
   (ii) Attendance or participation between the commencement of eighth grade and completion of twelfth grade in a meeting of a public body as defined by section 84-1409 followed by the completion of a project or paper in which each student demonstrates or discusses the personal learning experience of such student related to such attendance or participation; or
(iii) Completion of a project or paper and a class presentation.
between the commencement of eighth grade and the completion of twelfth grade on a person or persons or an event commemorated by a holiday listed in subdivision (6) of this section or on a topic related to such person or persons or event; and
(b) Assure themselves as to the character of all teachers employed and their knowledge and acceptance of the American form of government; and
(h) (c) Take all such other steps as will assure the carrying out of the provisions of this section and provide a report to the school board regarding the committee's findings and recommendations.

(2) All social studies American history courses approved for grade levels as provided by this section shall include and adequately stress contributions of all ethnic groups to (a) the development and growth of America into a great nation, (b) art, music, education, medicine, literature, science, politics, and government, and (c) the military in all of this nation's wars to the war services in all wars of this nation.

(3) All grades of all public, private, denominational, and parochial schools, below the sixth grade, shall devote at least one hour per week to exercises or teaching periods for the following purpose:
(a) The discussion recital of noteworthy events pertaining to American history or the exceptional acts of individuals and groups of Americans stories having to do with American history or the deeds and exploits of American heroes;
(b) The historical background, memorization, and singing of patriotic songs such as and the insistence that every pupil memorize the Star-Spangled Banner and America the Beautiful; and
(c) The development of respect reverence for the American flag as a symbol of freedom and the sacrifices of those who secured that freedom; and
(d) Instruction instruction as to proper conduct in the its presentation of the American flag.

(4) In at least two of the three grades from the fifth grade to the eighth grade in all public, private, denominational, and parochial schools, time at least three periods per week shall be set aside for to be devoted to the teaching of American history from the social studies curriculum approved textbooks, which shall be taught in such a manner that all students are given the opportunity to (a) become competent, responsible, patriotic, and civil citizens who possess a deep understanding of and respect for both the Constitution of the United States and the Constitution of Nebraska and (b) prepare to preserve, protect, and defend freedom and democracy in our nation and our world way as to make the course interesting and attractive and to develop a love of country.

(5) In at least two courses in grades of every high school, time at least three periods per week shall be devoted to the teaching of civics and American history as outlined in the social studies standards adopted pursuant to section 79-760.01, during which courses specific attention shall be given to the following matters:
(a) The Declaration of Independence, the United States Constitution, and the Constitution of Nebraska, and the structure and function of local
government in this state;
(b) The benefits and advantages of representative form of
government, and the rights and responsibilities of citizenship in our
government, and the dangers and fallacies of forms of government that
restrict individual freedoms or possess antidemocratic ideals such as,
but not limited to, Nazism and communism; dangers and fallacies of
Nazism, Communism, and similar ideologies; and
(c) The duties of citizenship, which include including active
participation in the improvement of a citizen's community, state,
country, and world and the value and practice of civil discourse between
opposing interests; and
(d) The application of knowledge in civics, history, economics,
financial literacy, and geography to address societal issues.
(6) Appropriate patriotic exercises suitable to the occasion shall
be held under the direction of the superintendent in every public,
private, denominational, and parochial school on George Washington's
birthday, Abraham Lincoln's birthday, Dr. Martin Luther King, Jr.'s
birthday, Native American Heritage Day, Constitution Day, Memorial Day,
Veterans Day, and Thanksgiving Day, or on the day or week Lincoln's
birthday, Washington's birthday, Flag Day, Memorial Day, and Veterans
Day, or on the day preceding or following such holiday, if the school is
in session.
(7) Every school board, the State Board of Education, and the
superintendent of each school district in the state shall be held
directly responsible in the order named for carrying out this section,
Neglect thereof by any employee may be considered a cause for dismissal,
and neglect thereof by any employee or appointed official shall be
considered a dereliction of duty and cause for dismissal.
Sec. 2. Section 79-727, Reissue Revised Statutes of Nebraska, is
amended to read:
79-727 The State Board of Education shall adopt and promulgate
rules and regulations to carry out the provisions of sections 79-724
through 79-726. The State Department of Education shall ensure that all
requirements of such sections and such rules and regulations are carried
out by each school district. Any person violating the provisions of
sections 79-724 to 79-726 is guilty of a Class III misdemeanor.
Sec. 3. Original sections 79-724 and 79-727, Reissue Revised
Statutes of Nebraska, are repealed.

The Slama motion to return prevailed with 41 ayes, 1 nay, 3 present and not
voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 399. The Slama specific amendment, AM727, found in this day's Journal, was adopted with 44 ayes, 0 nays, 1 present and not
voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.
Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB284 with 36 ayes, 6 nays, 3 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 284. With Emergency Clause.**

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701.13, 77-2701.16, 77-2701.32, 77-2705, and 77-2708, Reissue Revised Statutes of Nebraska; to redefine terms; to change sales and use tax provisions relating to certain out-of-state retailers and multivendor marketplace platforms; to require certain retailers to obtain a sales tax permit and collect sales taxes as prescribed; to relieve certain retailers of their obligation to collect sales taxes as prescribed; to provide an operative date; to provide severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 43:

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

Voting in the negative, 0.

Present and not voting, 2:

Hilgers  La Grone

Excused and not voting, 4:

DeBoer  Moser  Scheer  Walz

A constitutional two-thirds majority having voted in the affirmative, the bill
was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB302 with 39 ayes, 5 nays, 1 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 302. With Emergency Clause.


Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, Shall the bill pass with the
emergency clause attached?" 

Voting in the affirmative, 45:

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Voting in the negative, 0.

Excused and not voting, 4:

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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 8.**

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,233, Reissue Revised Statutes of Nebraska; to allow physician medical directors to display certain vehicle lights as prescribed; to define a term; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

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Voting in the negative, 0.
FORTY-SECOND DAY - MARCH 15, 2019

Present and not voting, 2:

Erdman    La Grone

Excused and not voting, 4:

DeBoer    Moser    Scheer    Walz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 124.** With Emergency Clause.

A BILL FOR AN ACT relating to the Property Assessed Clean Energy Act; to amend section 13-3210, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to jointly created and administered clean energy assessment districts; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?""

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Present and not voting, 1:

La Grone

Excused and not voting, 4:

DeBoer    Moser    Scheer    Walz

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.
LEGISLATIVE BILL 127.

A BILL FOR AN ACT relating to hunting; to amend section 37-455, Reissue Revised Statutes of Nebraska; to redefine immediate family for purposes of limited permits; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

DeBoer  Moser  Scheer  Walz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 139.

A BILL FOR AN ACT relating to the Contractor Registration Act; to amend section 48-2117, Reissue Revised Statutes of Nebraska; to change provisions relating to a database of contractors; to provide for a presumption; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:
Voting in the negative, 0.

Excused and not voting, 4:

DeBoer  Moser  Scheer  Walz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB156 with 34 ayes, 8 nays, 3 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 156.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-6,379, Reissue Revised Statutes of Nebraska, and sections 60-101, 60-102, 60-153, 60-301, 60-302, 60-3,104, 60-3,187, 60-3,190, 60-501, 60-520, 60-547, 60-601, and 60-605, Revised Statutes Cumulative Supplement, 2018; to authorize the operation, titling, and registration of former military vehicles as prescribed; to define terms; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 160.**

A BILL FOR AN ACT relating to the Local Option Municipal Economic Development Act; to amend sections 18-2705 and 18-2709, Revised Statutes Cumulative Supplement, 2018; to redefine terms to include early childhood infrastructure development and early childhood care and education programs for certain cities and villages as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 36:

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Voting in the negative, 7:

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Voting in the negative, 0.

Present and not voting, 1:

Kolowski

Excused and not voting, 4:

DeBoer | Moser | Scheer | Walz

Voting in the negative, 7:
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 195.

A BILL FOR AN ACT relating to fire codes; to amend sections 71-5907 and 81-505.01, Reissue Revised Statutes of Nebraska, and section 81-502.04, Revised Statutes Cumulative Supplement, 2018; to correct references to the State Fire Code; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

- DeBoer
- Moser
- Scheer
- Walz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.
LEGISLATIVE BILL 319.

A BILL FOR AN ACT relating to the Department of Natural Resources; to amend sections 31-1017 and 61-206, Reissue Revised Statutes of Nebraska, and section 46-753, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to notice and rules and regulations; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

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

Voting in the negative, 1:

Groene

Present and not voting, 1:

Lowe

Excused and not voting, 4:

DeBoer Moser Scheer Walz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 699.

A BILL FOR AN ACT relating to the Motor Vehicle Registration Act; to amend section 60-378, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to transporter plates; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:
Voting in the negative, 0.

Excused and not voting, 4:

DeBoer  Moser  Scheer  Walz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 16.

A BILL FOR AN ACT relating to public records; to amend section 84-712.05, Revised Statutes Cumulative Supplement, 2018; to provide for withholding certain public records; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?""

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

DeBoer  Moser  Scheer  Walz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.
LEGISLATIVE BILL 29.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend sections 38-101 and 38-2001, Revised Statutes Cumulative Supplement, 2018; to provide for telehealth practice; to eliminate provisions relating to telehealth practice; to harmonize provisions; to repeal the original sections; and to outright repeal section 38-2063, Revised Statutes Cumulative Supplement, 2018.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

DeBoer Moser Scheer Walz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 48.

A BILL FOR AN ACT relating to water; to amend section 46-229.04, Reissue Revised Statutes of Nebraska; to change provisions relating to a finding of sufficient cause for nonuse of a water appropriation; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:
Voting in the negative, 0.

Present and not voting, 1:

Wayne

Excused and not voting, 5:

DeBoer Hansen, M. Moser Scheer Walz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 112.**

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend sections 38-151, 38-154, and 38-155, Reissue Revised Statutes of Nebraska, and sections 38-101, 38-105, 38-118.01, and 38-129.01, Revised Statutes Cumulative Supplement, 2018; to define and redefine terms; to provide for the waiver of certain fees for low-income individuals, military families, and young workers; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 37:

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Voting in the negative, 0.
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 112A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 112, One Hundred Sixth Legislature, First Session, 2019.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 33:

Arch    Crawford  Howard  Lindstrom  Quick
Blood   Friesen   Hughes  Lowe     Stinner
Bolz    Geist     Hunt    McCollister Vargas
Bostelman Gragert Kolowski McDonnell Williams
Brandt  Hansen, B. Kolterman Morfeld Wishart
Cavanaugh Hilgers  La Grone Murman
Chambers Hilkemann Lathrop Pansing Brooks

Voting in the negative, 1:

Albrecht

Present and not voting, 10:

Brewer  Clements  Erdman  Halloran  Slama
Briese  Dorn     Groene  Linehan  Wayne

Excused and not voting, 5:

DeBoer  Hansen, M. Moser  Scheer  Walz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.
LEGISLATIVE BILL 116.

A BILL FOR AN ACT relating to insurance; to authorize electronic delivery of insurance policies and billing information to insureds as prescribed.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 41:

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Voting in the negative, 0.

Present and not voting, 2:

Howard Wayne

Excused and not voting, 6:

Chambers Hansen, M. Scheer
DeBoer Moser Walz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 125.

A BILL FOR AN ACT relating to victims' rights; to amend section 29-119, Revised Statutes Cumulative Supplement, 2018; to redefine victim; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 41:
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 145.**

A BILL FOR AN ACT relating to the Nebraska Uniform Power of Attorney Act; to amend sections 30-4020 and 30-4031, Reissue Revised Statutes of Nebraska; to change provisions relating to banks and other financial institutions; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

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Voting in the negative, 0.

Present and not voting, 2:

Howard    Lowe

Excused and not voting, 6:

Chambers  Hansen, M.  Scheer
DeBoer    Moser      Walz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.
Howard Morfeld

Excused and not voting, 6:

Chambers Hansen, M. Scheer
DeBoer Moser Walz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB224 with 34 ayes, 5 nays, 4 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 224.


Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 41:

Albrecht Crawford Hilgers Lindstrom Slama
Arch Dorn Hilkemann Linehan Stinner
Blood Erdman Howard Lowe Vargas
Bolz Friesen Hughes McCollister Williams
Bostelman Geist Hunt McDonnell Wishart
Brandt Gragert Kolowski Morfeld
Brewer Groene Kolterman Murman
Cavanaugh Halloran La Grone Pants Brooks
Clements Hansen, B. Lathrop Quick

Voting in the negative, 0.

Present and not voting, 2:
Briese Wayne

Excused and not voting, 6:
Chambers Hansen, M. Scheer
DeBoer Moser Walz

A constitutional majority having voted in the affirmative, the bill was
declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 384.

A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to
amend section 81-885.13, Revised Statutes Cumulative Supplement, 2018;
to change provisions relating to education requirements; to provide an
operative date; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure
having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 31:
Arch Crawford Kolowski McDonnell Wayne
Blood Dorn Kolterman Morfeld Williams
Bolz Gragert La Grone Murman Wishart
Brandt Hansen, B. Lathrop Pansing Brooks
Brewer Hilkemann Lindstrom Quick
Briese Howard Linehan Stinner
Cavanaugh Hunt McCollister Vargas

Voting in the negative, 10:
Albrecht Clements Geist Halloran Lowe
Bostelman Erdman Groene Hilgers Slama

Present and not voting, 2:
Friesen Hughes

Excused and not voting, 6:
Chambers Hansen, M. Scheer
DeBoer Moser Walz

A constitutional majority having voted in the affirmative, the bill was
declared passed and the title agreed to.
LEGISLATIVE BILL 486.

A BILL FOR AN ACT relating to education; to adopt the Veteran and Active Duty Supportive Postsecondary Institution Act.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

- Albrecht
- Clements
- Hansen, B.
- Linehan
- Stinner
- Arch
- Crawford
- Hilgers
- Lowe
- Vargas
- Blood
- Dorn
- Hilkemann
- McCollister
- Wayne
- Bolz
- Erdman
- Howard
- McDonnell
- Williams
- Bostelman
- Friesen
- Hughes
- Morfeld
- Wishart
- Brandt
- Geist
- Koltermann
- Murman
- Brewer
- Gragert
- La Gronne
- Pansing Brooks
- Briese
- Groene
- Lathrop
- Quick
- Cavanaugh
- Halloran
- Lindstrom
- Slama

Voting in the negative, 0.

Present and not voting, 2:

- Hunt
- Kolowski

Excused and not voting, 6:

- Chambers
- Hansen, M.
- Scheer
- DeBoer
- Moser
- Walz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 575.

A BILL FOR AN ACT relating to school districts; to require policies relating to the provision of routine directory information and access to students by military recruiters as prescribed.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 660. With Emergency Clause.

A BILL FOR AN ACT relating to the Livestock Brand Act; to amend section 54-192, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to the executive director and chief investigator of the Nebraska Brand Committee; to harmonize provisions; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

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Voting in the negative, 1:

Hunt

Present and not voting, 2:

Cavanaugh   Kolowski

Excused and not voting, 6:

Chambers   Hansen, M. | Scheer
DeBoer     Moser      | Walz
A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 660A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 660, One Hundred Sixth Legislature, First Session, 2019; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

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

Voting in the negative, 0.

Present and not voting, 1:

Stinner

Excused and not voting, 6:

Chambers  Hansen, M.  Scheer
DeBoer  Moser  Walz

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.
While the Legislature was in session and capable of transacting business, the President signed the following: LBs 284, 302, 8, 124, 127, 139, 156, 160, 195, 319, 699, 16, 29, 48, 112, 112A, 116, 125, 145, 224, 384, 486, 575, 660, and 660A.

SELECT FILE

LEGISLATIVE BILL 463. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 318. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 443. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 339. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 340. Senator Lathrop offered his amendment, AM644, found on page 817.

The Lathrop amendment was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 141. ER45, found on page 739, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 354. ER46, found on page 788, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 354A. Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 269. Title read. Considered.

Senator Quick offered his amendment, AM611, found on page 775.

The Quick amendment was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.
Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 270. Title read. Considered.

Committee AM369, found on page 565, was offered.

Senator Crawford offered the following amendment to the committee amendment:

AM755

(Amendments to Standing Committee amendments, AM369)
1 1. Insert the following new amendments:
2 2. On page 5, line 19; page 15, line 31; page 22, line 18; page 24;
3 line 8; page 26, line 8; page 29, line 12; page 31, line 5; page 32, line
4 7; page 33, line 7; page 34, line 12; page 35, line 27; page 45, line 1;
5 page 47, line 12; page 49, line 19; page 51, line 24; page 54, line 12;
6 page 56, line 16; and page 63, line 27, strike "may" and insert "shall".
7 3. On page 6, line 2; page 55, lines 7 and 12; page 63, lines 1 and
8 31; and page 73, line 8, strike "may" and reinstate the stricken "shall".

Senator Crawford withdrew her amendment.

The committee amendment was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Senator Friesen offered the following amendment:

FA23
1. On page 5, line 19, strike "may" and insert "shall".
2. On page 15, line 31, strike "may" and insert "shall".
3. On page 63, line 31, strike the new language and reinsert the old language.
4. On page 73, line 8, strike the new language and reinsert the old language.

The Friesen amendment was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

COMMITTEE REPORT(S)
Banking, Commerce and Insurance

LEGISLATIVE BILL 379. Placed on General File with amendment.

AM542
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 45-901, Revised Statutes Cumulative Supplement,
4 2018, is amended to read:
5 45-901 Sections 45-901 to 45-931 and sections 5 and 6 of this act
6 shall be known and may be cited as the Delayed Deposit Services Licensing
Act.
Sec. 2. Section 45-902, Revised Statutes Cumulative Supplement, 2018, is amended to read:

45-902 For purposes of the Delayed Deposit Services Licensing Act:
1. (1) Annual percentage rate means an annual percentage rate as determined under section 107 of the federal Truth in Lending Act, 15 U.S.C. 1606, as such section existed on January 1, 2019, and includes all fees, interest, and charges contained in a delayed deposit service contract, except for charges permitted for the presentation of instruments that are not negotiable under subdivision (1)(a)(v) of section 45-917 or returned unpaid under section 45-918.01;
2. (2) Check means any check, draft, or other instrument for the payment of money. Check also means an authorization to debit an account electronically;
3. (3) Default means a maker's failure to repay a delayed deposit transaction in compliance with the terms contained in a delayed deposit service agreement;
4. (4) Delayed deposit services business means any person who for a fee accepts a check dated subsequent to the date it was written or (b) accepts a check dated on the date it was written and holds the check for a period of days prior to deposit or presentment pursuant to an agreement with or any representation made to the maker of the check, whether express or implied;
5. (5) Department means the Department of Banking and Finance;
6. (6) Director means the Director of Banking and Finance or his or her designee;
7. (7) Financial institution has the same meaning as in section 8-101.03;
8. (8) Licensee means any person licensed under the Delayed Deposit Services Licensing Act;
9. (9) Maker means an individual who receives the proceeds of a delayed deposit transaction;
10. (10) Nationwide Mortgage Licensing System and Registry means a licensing system developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators for the licensing and registration of mortgage loan originators, mortgage bankers, installment loan companies, and other state-regulated financial services entities and industries; and
11. (11) Person means an individual, proprietorship, association, joint venture, joint stock company, partnership, limited partnership, limited liability company, business corporation, nonprofit corporation, or any group of individuals however organized.

Sec. 3. Section 45-905, Reissue Revised Statutes of Nebraska, is amended to read:

45-905 (1) An applicant for a license shall submit an application, under oath, to the director on forms prescribed by the director. The forms shall contain such information as the director may prescribe, including, but not limited to:
2. (a) The applicant's financial condition;
29 (b) The qualifications and business history of the applicant and of
30 its officers, directors, shareholders, partners, or members;
31 (c) Whether the applicant or any of its officers, directors,
1 shareholders, partners, or members have ever been convicted of any (i)
2 misdemeanor involving any aspect of a delayed deposit services business
3 or any business of a similar nature or (ii) felony;
4 (d) Whether the applicant or any of its officers, directors,
5 shareholders, partners, or members have ever been permanently or
6 temporarily enjoined by a court of competent jurisdiction from engaging
7 in or continuing any conduct or practice involving any aspect of a
8 delayed deposit services business or any business of a similar nature;
9 (e) A description of the applicant's proposed method of doing
10 business; and
11 (f) If the applicant is an individual, the applicant's social
12 security number.
13 (2) The director shall cause a criminal history record information
14 check to be conducted of the applicant, its officers, directors,
15 shareholders, partners, or members as provided in subsection (1) of
16 section 6 of this act. The direct cost of the criminal history record
17 information check shall be paid by the applicant.
18 Sec. 4. Section 45-906, Reissue Revised Statutes of Nebraska, is
19 amended to read:
20 45-906 The application required by section 45-905 shall be
21 accompanied by:
22 (1) A nonrefundable application fee of five hundred dollars and any
23 processing fee allowed under subsection (2) of section 6 of this act; and
24 (2) A surety bond in the sum of fifty thousand dollars to be
25 executed by the licensee and a surety company authorized to do business
26 in Nebraska and approved by the director conditioned for the faithful
27 performance by the licensee of the duties and obligations pertaining to
28 the delayed deposit services business so licensed and the prompt payment
29 of any judgment recovered against the licensee. The bond or a substitute
30 bond shall remain in effect during all periods of licensing or the
31 licensee shall immediately cease doing business and its license shall be
1 surrendered to or canceled by the department. A surety may cancel a bond
2 only upon thirty days' written notice to the director.
3 The director may at any time require the filing of a new or
4 supplemental bond in the form as provided in subdivision (2) of this
5 section if he or she determines that the bond filed under this section is
6 exhausted or is inadequate for any reason, including, but not limited to,
7 the financial condition of the licensee or the applicant for a license,
8 or violations of the Delayed Deposit Services Licensing Act, any rule,
9 regulation, or order thereunder, or any state or federal law applicable
10 to the licensee or applicant for a license. The new or supplemental bond
11 shall not exceed one hundred thousand dollars.
12 Sec. 5. Nothing in the Delayed Deposit Services Licensing Act shall
13 prevent a licensee from acquiring a license under the Nebraska
14 Installment Loan Act.
15 Sec. 6. (1) Licensees under the Delayed Deposit Services Licensing
Act are required to be licensed and registered through the Nationwide Mortgage Licensing System and Registry. In order to carry out this requirement, the department is authorized to participate in the Nationwide Mortgage Licensing System and Registry. For this purpose, the department may establish requirements as necessary by adopting and promulgating rules and regulations or by order. The requirements may include, but are not limited to:

(a) Background checks of applicants and licensees, including, but not limited to:
(i) Fingerprints of any principal officer, director, partner, member, or sole proprietor submitted to the Federal Bureau of Investigation and any other governmental agency or entity authorized to receive such information for a state, national, and international criminal history record information check;
(ii) Checks of civil or administrative records;
(iii) Checks of an applicant's or a licensee's credit history; or
(iv) Any other information as deemed necessary by the director;
(b) The payment of fees to apply for or renew a license through the Nationwide Mortgage Licensing System and Registry;
(c) The setting or resetting, as necessary, of renewal processing or reporting dates; and
(d) Amending or surrendering a license or any other such activities as the director deems necessary for participation in the Nationwide Mortgage Licensing System and Registry.

(2) In order to fulfill the purposes of the Delayed Deposit Services Licensing Act, the department may contract with the Nationwide Mortgage Licensing System and Registry or other entities designated by the Nationwide Mortgage Licensing System and Registry to collect and maintain records and process transaction fees or other fees related to licensees or other persons subject to the act. The department may allow such system to collect licensing fees on behalf of the department and may allow such system to collect a processing fee for the services of the system directly from each licensee or applicant.

(3) The director shall regularly report enforcement actions and other relevant information to the Nationwide Mortgage Licensing System and Registry.

(4) The director shall establish a process whereby applicants and licensees may challenge information entered by the director into the Nationwide Mortgage Licensing System and Registry.

(5) The department shall ensure that the Nationwide Mortgage Licensing System and Registry adopts a privacy, data security, and breach of security of the system notification policy. The director shall make available upon written request a copy of such policy and the contract between the department and the system.

(6) Upon written request the department shall provide the most recently available audited financial report of the Nationwide Mortgage Licensing System and Registry.

(7) In order to reduce the points of contact which the Federal Bureau of Investigation may have to maintain for purposes of subsection
3 (5) of this section, the director may use the Nationwide Mortgage
4 Licensing System and Registry as a channeling agent for requesting
5 information from and distributing information to the United States
6 Department of Justice or any other governmental agency.
7 Sec. 7. Section 45-910, Revised Statutes Cumulative Supplement,
8 2018, is amended to read:
9 45-910 (1) A license issued pursuant to the Delayed Deposit Services
10 Licensing Act shall be conspicuously posted at the licensee's place of
11 business.
12 (2)(a) Until the effective date of this act, all (2) All licenses
13 shall remain in effect until the next succeeding May 1, unless earlier
14 canceled, suspended, or revoked by the director pursuant to section
15 45-922 or surrendered by the licensee pursuant to section 45-911.
16 (b) A license issued on or after May 1, 2019, and on or before
17 December 31, 2019, shall remain in full force and effect until December
18 31, 2020, unless earlier canceled, suspended, or revoked by the director
19 pursuant to section 45-922 or surrendered by the licensee pursuant to
20 section 45-911. A license issued on or after January 1, 2020, shall
21 remain in full force and effect until the next succeeding December 31,
22 unless earlier canceled, suspended, or revoked by the director pursuant
23 to section 45-922 or surrendered by the licensee pursuant to section
24 45-911.
25 (3) Licenses may be renewed annually by filing with the director (a)
26 a renewal fee consisting of five hundred dollars and any processing fee
27 allowed under subsection (2) of section 6 of this act for the main office
28 location and five hundred dollars and any processing fee allowed under
29 subsection (2) of section 6 of this act for each branch office location
30 and (b) an application for renewal in writing through the Nationwide
31 Mortgage Licensing System and Registry containing such information as the
32 director may require to indicate any material change in the information
33 contained in the original application or succeeding renewal applications.
34 Sec. 8. Section 45-912, Reissue Revised Statutes of Nebraska, is
35 amended to read:
36 45-912 A licensee shall be required to notify the director in
37 writing through the Nationwide Mortgage Licensing System and Registry
38 within thirty days after the occurrence of any material development,
39 excluding, but not limited to:
40 (1) Bankruptcy or corporate reorganization;
41 (2) Business reorganization;
42 (3) Institution of license revocation procedures by any other state
43 or jurisdiction;
44 (4) The filing of a criminal indictment or complaint against the
45 licensee or any of its officers, directors, shareholders, partners,
46 members, employees, or agents;
47 (5) A felony conviction against the licensee or any of the
48 licensee's officers, directors, shareholders, partners, members,
49 employees, or agents; or
50 (6) The termination of employment or association with the licensee
51 of any of the licensee's officers, directors, shareholders, partners,
21 members, employees, or agents for violations or suspected violations of
22 the Delayed Deposit Services Licensing Act, any rule, regulation, or
23 order thereunder, or any state or federal law applicable to the licensee.
24 Sec. 9. Section 45-915, Reissue Revised Statutes of Nebraska, is
25 amended to read:
26 45-915 (1) Except as provided in subsection (2) of this section, a
27 licensee may offer a delayed deposit services business only at an office
28 designated as its principal place of business in the application. A
29 licensee may change the location of its designated principal place of
30 business with the prior written approval of the director. The director
31 may establish forms and procedures for determining whether the change of
32 location should be approved. A fee of one hundred fifty dollars and any
33 processing fee allowed under subsection (2) of section 6 of this act
34 shall be submitted with each request made pursuant to this subsection.
35 (2) A licensee may offer a delayed deposit services business online
36 under the Delayed Deposit Services Licensing Act, so long as the licensee
37 designates at least one principal place of business within this state. A
38 fee of five hundred dollars and any processing fee allowed under
39 subsection (2) of section 6 of this act shall be submitted with each
40 request made pursuant to this subsection. A licensee may establish a branch office or change
41 the location of a branch office with the prior written approval of the
42 director. The director may establish forms and procedures for determining
43 whether an original branch or branches or a change of location of a
44 branch should be approved.
45 (3) A licensee may operate branch offices at any location in this
46 state or change the location of a branch office with the prior written
47 approval of the director. The director may establish forms and procedures
48 for determining whether an original branch or change of location of a
49 branch should be approved. A fee of one hundred fifty dollars and any
50 processing fee allowed under shall be paid to the director for each
51 request made pursuant to subsection (1) or (2) of this section 6 of this
52 act shall be submitted with each request made pursuant to this
53 subsection.
54 Sec. 10. Section 45-1001, Revised Statutes Cumulative Supplement,
55 2018, is amended to read:
56 45-1001 Sections 45-1001 to 45-1070 and section 11 of this act shall
57 be known and may be cited as the Nebraska Installment Loan Act.
58 Sec. 11. Nothing in the Nebraska Installment Loan Act shall prevent
59 a licensee from acquiring a license under the Delayed Deposit Services
60 Licensing Act.
61 Sec. 12. Original sections 45-905, 45-906, 45-912, and 45-915,
62 Reissue Revised Statutes of Nebraska, and sections 45-901, 45-902,
63 45-910, and 45-1001, Revised Statutes Cumulative Supplement, 2018, are
64 repealed.

(Signed) Matt Williams, Chairperson
LEGISLATIVE BILL 59. Placed on General File with amendment.

AM622
1 1. On page 2, strike lines 29 through 31 and insert the following
2 new subsection:
3 "(3) If an investigation is conducted under this section, an
4 investigation report shall be issued within sixty days after the
5 determination is made to conduct the investigation, except that the final
6 investigation report may be issued within ninety days after such
7 determination if an interim report is issued within sixty days after such
8 determination."

LEGISLATIVE BILL 169. Placed on General File with amendment.

AM710
1 1. Strike original section 1 and insert the following new section:
2 Section 1. Section 68-1017.02, Reissue Revised Statutes of Nebraska,
3 is amended to read:
4 68-1017.02 (1)(a) The Department of Health and Human Services shall
5 apply for and utilize to the maximum extent possible, within limits
6 established by the Legislature, any and all appropriate options available
7 to the state under the federal Supplemental Nutrition Assistance Program
8 and regulations adopted under such program to maximize the number of
9 Nebraska residents being served under such program within such limits.
10 The department shall seek to maximize federal funding for such program
11 and minimize the utilization of General Funds for such program and shall
12 employ the personnel necessary to determine the options available to the
13 state and issue the report to the Legislature required by subdivision (b)
14 of this subsection.
15 (b) The department shall submit electronically an annual report to
16 the Health and Human Services Committee of the Legislature by December 1
17 on efforts by the department to carry out the provisions of this
18 subsection. Such report shall provide the committee with all necessary
19 and appropriate information to enable the committee to conduct a
20 meaningful evaluation of such efforts. Such information shall include,
21 but not be limited to, a clear description of various options available
22 to the state under the federal Supplemental Nutrition Assistance Program,
23 the department's evaluation of and any action taken by the department
24 with respect to such options, the number of persons being served under
25 such program, and any and all costs and expenditures associated with such
26 program.
27 (c) The Health and Human Services Committee of the Legislature,
1 after receipt and evaluation of the report required in subdivision (b) of
2 this subsection, shall issue recommendations to the department on any
3 further action necessary by the department to meet the requirements of
4 this section.
5 (2)(a) The department shall develop a state outreach plan to promote
6 access by eligible persons to benefits of the Supplemental Nutrition
7 Assistance Program. The plan shall meet the criteria established by the
Food and Nutrition Service of the United States Department of Agriculture for approval of state outreach plans. The Department of Health and Human Services may apply for and accept gifts, grants, and donations to develop and implement the state outreach plan.

(b) For purposes of developing and implementing the state outreach plan, the department shall partner with one or more counties or nonprofit organizations. If the department enters into a contract with a nonprofit organization relating to the state outreach plan, the contract may specify that the nonprofit organization is responsible for seeking sufficient gifts, grants, or donations necessary for the development and implementation of the state outreach plan and may additionally specify that any costs to the department associated with the award and management of the contract or the implementation or administration of the state outreach plan shall be paid out of private or federal funds received for development and implementation of the state outreach plan.

(c) The department shall submit the state outreach plan to the Food and Nutrition Service of the United States Department of Agriculture for approval on or before August 1, 2011, and shall request any federal matching funds that may be available upon approval of the state outreach plan. It is the intent of the Legislature that the State of Nebraska and the Department of Health and Human Services use any additional public or private funds to offset costs associated with increased caseload resulting from the implementation of the state outreach plan.

(d) The department shall be exempt from implementing or administering a state outreach plan under this subsection, but not from developing such a plan, if it does not receive private or federal funds sufficient to cover the department's costs associated with the implementation and administration of the plan, including any costs associated with increased caseload resulting from the implementation of the plan.

(3)(a)(i) On or before October 1, 2011, the department shall create a TANF-funded program or policy that, in compliance with federal law, establishes categorical eligibility for federal food assistance benefits, except that the total of liquid assets which includes cash on hand and funds in personal checking and savings accounts, money market accounts, and share accounts shall not exceed twenty-five thousand dollars pursuant to the Supplemental Nutrition Assistance Program, as allowed under federal law and under 7 C.F.R. 273.2(j)(2).

(ii) Such TANF-funded program or policy shall eliminate all asset limits for eligibility for federal food assistance benefits, except that the number of Nebraska residents being served under such program in a manner that does not increase the current gross income eligibility limit.

(iii) This subsection becomes effective only if the department receives funds pursuant to federal participation that may be used to implement this subsection.

(b) For purposes of this subsection:

(i) Federal law means the federal Food and Nutrition Act of 2008, 7 U.S.C. 2011 et seq., and regulations adopted under the act; and
26 (ii) TANF means the federal Temporary Assistance for Needy Families
27 program established in 42 U.S.C. 601 et seq.
28 (4)(a) As authorized under 21 U.S.C. 862a(d) Within the limits
29 specified in this subsection, the State of Nebraska opts out of the
30 provision of the federal Personal Responsibility and Work Opportunity
31 Reconciliation Act of 1996, as such act existed on January 1, 2009, that
1 eliminates eligibility for the Supplemental Nutrition Assistance Program
2 for any person convicted of a felony involving the possession, use, or
3 distribution of a controlled substance.
4 (b) A person convicted of a felony involving the possession, use, or
5 distribution of a controlled substance shall only be eligible for
6 Supplemental Nutrition Assistance Program benefits if such person (i) has
7 completed her or his sentence for such felony, including any term of
8 parole, probation, or post-release supervision, or (ii) is serving a term
9 of parole, probation, or post-release supervision for such felony. A
10 person shall be ineligible for Supplemental Nutrition Assistance Program
11 benefits under this subsection if he or she (i) has had three or more
12 felony convictions for the possession or use of a controlled substance or
13 (ii) has been convicted of a felony involving the sale or distribution of
14 a controlled substance or the intent to sell or distribute a controlled
15 substance. A person with one or two felony convictions for the possession
16 or use of a controlled substance shall only be eligible to receive
17 Supplemental Nutrition Assistance Program benefits under this subsection
18 if he or she is participating in or has completed a state-licensed or
19 nationally accredited substance abuse treatment program since the date of
20 conviction. The determination of such participation or completion shall
21 be made by the treatment provider administering the program.

LEGISLATIVE BILL 332. Placed on General File with amendment.
AM629
1 1. Strike original sections 3 and 4 and insert the following new
2 section:
3 Sec. 3. Section 43-4504, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 43-4504 The bridge to independence program is available, on a
6 voluntary basis, to a young adult:
7 (1) Who has attained at least nineteen years of age;
8 (2) Who was adjudicated to be a juvenile described in subdivision
9 (3)(a) of section 43-247 or the equivalent under tribal law or who was
10 adjudicated to be a juvenile described in subdivision (8) of section
11 43-247 or the equivalent under tribal law if the young adult's
12 guardianship was disrupted or terminated after he or she had attained the
13 age of sixteen years and who (a) upon attaining nineteen years of age,
14 was in an out-of-home placement or had been discharged to independent
15 living or (b) with respect to whom a kinship guardianship assistance
16 agreement or an adoption assistance agreement was in effect pursuant to
17 42 U.S.C. 673 if the young adult had attained sixteen years of age before
18 the agreement became effective or with respect to whom a state-funded
19 guardianship assistance agreement or a state-funded adoption assistance
agreement was in effect if the young adult had attained sixteen years of
age before the agreement became effective; and
(3) Who is:
(a) Completing secondary education or an educational program leading
to an equivalent credential;
(b) Enrolled in an institution which provides postsecondary or
vocational education;
(c) Employed for at least eighty hours per month;
(d) Participating in a program or activity designed to promote
employment or remove barriers to employment; or
(e) Incapable of doing any of the activities described in
subdivisions (3)(a) through (d) of this section due to a medical
condition, which incapacity is supported by regularly updated information
in the case plan of the young adult;
(4) Who is a Nebraska resident, except that this requirement shall
not disqualify a young adult who was a Nebraska resident but was placed
outside Nebraska pursuant to the Interstate Compact for the Placement of
Children; and
(5) Who is not covered under a home and community-based services
waiver.
The changes made to subdivision (2)(b) of this section by Laws 2015,
LB243, become operative on July 1, 2015.
2. Renumber the remaining sections and correct the repealer
accordingly.

(Signed) Sara Howard, Chairperson
Revenue

LEGISLATIVE BILL 663. Placed on General File.

LEGISLATIVE BILL 237. Placed on General File with amendment.
AM676 is available in the Bill Room.

(Signed) Lou Ann Linehan, Chairperson

AMENDMENT(S) - Print in Journal

Senator Clements filed the following amendment to LB452:
AM206
1. Strike the original sections and insert the following new
sections:
Section 1. Section 13-1901, Reissue Revised Statutes of Nebraska, is
amended to read:
13-1901  (1) There are hereby created nine Nebraska planning and
development regions as follows:
(a) Region 1 includes the counties of Sioux, Dawes, Sheridan,
Box Butte, Scotts Bluff, Morrill, Garden, Banner, Kimball, Cheyenne, and
Deuel,
10 (b) (2) Region 2 includes the counties of Cherry, Keya Paha, Boyd,
11 Brown, Rock, Holt, Blaine, Loup, Garfield, Wheeler, Custer, Valley,
12 Greeley, and Sherman;
13 (c) (3) Region 3 includes the counties of Grant, Hooker, Thomas,
14 Arthur, McPherson, Logan, Keith, Lincoln, Perkins, Dawson, Chase, Hayes,
15 Frontier, Gosper, Dundy, Hitchcock, Red Willow, and Furnas;
16 (d) (4) Region 4 includes the counties of Howard, Merrick, Buffalo,
17 Hall, Hamilton, Phelps, Kearney, Adams, Clay, Harlan, Franklin, Webster,
18 and Nuckolls;
19 (e) (5) Region 5 includes the counties of Knox, Cedar, Dixon,
20 Antelope, Pierce, Wayne, Thurston, Boone, Madison, Stanton, Cuming, Burt,
21 Platte, Colfax, Dodge, and Nance;
22 (f) (6) Region 6 includes the counties of Polk, Butler, Saunders,
23 York, Seward, Cass, Fillmore, Saline, Otoe, Thayer, Jefferson, Gage,
24 Johnson, Nemaha, Pawnee, and Richardson;
25 (g) (7) Region 7 includes the county of Lancaster;
26 (h) (8) Region 8 includes the counties of Washington, Douglas, and
27 Sarpy, and Cass; and
1 (i) (9) Region 9 includes the county of Dakota.
2 (2) In order to facilitate development of a process which will allow
3 for future changes to the boundaries of the Nebraska planning and
4 development regions, until July 1, 2020, a county, city, village, or
5 development district shall not engage in negotiations to change the
6 boundaries of the planning and development regions. This subsection does
7 not prohibit negotiations relating to implementation of the changes to
8 the boundaries made by this legislative bill.
9 Sec. 2. Original section 13-1901, Reissue Revised Statutes of
10 Nebraska, is repealed.

Senator Wayne filed the following amendment to LB496:
AM750
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 28-916.01, Reissue Revised Statutes of Nebraska,
4 is amended to read:
5 28-916.01 As used in this section and sections 28-915, 28-915.01,
6 and 28-919, and 28-922, unless the context otherwise requires:
7 (1) Administrative proceeding shall mean any proceeding, other than
8 a judicial proceeding, the outcome of which is required to be based on a
9 record or documentation prescribed by law, or in which law or regulation
10 is particularized in application to individuals;
11 (2) Benefit shall mean gain or advantage, or anything regarded by
12 the beneficiary as gain or advantage, including benefit to any other
13 person or entity in whose welfare he or she is interested, but not an
14 advantage promised generally to a group or class of voters as a
15 consequence of public measures which a candidate engages to support or
16 oppose;
17 (3) Government shall include any branch, subdivision, or agency of
18 the government of the state or any locality within it;
19 (4) Harm shall mean loss, disadvantage, or injury, or anything so 20 regarded by the person affected, including loss, disadvantage, or injury 21 to any other person or entity in whose welfare he or she is interested; 22 (5) Pecuniary benefit shall mean benefit in the form of money, 23 property, commercial interests, or anything else the primary significance 24 of which is economic gain; 25 (6) Public servant shall mean any officer or employee of government, 26 including legislators and judges, and any person participating as juror, 27 advisor, consultant, or otherwise, in performing a governmental function, 28 but the term shall not include witnesses; 29 (7) Official proceeding shall mean a proceeding heard or which may 30 be heard before any legislative, judicial, administrative, or other 31 governmental agency or official authorized to take evidence under oath, 32 including any referee, hearing examiner, commissioner, notary, or other 33 person taking testimony or deposition in connection with any such 34 proceeding; and 35 (8) Statement shall mean any representation, but shall include a 36 representation of opinion, belief, or other state of mind only if the 37 representation clearly relates to state of mind apart from or in addition 38 to any facts which are the subject of the representation.

Sec. 2. Section 28-919, Reissue Revised Statutes of Nebraska, is 1 amended to read:

28-919 (1) A person commits the offense of tampering with a witness or informant if, believing that an official proceeding or investigation 2 of a criminal or civil matter is pending or about to be instituted, he or she attempts to induce or otherwise cause a witness or informant to: 3 (a) Testify or inform falsely; 4 (b) Withhold any testimony, information, document, or thing; 5 (c) Elude legal process summoning him or her to testify or supply 6 evidence; or 7 (d) Absent himself or herself from any proceeding or investigation 8 to which he or she has been legally summoned.

(2) A person commits the offense of jury tampering if, with intent 9 to influence a juror's vote, opinion, decision, or other action in a 10 case, he or she attempts directly or indirectly to communicate with a 11 juror other than as a part of the proceedings in the trial of the case.

(3) Tampering with witnesses or informants is a Class IV felony, 12 except that if such offense involves a pending criminal proceeding which 13 alleges a violation of another offense classified: 14 (a) As a Class II misdemeanor or a lower classification, the offense 15 is a Class I misdemeanor; or 16 (b) As a Class II felony or a higher classification, the offense is 17 a Class II felony.

(4) Jury tampering is a Class IV felony, except that if such offense involves a pending criminal proceeding which alleges a violation of 18 another offense classified as a Class I, IA, IB, IC, ID, or II felony, 19 the offense is a Class II felony.

Sec. 3. Section 28-922, Reissue Revised Statutes of Nebraska, is 9 amended to read:
A person commits the offense of tampering with physical evidence if, believing that an official proceeding is pending or about to be instituted and acting without legal right or authority, he or she:

(a) Destroys, mutilates, conceals, removes, or alters physical evidence with the intent to impair its verity or availability in the pending or prospective official proceeding; or

(b) Knowingly makes, presents, or offers any false physical evidence with intent that it be introduced in the pending or prospective official proceeding.

(2) Physical evidence, as used in this section, shall mean any article, object, document, record, or other thing of physical substance.

(3) Tampering with physical evidence is a Class IV felony, except that if such offense involves a pending criminal proceeding which alleges a violation of another offense classified:

(a) As a Class II misdemeanor or a lower classification, the offense is a Class I misdemeanor; or

(b) As a Class II felony or a higher classification, the offense is a Class II felony.

Sec. 4. Section 29-1912, Reissue Revised Statutes of Nebraska, is amended to read:

When a defendant is charged with a felony or when a defendant is charged with a misdemeanor or a violation of a city or village ordinance for which imprisonment is a possible penalty, he or she may request the court where the case is to be tried, at any time after the filing of the indictment, information, or complaint, to order the prosecuting attorney to permit the defendant to inspect and copy or photograph:

(a) The defendant's statement, if any. For purposes of this subdivision, statement includes any of the following which relate to the investigation of the underlying charge or charges in the case and which were developed or received by law enforcement agencies:

(i) Written or recorded statements;

(ii) Written summaries of oral statements; and

(iii) The substance of oral statements means a written statement made by the defendant and signed or otherwise adopted or approved by him or her, or a stenographic, mechanical, electrical, or other recording, or a transcription thereof, which is a substantially verbatim recital of an oral statement made by the defendant to an agent of the prosecution, state, or political subdivision thereof, and recorded contemporaneously with the making of such oral statement;

(b) The defendant's prior criminal record, if any;

(c) The defendant's recorded testimony before a grand jury;

(d) The names and addresses of witnesses on whose evidence the charge is based;

(e) The results and reports, in any form, of physical or mental examinations, and of scientific tests, or experiments made in connection with the particular case, or copies thereof;

(f) Documents, papers, books, accounts, letters, photographs, objects, or other tangible things of whatsoever kind or nature which
could be used as evidence by the prosecuting authority;
(g) Reports developed or received by law enforcement agencies when
such reports directly relate to the investigation of the underlying
charge or charges in the case;
(h) The known criminal history of a jailhouse witness;
(i) Any deal, promise, inducement, or benefit that the
prosecuting attorney or any person acting on behalf of the prosecuting
attorney has knowingly made or may make in the future to the jailhouse
witness;
(j) The specific statements allegedly made by the defendant
against whom the jailhouse witness will testify and the time, place, and
manner of the defendant's disclosures;
(k) The case name and jurisdiction of any criminal cases known
to the prosecuting attorney in which a jailhouse witness testified about
statements made by another criminal defendant that were disclosed to the
jailhouse witness while he or she was a jailhouse witness and whether the
jailhouse witness received any deal, promise, inducement, or benefit in
exchange for or subsequent to such testimony; and
(l) Any occasion known to the prosecuting attorney in which the
jailhouse witness recanted testimony about statements made by another
criminal defendant that were disclosed to the jailhouse witness while he
or she was a jailhouse witness and, if any are known, a transcript or
copy of such recantation.
(2) The court may issue such an order pursuant to the provisions of
this section. In the exercise of its judicial discretion, the court shall
consider, among other things, whether:
(a) The request is material to the preparation of the defense;
(b) The request is not made primarily for the purpose of harassing
the prosecution or its witnesses;
(c) The request, if granted, would not unreasonably delay the trial
of the offense and an earlier request by the defendant could not have
reasonably been made;
(d) There is no substantial likelihood that the request, if granted,
would preclude a just determination of the issues at the trial of the
offense; or
(e) The request, if granted, would not result in the possibility of
bodily harm to, or coercion of, witnesses.
(3) Whenever the court refuses to grant an order pursuant to the
provisions of this section, it shall render its findings in writing
together with the facts upon which the findings are based.
(4) Whenever the prosecuting attorney believes that the granting of
an order under the provisions of this section will result in the
possibility of bodily harm to witnesses or that witnesses will be
coerced, the court may permit him or her to make such a showing in the
form of a written statement to be inspected by the court alone. The
statement shall be sealed and preserved in the records of the court to be
made available to the appellate court in the event of an appeal by the
defendant.
(5) For purposes of subdivisions (1)(g) through (k) of this section,
15 jailhouse witness means a person in the physical custody of any jail or
16 correctional institution as (a) an accused defendant, (b) a convicted
17 defendant awaiting sentencing, or (c) a convicted defendant serving a
18 sentence of incarceration, at the time the statements the jailhouse
19 witness will testify about were disclosed.

20 Sec. 5. Section 29-1914, Reissue Revised Statutes of Nebraska, is
21 amended to read:
22 29-1914 Whenever an order is issued pursuant to the provisions of
23 section 29-1912 or 29-1913, it shall be limited to items or information
24 that:
25 (1) Directly relate to the investigation of the underlying charge or
26 charges in the case;
27 (2) Are within the possession, custody, or control of the state or
28 local subdivisions of government; and
29 (3) Are known to exist by the prosecution or that, by the exercise
30 of due diligence, may become known to the prosecution.

31 Sec. 6. Section 29-1916, Reissue Revised Statutes of Nebraska, is
32 amended to read:
33 29-1916 (1) Whenever the court issues an order pursuant to the
34 provisions of sections 29-1912 and 29-1913, the court may condition its
35 order by requiring the defendant to grant the prosecution like access to
36 comparable items or information included within the defendant's request
37 which:
38 (a) Are in the possession, custody, or control of the defendant;
39 (b) The defendant intends to produce at the trial; and
40 (c) Are material to the preparation of the prosecution's case.
41 (2) Whenever a defendant is granted an order under the provisions of
42 sections 29-1912 to 29-1921, the defendant shall be deemed to have
43 waived the his privilege of self-incrimination for the purposes of the
44 operation of the provisions of this section.

45 Sec. 7. Section 29-1917, Reissue Revised Statutes of Nebraska, is
46 amended to read:
47 29-1917 (1) Except as provided in section 29-1926, at any time after
48 the filing of an indictment or information in a felony prosecution, the
49 prosecuting attorney or the defendant may request the court to allow the
50 taking of a deposition of any person other than the defendant who may be
51 a witness in the trial of the offense. The court may order the taking of
52 the deposition when it finds the testimony of the witness:
53 (a) May be material or relevant to the issue to be determined at the
54 trial of the offense; or
55 (b) May be of assistance to the parties in the preparation of their
56 respective cases.
57 (2) An order granting the taking of a deposition shall include the
58 time and place for taking such deposition and such other conditions as
59 the court determines to be just.
60 (3) The proceedings in taking the deposition of a witness pursuant
61 to this section and returning it to the court shall be governed in all
62 respects as the taking of depositions in civil cases, including section
63 25-1223.
A deposition taken pursuant to this section may be used at the trial by any party solely for the purpose of contradicting or impeaching the testimony of the deponent as a witness.

Sec. 8. Section 29-1918, Reissue Revised Statutes of Nebraska, is amended to read:

29-1918 If, subsequent to compliance with an order for discovery under the provisions of sections 29-1912 to 29-1921, and prior to or during trial, a party discovers additional material which the party or the other party's attorney and the court of the existence of the additional material. Such notice shall be given at the time of the discovery of such additional material.

Sec. 9. Section 29-1919, Reissue Revised Statutes of Nebraska, is amended to read:

29-1919 If, at any time during the course of the proceedings it is brought to the attention of the court that a party has failed to comply with the provisions of sections 29-1912 to 29-1921 or an order issued pursuant to the provisions of sections 29-1912 to 29-1921, the court may:

(1) Order such party to permit the discovery or inspection of materials not previously disclosed;
(2) Grant a continuance;
(3) Prohibit the party from calling a witness not disclosed or introducing in evidence the material not disclosed; or
(4) Enter such other order as it deems just under the circumstances.

Sec. 10. Section 29-1923, Reissue Revised Statutes of Nebraska, is amended to read:

29-1923 If, subsequent to compliance with an order issued pursuant to section 29-1922, and prior to or during trial, the prosecuting authority discovers any additional statement made by the defendant or the defendant or the name of any eyewitness who has identified the defendant at a lineup or showup previously requested or ordered which is subject to discovery or inspection under section 29-1922, he or she shall promptly notify the defendant or his or her attorney or the court of the existence of this additional material. Such notice shall be given at the time of the discovery of such additional material. If at any time during the course of the proceedings it is brought to the attention of the court that the prosecuting authority has failed to comply with this section or with an order issued pursuant to section 29-1922, the court may order the prosecuting authority to permit the discovery or inspection of materials or witnesses not previously disclosed, grant a continuance, or prohibit the prosecuting authority from introducing in evidence the material or the testimony of the witness or witnesses not disclosed, or it may enter such other order as it deems just under the circumstances.

Sec. 11. Section 29-1924, Reissue Revised Statutes of Nebraska, is amended to read:

29-1924 For purposes of The term statement as used in sections 29-1922 and 29-1923, statement made by the defendant includes any of the following statements made by the defendant which relate to the
20 investigation of the underlying charge or charges in the case and which
21 were developed or received by law enforcement agencies:
22 (1) Written or recorded statements;
23 (2) Written summaries of oral statements; and
24 (3) The substance of oral statements shall mean (1) a written
25 statement made by such defendant and signed or otherwise adopted or
26 approved by him or her; or (2) a stenographic, mechanical, electrical, or
27 other recording, or a transcription thereof, which is a substantially
28 verbatim recital of an oral statement made by such defendant to a peace
29 officer or prosecuting authority and recorded contemporaneously with the
30 making of such oral statement.
31 Sec. 12. Original sections 28-916.01, 28-919, 28-922, 29-1912,
1 29-1914, 29-1916, 29-1917, 29-1918, 29-1919, 29-1923, and 29-1924,
2 Reissue Revised Statutes of Nebraska, are repealed.

Senator Erdman filed the following amendment to LB334:
AM742
1 1. On page 8, strike beginning with "The" in line 17 through line 19
2 and insert "The department shall contract with an organization or entity
3 to carry out the requirements of this subsection and shall issue a
4 request for proposals for such contract."

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Beaurivage, Frances - Commission for the Deaf and Hard of Hearing -
Health and Human Services
Lutz, Susan - Nebraska Commission on Problem Gambling - General
Affairs
Patterson, James - Nebraska Commission on Problem Gambling - General
Affairs
Shaw, Sandra - Commission for the Deaf and Hard of Hearing - Health and
Human Services
Waddle, Christopher - State Personnel Board - Government, Military and
Veterans Affairs

(Signed) Mike Hilgers, Chairperson
Executive Board

ANNOUNCEMENT(S)

Priority designation(s) received:

Gragert - LB243
Bostelman - LB698
UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Kolterman name added to LB15.
Senator Dorn name added to LB15.
Senator M. Hansen name added to LB217.
Senator McCollister name added to LB535.
Senator Pansing Brooks name added to LB535.

VISITOR(S)

Visitors to the Chamber were students from Waverly Intermediate School; students and teachers from Norris Elementary School, Millard; students from Medicine Valley Elementary School, Curtis; students and teachers from Lothrop Elementary School, Omaha; and Stacey and Loretta Latimer from Aurora.

The Doctor of the Day was Dr. Brett Wergin from Fairbury.

ADJOURNMENT

At 11:47 a.m., on a motion by Senator La Grone, the Legislature adjourned until 9:00 a.m., Monday, March 18, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
FORTY-THIRD DAY - MARCH 18, 2019

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

FORTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 18, 2019

PRAYER

The prayer was offered by Pastor Kent Rogers, Grace United Methodist Church, Hastings.

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 Bolz, Briese, Howard, Morfeld, and Walz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-second day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 15, 2019, at 12:00 p.m. were the following: LBs 8, 16, 29, 48, 112, 112A, 116, 124e, 125, 127, 139, 145, 156, 160, 195, 224, 284e, 302e, 319, 384, 486, 575, 660e, 660Ae, and 699.

(Signed) Laura Gerkin
Clerk of the Legislature's Office

RESOLUTION(S)

LEGISLATIVE RESOLUTION 43. Introduced by Kolterman, 24.

WHEREAS, the women's basketball team of Concordia University won the 2019 National Association of Intercollegiate Athletics (NAIA) Division II Women's Basketball National Championship with a season record of 38-3; and

WHEREAS, the Concordia Bulldogs defeated the Southeastern University Fire with a score of 67-59; and
WHEREAS, the title victory is the first for Concordia University women's basketball; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the students of Concordia University.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates the Concordia University women's basketball team for an outstanding season and for winning the 2019 NAIA Division II national championship title.
2. That a copy of this resolution be sent to Concordia University and Coach Drew Olson.

Laid over.

LEGISLATIVE RESOLUTION 44. Introduced by Kolterman, 24.

WHEREAS, Luke Daniel Landkamer, a member of Troop 290 of Milford, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and
WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Throughout their scouting experience, these young men have learned, been tested on, and been recognized for various scouting skills; and
WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 13 of which are in required areas, and complete an approved community service project; and
WHEREAS, Luke displayed his commitment to community service by replacing and improving the flag pole at Milford High School's track and football field; and
WHEREAS, Luke, through his hard work and perseverance, will join other high achievers who are Eagle Scouts, including astronauts, leaders of government and industry, artists, scientists, and athletes.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
2. That a copy of this resolution be sent to Luke Daniel Landkamer.

Laid over.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 39 and 40 were adopted.
PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 39 and 40.

MOTION(S) - Confirmation Report(s)

Senator Halloran moved the adoption of the Agriculture Committee reports for the confirmation of the following appointment(s) found on pages 833 and 834:
- Nebraska State Fair Board
  - Chris Kircher
  - Dawn Caldwell
  - Jeremy Jensen

Voting in the affirmative, 40:

<table>
<thead>
<tr>
<th>Albrecht</th>
<th>Clements</th>
<th>Groene</th>
<th>Kolterman</th>
<th>Pansing</th>
<th>Brooks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arch</td>
<td>Crawford</td>
<td>Halloran</td>
<td>La Grone</td>
<td>Quick</td>
<td></td>
</tr>
<tr>
<td>Blood</td>
<td>DeBoer</td>
<td>Hansen, B.</td>
<td>Lathrop</td>
<td>Scheer</td>
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</tr>
<tr>
<td>Bostelman</td>
<td>Dorn</td>
<td>Hilgers</td>
<td>Linehan</td>
<td>Slama</td>
<td></td>
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<tr>
<td>Brandt</td>
<td>Erdman</td>
<td>Hilkemann</td>
<td>Lowe</td>
<td>Stinner</td>
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</tr>
<tr>
<td>Brewer</td>
<td>Friesen</td>
<td>Hughes</td>
<td>McCollister</td>
<td>Vargas</td>
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</tr>
<tr>
<td>Cavanaugh</td>
<td>Geist</td>
<td>Hunt</td>
<td>McDonnell</td>
<td>Williams</td>
<td></td>
</tr>
<tr>
<td>Chambers</td>
<td>Gragert</td>
<td>Kolowski</td>
<td>Murman</td>
<td>Wishart</td>
<td></td>
</tr>
</tbody>
</table>

Voting in the negative, 0.

Present and not voting, 4:

<table>
<thead>
<tr>
<th>Hansen, M.</th>
<th>Lindstrom</th>
<th>Moser</th>
<th>Wayne</th>
</tr>
</thead>
</table>

Excused and not voting, 5:

<table>
<thead>
<tr>
<th>Bolz</th>
<th>Briese</th>
<th>Howard</th>
<th>Morfeld</th>
<th>Walz</th>
</tr>
</thead>
</table>

The appointments were confirmed with 40 ayes, 0 nays, 4 present and not voting, and 5 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 619. Title read. Considered.

Committee AM287, found on page 808, was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.
NOTICE OF COMMITTEE HEARING(S)
Appropriations
Room 1003
Wednesday, March 27, 2019 1:30 p.m.
Agency 3 - Legislative Council (cancel)
Room 1524
Tuesday, March 26, 2019 1:30 p.m.
Agency 3 - Legislative Council

(Signed) John Stinner, Chairperson

ANNOUNCEMENT(S)
Priority designation(s) received:
Scheer - LB481
Walz - LB570

EXPLANATION(S) OF VOTE(S)
Had I been present, I would have voted "aye" on final passage of LBs 48, 112, 112A, 116, 125, 145, 224, 384, 486, 575, 660, and 660A.

(Signed) Matt Hansen

GENERAL FILE
LEGISLATIVE BILL 511. Title read. Considered.
Committee AM672, found on page 799, was adopted with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.
Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 34. Title read. Considered.
Committee AM591, found on page 801, was adopted with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.
Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.
LEGISLATIVE BILL 348. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 405. Title read. Considered.

Senator Hunt moved for a call of the house. The motion prevailed with 16 ayes, 4 nays, and 29 not voting.

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

Voting in the affirmative, 25:

Blood  DeBoer  Hunt  Morfeld  Vargas
Bolz  Dorn  Kolowski  Pansing Brooks Walz
Cavanaugh  Hansen, M.  Kolterman  Quick  Wayne
Chambers  Hilkemann  Lathrop  Scheer  Williams
Crawford  Howard  McCollister  Stinner  Wishart

Voting in the negative, 8:

Albrecht  Clements  Friesen  Lowe
Brewer  Erdman  Groene  Moser

Present and not voting, 14:

Arch  Briese  Hansen, B.  La Grone  Murman
Bostelman  Geist  Hilgers  Lindstrom  Slama
Brandt  Halloran  Hughes  Linehan

Absent and not voting, 1:

McDonnell

Excused and not voting, 1:

Gragert

Advanced to Enrollment and Review Initial with 25 ayes, 8 nays, 14 present and not voting, 1 absent and not voting, and 1 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 130. Title read. Considered.

Committee AM298, found on page 567, was offered.

Senator Wayne moved for a call of the house. The motion prevailed with 13
ays, 2 nays, and 34 not voting.

The committee amendment was adopted with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

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

Senator DeBoer requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 35:

Blood  DeBoer  Howard  Linehan  Scheer
Bolz    Dorn    Hunt    McCollister  Slama
Bostelman  Friesen  Kolowski  McDonnell  Vargas
Brandt  Halloran  Koltermen  Morfeld  Walz
Cavanaugh  Hansen, B.  La Grone  Moser  Wayne
Chambers  Hansen, M.  Lathrop  Pansing Brooks  Williams
Crawford  Hilkemann  Lindstrom  Quick  Wishart

Voting in the negative, 5:

Albrecht  Briese  Clements  Erdman  Lowe

Present and not voting, 5:

Arch  Geist  Hilgers  Hughes  Murman

Excused and not voting, 4:

Brewer  Gragert  Groene  Stinner

Advanced to Enrollment and Review Initial with 35 ayes, 5 nays, 5 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 130A.** Title read. Considered.

Senator DeBoer moved for a call of the house. The motion prevailed with 22 ayes, 1 nay, and 26 not voting.

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.
BILL ON FIRST READING

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

LEGISLATIVE BILL 570A. Introduced by Walz, 15.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 570, One Hundred Sixth Legislature, First Session, 2019; and to declare an emergency.

COMMITTEE REPORT(S)

Executive Board

LEGISLATIVE BILL 600. Placed on General File.
LEGISLATIVE BILL 713. Placed on General File.

LEGISLATIVE BILL 566. Placed on General File with amendment.

AM454
1 1. Strike original section 1 and insert the following new section:
2 Section 1. The Department of Insurance shall notify the chairperson
3 and members of the Banking, Commerce and Insurance Committee of the
4 Legislature prior to submitting any request or application to the Centers
5 for Medicare and Medicaid Services of the United States Department of
6 Health and Human Services for a state innovation waiver under section
7 1332 of the federal Patient Protection and Affordable Care Act. Such
8 notification shall be made electronically and shall include a copy of the
9 application for the federal waiver. The Banking, Commerce and Insurance
10 Committee of the Legislature shall hold a public hearing on such waiver
11 application.

(Signed) Mike Hilgers, Chairperson

Judiciary

LEGISLATIVE BILL 44. Placed on General File.
LEGISLATIVE BILL 231. Placed on General File.

LEGISLATIVE BILL 352. Placed on General File with amendment.

AM761
1 1. Strike original sections 6 and 8 and insert the following new sections:
2 Sec. 6. If a jailhouse informant receives leniency related to a
3 pending charge, a conviction, or a sentence for a crime against a victim
4 as defined in section 29-119, in connection with offering or providing
5 testimony against a suspect or defendant, the prosecutor shall notify
6 such victim. Prior to reaching a plea agreement, the prosecutor shall
7 proceed as provided in subsection (1) of section 23-1201. For purposes of
8 this section, leniency means any plea bargain, reduced or dismissed
Sec. 7. Upon motion of the defendant, the court shall conduct a hearing to determine whether the testimony or statement of a jailhouse informant should be admissible. The court may hear live testimony from the jailhouse informant or may receive written statements or deposition testimony from the jailhouse informant. The burden of proof shall be on the state. If the court finds by a preponderance of the evidence that the jailhouse informant’s testimony or statement is significantly lacking in reliability, the court shall not allow the testimony or statement to be presented at trial. In making its determination under this section, the court may consider:

(1) The factors enumerated in subsection (1) of section 5 of this act;
(2) The relationship between the defendant and the jailhouse informant, including the amount of time they were incarcerated in the same jail or correctional institution or the same custodial section of a jail or correctional institution;
(3) The substance, time, place, and manner of any statement allegedly made by the defendant to the jailhouse informant, including the names of all persons present when such statement was allegedly made;
(4) The substance, time, place, and manner of any statement given by the jailhouse informant to law enforcement implicating the defendant in the crime charged;
(5) All evidence corroborating the testimony or statement implicating the defendant in the crime charged; and
(6) Any other factors related to reliability.

2 On page 2, line 1, strike "(1)"; and strike lines 6 through 9.
3. Renumber the remaining sections accordingly.

(Signed) Steve Lathrop, Chairperson

COMMITTEE REPORT(S)
Natural Resources

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

Michael S. Thede - Nebraska Ethanol Board

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

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

Jason D. Appelt - Niobrara Council
Lana S. Arrowsmith - Niobrara Council
Dallas D. Dodson - Niobrara Council
Mary L. Mercure - Niobrara Council

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

(Signed) Dan Hughes, Chairperson

General Affairs

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

Harry Hoch - Nebraska Liquor Control Commission


(Signed) Tom Briese, Chairperson

COMMITTEE REPORT(S)

Natural Resources

LEGISLATIVE BILL 177. Placed on General File with amendment.
AM713
1 1. On page 2, lines 4 and 10, strike "2029" and insert "2024".

(Signed) Dan Hughes, Chairperson

NOTICE OF COMMITTEE HEARING(S)

General Affairs

Room 1510

Monday, March 25, 2019 1:30 p.m.

LB592
LB682
LB723

(Signed) Tom Briese, Chairperson

ANNOUNCEMENT(S)

Priority designation(s) received:

Pansing Brooks - LB390
GENERAL FILE

LEGISLATIVE BILL 409. Title read. Considered.

Committee AM221, found on page 567, was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Pansing Brooks name added to LB138.
Senator Moser name added to LB209.

VISITOR(S)

Visitors to the Chamber were students from St. Paul's Lutheran School, Beatrice; Kathy Seeman, Jean Stanzel, and Joanie and Emma Rhode from Omaha; and students from Weeping Water Public Schools.

ADJOURNMENT

At 11:41 a.m., on a motion by Senator Halloran, the Legislature adjourned until 9:00 a.m., Tuesday, March 19, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
FORTY-FOURTH DAY - MARCH 19, 2019

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

FORTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 19, 2019

PRAYER

The prayer was offered by Pastor Gary Bennett, Red Cloud Bible Church.

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 Howard, McCollister, Morfeld, Pansing Brooks, Scheer, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-third day was approved.

COMMITTEE REPORT(S)
Judiciary

LEGISLATIVE BILL 496. Placed on General File with amendment.
AM787
1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 28-916.01, Reissue Revised Statutes of Nebraska,
4 is amended to read:
5 28-916.01 As used in this section and sections 28-915, 28-915.01,
6 and 28-919, and 28-922, unless the context otherwise requires:
7 1 (1) Administrative proceeding shall mean any proceeding, other than
8 a judicial proceeding, the outcome of which is required to be based on a
9 record or documentation prescribed by law, or in which law or regulation
10 is particularized in application to individuals;
11 (2) Benefit shall mean gain or advantage, or anything regarded by
12 the beneficiary as gain or advantage, including benefit to any other
13 person or entity in whose welfare he or she is interested, but not an
14 advantage promised generally to a group or class of voters as a
15 consequence of public measures which a candidate engages to support or
16 oppose;
17 (3) Government shall include any branch, subdivision, or agency of
18 the government of the state or any locality within it;
19 (4) Harm shall mean loss, disadvantage, or injury, or anything so
20 regarded by the person affected, including loss, disadvantage, or injury
21 to any other person or entity in whose welfare he or she is interested;
22 (5) Pecuniary benefit shall mean benefit in the form of money,
23 property, commercial interests, or anything else the primary significance
24 of which is economic gain;
25 (6) Public servant shall mean any officer or employee of government,
26 including legislators and judges, and any person participating as juror,
27 advisor, consultant, or otherwise, in performing a governmental function,
28 but the term shall not include witnesses;
29 (7) Official proceeding shall mean a proceeding heard or which may
30 be heard before any legislative, judicial, administrative, or other
31 governmental agency or official authorized to take evidence under oath,
32 including any referee, hearing examiner, commissioner, notary, or other
33 person taking testimony or deposition in connection with any such
34 proceeding; and
35 (8) Statement shall mean any representation, but shall include a
36 representation of opinion, belief, or other state of mind only if the
37 representation clearly relates to state of mind apart from or in addition
38 to any facts which are the subject of the representation.
39 Sec. 2. Section 28-919, Reissue Revised Statutes of Nebraska, is
40 amended to read:
41 28-919 (1) A person commits the offense of tampering with a witness
42 or informant if, believing that an official proceeding or investigation
43 of a criminal or civil matter is pending or about to be instituted, he or
44 she attempts to induce or otherwise cause a witness or informant to:
45 (a) Testify or inform falsely;
46 (b) Withhold any testimony, information, document, or thing;
47 (c) Elude legal process summoning him or her to testify or supply
48 evidence; or
49 (d) Absent himself or herself from any proceeding or investigation
50 to which he or she has been legally summoned.
51 (2) A person commits the offense of jury tampering if, with intent
52 to influence a juror's vote, opinion, decision, or other action in a
53 case, he or she attempts directly or indirectly to communicate with a
54 juror other than as a part of the proceedings in the trial of the case.
55 (3) Tampering with witnesses or informants is a Class IV felony,
56 except that if such offense involves a pending criminal proceeding which
57 alleges a violation of another offense classified:
58 (a) As a Class II misdemeanor or a lower classification, the offense
59 is a Class I misdemeanor; or
60 (b) As a Class II felony or a higher classification, the offense is
61 a Class II felony.
62 (4) Jury tampering is a Class IV felony, except that if such offense
63 involves a pending criminal proceeding which alleges a violation of
64 another offense classified as a Class I, IA, IB, IC, ID, or II felony.
7 the offense is a Class II felony.
8 Sec. 3. Section 28-922, Reissue Revised Statutes of Nebraska, is
9 amended to read:
10 28-922 (1) A person commits the offense of tampering with physical
11 evidence if, believing that an official proceeding is pending or about to
12 be instituted and acting without legal right or authority, he or she:
13 (a) Destroys, mutilates, conceals, removes, or alters physical
14 evidence with the intent to impair its verity or availability in the
15 pending or prospective official proceeding; or
16 (b) Knowingly makes, presents, or offers any false physical evidence
17 with intent that it be introduced in the pending or prospective official
18 proceeding.
19 (2) Physical evidence, as used in this section, shall mean any
20 article, object, document, record, or other thing of physical substance.
21 (3) Tampering with physical evidence is a Class IV felony, except
22 that if such offense involves a pending criminal proceeding which alleges
23 a violation of another offense classified:
24 (a) As a Class II misdemeanor or a lower classification, the offense
25 is a Class I misdemeanor; or
26 (b) As a Class II felony or a higher classification, the offense is
27 a Class II felony.
28 Sec. 4. Section 29-1912, Reissue Revised Statutes of Nebraska, is
29 amended to read:
30 29-1912 (1) When a defendant is charged with a felony or when a
31 defendant is charged with a misdemeanor or a violation of a city or
32 village ordinance for which imprisonment is a possible penalty, he or she
33 may request the court where the case is to be tried, at any time after
34 the filing of the indictment, information, or complaint, to order the
35 prosecuting attorney to permit the defendant to inspect and copy or
36 photograph:
37 (a) The defendant's statement, if any. For purposes of this
38 subdivision, statement includes any of the following which relate to the
39 investigation of the underlying charge or charges in the case and which
40 were developed or received by law enforcement agencies:
41 (i) Written or recorded statements;
42 (ii) Written summaries of oral statements; and
43 (iii) The substance of oral statements means a written statement
44 made by the defendant and signed or otherwise adopted or approved by him
45 or her, or a stenographic, mechanical, electrical, or other recording, or
46 a transcription thereof, which is a substantially verbatim recital of an
47 oral statement made by the defendant to an agent of the prosecution,
48 state, or political subdivision thereof, and recorded contemporaneously
49 with the making of such oral statement;
50 (b) The defendant's prior criminal record, if any;
51 (c) The defendant's recorded testimony before a grand jury;
52 (d) The names and addresses of witnesses on whose evidence the
53 charge is based;
54 (e) The results and reports, in any form, of physical or mental
55 examinations, and of scientific tests, or experiments made in connection
with the particular case, or copies thereof;
26 (f) Documents, papers, books, accounts, letters, photographs, objects, or other tangible things of whatsoever kind or nature which could be used as evidence by the prosecuting authority;
29 (g) Reports developed or received by law enforcement agencies when such reports directly relate to the investigation of the underlying charge or charges in the case;
1 (h) The known criminal history of a jailhouse witness;
2 (i) Any deal, promise, inducement, or benefit that the prosecuting attorney or any person acting on behalf of the prosecuting attorney has knowingly made or may make in the future to the jailhouse witness;
3 (j) The specific statements allegedly made by the defendant against whom the jailhouse witness will testify and the time, place, and manner of the defendant's disclosures;
4 (k) The case name and jurisdiction of any criminal cases known to the prosecuting attorney in which a jailhouse witness testified about statements made by another criminal defendant that were disclosed to the jailhouse witness while he or she was a jailhouse witness and whether the jailhouse witness received any deal, promise, inducement, or benefit in exchange for or subsequent to such testimony; and
5 (l) Any occasion known to the prosecuting attorney in which the jailhouse witness recanted testimony about statements made by another criminal defendant that were disclosed to the jailhouse witness while he or she was a jailhouse witness and, if any are known, a transcript or copy of such recantation.

2 The court may issue such an order pursuant to the provisions of this section. In the exercise of its judicial discretion, the court shall consider, among other things, whether:
3 (a) The request is material to the preparation of the defense;
4 (b) The request is not made primarily for the purpose of harassing the prosecution or its witnesses;
5 (c) The request, if granted, would not unreasonably delay the trial of the offense and an earlier request by the defendant could not have reasonably been made;
6 (d) There is no substantial likelihood that the request, if granted, would preclude a just determination of the issues at the trial of the offense; or
7 (e) The request, if granted, would not result in the possibility of bodily harm to, or coercion of, witnesses.

3 (3) Whenever the court refuses to grant an order pursuant to the provisions of this section, it shall render its findings in writing together with the facts upon which the findings are based.

6 (4) Whenever the prosecuting attorney believes that the granting of an order under the provisions of this section will result in the possibility of bodily harm to witnesses or that witnesses will be coerced, the court may permit him or her to make such a showing in the form of a written statement to be inspected by the court alone. The statement shall be sealed and preserved in the records of the court to be
made available to the appellate court in the event of an appeal by the defendant. (5) For purposes of subdivisions (1)(g) through (k) of this section, jailhouse witness means a person in the physical custody of any jail or correctional institution as (a) an accused defendant, (b) a convicted defendant awaiting sentencing, or (c) a convicted defendant serving a sentence of incarceration, at the time the statements the jailhouse witness will testify about were disclosed. Sec. 5. Section 29-1914, Reissue Revised Statutes of Nebraska, is amended to read: 29-1914 Whenever an order is issued pursuant to the provisions of section 29-1912 or 29-1913, it shall be limited to items or information that: (1) Directly relate to the investigation of the underlying charge or charges in the case; (2) Are within the possession, custody, or control of the state or local subdivisions of government; and, the existence of which is known (3) Are known to exist by the prosecution or that, by the exercise of due diligence, may become known to the prosecution. Sec. 6. Section 29-1916, Reissue Revised Statutes of Nebraska, is amended to read: 29-1916 (1) Whenever the court issues an order pursuant to the provisions of sections 29-1912 and 29-1913, the court may condition its order by requiring the defendant to grant the prosecution like access to comparable items or information included within the defendant's request which: (a) Are in the possession, custody, or control of the defendant; (b) The defendant intends to produce at the trial; and (c) Are material to the preparation of the prosecution's case. (2) Whenever a defendant is granted an order under the provisions of sections 29-1912 to 29-1921, the defendant shall be deemed to have waived his privilege of self-incrimination for the purposes of the operation of the provisions of this section. Sec. 7. Section 29-1917, Reissue Revised Statutes of Nebraska, is amended to read: 29-1917 (1) Except as provided in section 29-1926, at any time after the filing of an indictment or information in a felony prosecution, the prosecuting attorney or the defendant may request the court to allow the taking of a deposition of any person other than the defendant who may be a witness in the trial of the offense. The court may order the taking of the deposition when it finds the testimony of the witness: (a) May be material or relevant to the issue to be determined at the trial of the offense; or (b) May be of assistance to the parties in the preparation of their respective cases. (2) An order granting the taking of a deposition shall include the time and place for taking such deposition and such other conditions as the court determines to be just. (3) The proceedings in taking the deposition of a witness pursuant
30 to this section and returning it to the court shall be governed in all
31 respects as the taking of depositions in civil cases, including section
1 25-1223.
2 (4) A deposition taken pursuant to this section may be used at the
3 trial by any party solely for the purpose of contradicting or impeaching
4 the testimony of the deponent as a witness.
5 Sec. 8. Section 29-1918, Reissue Revised Statutes of Nebraska, is
6 amended to read:
7 29-1918 If, subsequent to compliance with an order for discovery
8 under the provisions of sections 29-1912 to 29-1921, and prior to or
9 during trial, a party discovers additional material which the party be
10 would have been under a duty to disclose or produce at the time of such
11 previous compliance, the party be shall promptly notify the other party
12 or the other party's his attorney and the court of the existence of the
13 additional material. Such notice shall be given at the time of the
14 discovery of such additional material.
15 Sec. 9. Section 29-1919, Reissue Revised Statutes of Nebraska, is
16 amended to read:
17 29-1919 If, at any time during the course of the proceedings it is
18 brought to the attention of the court that a party has failed to comply
19 with the provisions of sections 29-1912 to 29-1921 or an order issued
20 pursuant to the provisions of sections 29-1912 to 29-1921, the court may:
21 (1) Order such party to permit the discovery or inspection of
22 materials not previously disclosed;
23 (2) Grant a continuance;
24 (3) Prohibit the party from calling a witness not disclosed or
25 introducing in evidence the material not disclosed; or
26 (4) Enter such other order as it deems just under the circumstances.
27 Sec. 10. Section 29-1923, Reissue Revised Statutes of Nebraska, is
28 amended to read:
29 29-1923 If, subsequent to compliance with an order issued pursuant
30 to section 29-1922, and prior to or during trial, the prosecuting
31 authority discovers any additional statement made by the defendant or the
1 name of any eyewitness who has identified the defendant at a lineup or
2 showup previously requested or ordered which is subject to discovery or
3 inspection under section 29-1922, he or she shall promptly notify the
4 defendant or his or her attorney or the court of the existence of this
5 additional material. Such notice shall be given at the time of the
6 discovery of such additional material. If at any time during the course
7 of the proceedings it is brought to the attention of the court that the
8 prosecuting authority has failed to comply with this section or with an
9 order issued pursuant to section 29-1922, the court may order the
10 prosecuting authority to permit the discovery or inspection of materials
11 or witnesses not previously disclosed, grant a continuance, or prohibit
12 the prosecuting authority from introducing in evidence the material or
13 the testimony of the witness or witnesses not disclosed, or it may enter
14 such other order as it deems just under the circumstances.
15 Sec. 11. Section 29-1924, Reissue Revised Statutes of Nebraska, is
16 amended to read:
For purposes of The term statement as used in sections
18 29-1922 and 29-1923, statement made by the defendant includes any of the
19 following statements made by the defendant which relate to the
20 investigation of the underlying charge or charges in the case and which
21 were developed or received by law enforcement agencies:
22 (1) Written or recorded statements;
23 (2) Written summaries of oral statements; and
24 (3) The substance of oral statements shall mean (1) a written
25 statement made by such defendant and signed or otherwise adopted or
26 approved by him or her; or (2) a stenographic, mechanical, electrical, or
27 other recording, or a transcription thereof, which is a substantially
28 verbatim recital of an oral statement made by such defendant to a peace
29 officer or prosecuting authority and recorded contemporaneously with the
30 making of such oral statement.
31 Sec. 12.  Original sections 28-916.01, 28-919, 28-922, 29-1912,
1 29-1914, 29-1916, 29-1917, 29-1918, 29-1919, 29-1923, and 29-1924,
2 Reissue Revised Statutes of Nebraska, are repealed.

(Signed) Steve Lathrop, Chairperson

ANNOUNCEMENT(S)

Priority designation(s) received:

Urban Affairs - LB492
Business and Labor - LB418
Education - LB147
Education - LB675
Lindstrom - LB610
DeBoer - LB680
Brandt - LB657
M. Hansen - LB433

MOTION(S) - Confirmation Report(s)

Senator Hughes moved the adoption of the Natural Resources Committee
report for the confirmation of the following appointment(s) found on pages
888 and 889:
Niobrara Council
  Jason D. Appelt
  Lana S. Arrowsmith
  Dallas D. Dodson
  Mary L. Mercure

Voting in the affirmative, 31:
The appointments were confirmed with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

Senator Hughes moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 888:

- Nebraska Ethanol Board
  - Michael S. Thede

Voting in the affirmative, 30:

- Albrecht, Crawford
- Arch, DeBoer
- Bolz, Dorn
- Bostelman, Erdman
- Briese, Geist
- Cavanaugh, Gragert
- Clements, Hansen, M.
- Blood, Chambers
- Brandt, Friesen
- Brewer, Groene
- Excused and not voting, 6:
  - Halloran, Morfeld
  - Howard, Pansing

Voting in the negative, 0.

Present and not voting, 13:

- Bolz, Chambers
- Brandt, Erdman
- Cavanaugh, Groene
- Excused and not voting, 7:
  - Halloran, McCollister
  - Howard, Morfeld
The appointment was confirmed with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Senator Briese moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 889:
   Nebraska Liquor Control Commission
   Harry Hoch

Voting in the affirmative, 31:

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<td>Clements</td>
<td>Gragert</td>
<td>La Grone</td>
<td>Quick</td>
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Voting in the negative, 0.

Present and not voting, 12:

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<td>Slama</td>
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<td>Stinner</td>
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<tr>
<td>Brandt</td>
<td>Hansen, M.</td>
<td>Lindstrom</td>
<td>Vargas</td>
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Excused and not voting, 6:

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<tbody>
<tr>
<td>Halloran</td>
<td>Morfeld</td>
<td>Scheer</td>
</tr>
<tr>
<td>Kolterman</td>
<td>Pansing Brooks</td>
<td>Wishart</td>
</tr>
</tbody>
</table>

The appointment was confirmed with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

**ANNOUNCEMENT(S)**

Priority designation(s) received:

- Business and Labor - LB428
- Dorn - LB472
- Howard - LB556
- Health and Human Services - LB460
- Health and Human Services - LB468
- Crawford - LB323
- La Grone - LB470
- Geist - LB252
NOTICE OF COMMITTEE HEARING(S)
Health and Human Services

Room 1510

Thursday, March 28, 2019 1:30 p.m.

Alysson R. Muotri - Stem Cell Research Advisory Committee
LB489
LB645
LB245

(Signed) Sara Howard, Chairperson

GENERAL FILE

LEGISLATIVE BILL 311. Title read. Considered.

Committee AM570, found on page 782, was offered.

Pending.

COMMITTEE REPORT(S)
Revenue

LEGISLATIVE BILL 86. Placed on General File with amendment.
AM792
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 18-2101, Revised Statutes Cumulative Supplement,
4 2018, is amended to read:
5 18-2101 Sections 18-2101 to 18-2154 and section 2 of this act shall
6 be known and may be cited as the Community Development Law.
7 Sec. 2. (1) For any city that (a) intends to carry out a
8 redevelopment project which will involve the construction of workforce
9 housing in an extremely blighted area as authorized under subdivision
10 (28)(g) of section 18-2103 or (b) intends to declare an area as an
11 extremely blighted area for purposes of funding decisions under
12 subdivision (1)(b) of section 58-708, the governing body of such city
13 shall first declare, by resolution adopted after the public hearings
14 required under this section, such area to be an extremely blighted area.
15 (2) Prior to making such declaration, the governing body of the city
16 shall conduct or cause to be conducted a study or an analysis on whether
17 the area is extremely blighted and shall submit the question of whether
18 such area is extremely blighted to the planning commission or board of
19 the city for its review and recommendation. The planning commission or
20 board shall hold a public hearing on the question after giving notice of
21 the hearing as provided in section 18-2115.01. Such notice shall include
22 a map of sufficient size to show the area to be declared extremely
23 blighted or information on where to find such map and shall provide
24 information on where to find copies of the study or analysis conducted
25 pursuant to this subsection. The planning commission or board shall
26 submit its written recommendations to the governing body of the city
27 within thirty days after the public hearing.
1. (3) Upon receipt of the recommendations of the planning commission
2 or board, or if no recommendations are received within thirty days after
3 the public hearing required under subsection (2) of this section, the
4 governing body shall hold a public hearing on the question of whether the
5 area is extremely blighted after giving notice of the hearing as provided
6 in section 18-2115.01. Such notice shall include a map of sufficient size
7 to show the area to be declared extremely blighted or information on
8 where to find such map and shall provide information on where to find
9 copies of the study or analysis conducted pursuant to subsection (2) of
10 this section. At the public hearing, all interested parties shall be
11 afforded a reasonable opportunity to express their views respecting the
12 proposed declaration. After such hearing, the governing body of the city
13 may make its declaration.
14 (4) Copies of each study or analysis conducted pursuant to
15 subsection (2) of this section shall be posted on the city's public web
16 site or made available for public inspection at a location designated by
17 the city.
18 (5) The study or analysis required under subsection (2) of this
19 section may be conducted in conjunction with the study or analysis
20 required under section 18-2109. The hearings required under this section
21 may be held in conjunction with the hearings required under section
22 18-2109.
23 Sec. 3. Section 18-2115.01, Revised Statutes Cumulative Supplement,
24 2018, is amended to read:
25 18-2115.01 (1) Public notice of any hearing required under section
26 18-2109 or 18-2115 or section 2 of this act shall be given by publication
27 at least once a week for two consecutive weeks in a legal newspaper in or
28 of general circulation in the community. The time of the hearing shall be
29 at least ten days from the last publication.
30 (2)(a) Notice of any hearing required under section 18-2109 or
31 18-2115 or section 2 of this act shall be given to neighborhood
1 associations that have registered under subsection (5) of this section as
2 follows:
3 (i) For a hearing under section 18-2109, notice shall be given to
4 each registered neighborhood association whose area of representation is
5 located in whole or in part within a one-mile radius of the area to be
6 declared substandard and blighted; and
7 (ii) For a hearing under section 2 of this act, notice shall be
8 given to each registered neighborhood association whose area of
9 representation is located in whole or in part within a one-mile radius of
10 the area to be declared extremely blighted; and
11 (iii) For a hearing under section 18-2115, notice shall be
12 given to each registered neighborhood association whose area of
13 representation is located in whole or in part within a one-mile radius of
14 the area to be redeveloped.
15 (b) Notice under this subsection shall be given at least ten days
16 prior to the hearing in the manner requested by the neighborhood
17 association. The notice shall be deemed given on the date it is sent.
18 (3)(a) Notice of any hearing required under section 18-2109 or
19 18-2115 or section 2 of this act shall be given to political subdivisions
20 as follows:
21 (i) For a hearing under section 18-2109, notice shall be given to
22 the president or chairperson of the governing body of each county, school
23 district, community college area, educational service unit, and natural
24 resources district in which the real property to be declared substandard
25 and blighted is located; and
26 (ii) For a hearing under section 2 of this act, notice shall be
27 given to the president or chairperson of the governing body of each
28 county, school district, community college area, educational service
29 unit, and natural resources district in which the real property to be
30 declared extremely blighted is located; and
31 (iii) For a hearing under section 18-2115, notice shall be
1 given to the president or chairperson of the governing body of each
2 county, school district, community college area, educational service
3 unit, and natural resources district in which the real property subject
4 to the redevelopment plan or substantial modification thereof is located.
5 (b) Notice under this subsection shall be given at least ten days
6 prior to the hearing by certified mail, return receipt requested. The
7 notice shall be deemed given on the date it is mailed by certified mail.
8 (4) All notices given under this section shall describe the time,
9 date, place, and purpose of the hearing.
10 (5) Each neighborhood association desiring to receive notice of any
11 hearing required under section 18-2109 or 18-2115 or section 2 of this
12 act shall register with the city's planning department or, if there is no
13 planning department, with the city clerk. The registration shall include
14 a description of the area of representation of the association, the name
15 of and contact information for the individual designated by the
16 association to receive the notice on its behalf, and the requested manner
17 of service, whether by email, first-class mail, or certified mail.
18 Registration of the neighborhood association for purposes of this section
19 shall be accomplished in accordance with such other rules and regulations
20 as may be adopted and promulgated by the city.
21 Sec. 4. Section 18-2117.04, Revised Statutes Cumulative Supplement,
22 2018, is amended to read:
23 18-2117.04 (1) On and after October 1, 2018, each city that has
24 approved one or more redevelopment plans or redevelopment projects that
25 are financed in whole or in part through the division of taxes as
26 provided in section 18-2147 shall retain copies of (a) all such
27 redevelopment plans and (b) all supporting documents associated with the
28 redevelopment plans or redevelopment projects, and with any related
29 substandard and blighted declaration under section 18-2109, and with any
30 related extremely blighted declaration under section 2 of this act that
31 are received or generated by the city.
1 (2) The city shall retain the redevelopment plans and supporting
documents described in subsection (1) of this section for the period of
time required under any applicable records retention schedule adopted
under the Records Management Act or for three years following the end of
the last fiscal year in which ad valorem taxes are divided, whichever
period is longer.
7 (3) For purposes of this section, supporting document includes any
substandard and blighted study or analysis conducted pursuant to section
18-2109, any extremely blighted study or analysis conducted pursuant to
section 2 of this act, any cost-benefit analysis conducted pursuant to
section 18-2113, and any invoice, receipt, claim, or contract received or
generated by the city that provides support for receipts or payments
associated with the redevelopment plan or redevelopment project.
14 Sec. 5. Section 58-708, Revised Statutes Cumulative Supplement,
15 2018, is amended to read:
16 58-708 (1) During each calendar year in which funds are available
17 from the Affordable Housing Trust Fund for use by the Department of
18 Economic Development, the department shall make its best efforts to
19 allocate not less than thirty percent of such funds to each congressional
20 district. The department shall announce a grant and loan application
21 period of at least ninety days duration for all projects. In selecting
22 projects to receive trust fund assistance, the department shall develop a
23 qualified allocation plan and give first priority to financially viable
24 projects that serve the lowest income occupants for the longest period of
25 time. The qualified allocation plan shall:
26 (a) Set forth selection criteria to be used to determine housing
priorities of the housing trust fund which are appropriate to local
27 conditions, including the community's immediate need for affordable
28 housing, proposed increases in home ownership, private dollars leveraged,
29 level of local government support and participation, and repayment, in
30 part or in whole, of financial assistance awarded by the fund; and
1 (b) Give first priority in allocating trust fund assistance among
2 selected projects to those projects which are located in whole or in part
3 within an enterprise zone designated pursuant to the Enterprise Zone Act,
4 serve the lowest income occupant, are located in an area that has been
declared an extremely blighted area under section 2 of this act, and are
6 obligated to serve qualified occupants for the longest period of time.
7 (2) The department shall fund in order of priority as many
8 applications as will utilize available funds less actual administrative
9 costs of the department in administering the program. In administering
10 the program the department may contract for services or directly provide
11 funds to other governmental entities or instrumentalities.
12 (3) The department may recapture any funds which were allocated to a
13 qualified recipient for an eligible project through an award agreement if
14 such funds were not utilized for eligible costs within the time of
15 performance under the agreement and are therefor no longer obligated to
16 the project. The recaptured funds shall be credited to the Affordable
17 Housing Trust Fund.
18 Sec. 6. Original sections 18-2101, 18-2115.01, 18-2117.04, and
19 58-708, Revised Statutes Cumulative Supplement, 2018, are repealed.

**LEGISLATIVE BILL 88.** Placed on General File with amendment.

**AM791**

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

   Section 1. Section 18-2101, Revised Statutes Cumulative Supplement, 2018, is amended to read:

   18-2101 Sections 18-2101 to 18-2154 and section 2 of this act shall be known and may be cited as the Community Development Law.

   Sec. 2. (1) For any city that (a) intends to carry out a redevelopment project which will involve the construction of workforce housing in an extremely blighted area as authorized under subdivision 18(28)(g) of section 77-2715.07, the governing body of such city must first declare, by resolution adopted after the public hearings required under this section, such area to be an extremely blighted area.

   (2) Prior to making such declaration, the governing body of the city shall conduct or cause to be conducted a study or an analysis on whether the area is extremely blighted and shall submit the question of whether such area is extremely blighted to the planning commission or board of the city for its review and recommendation. The planning commission or board shall hold a public hearing on the question after giving notice of the hearing as provided in section 18-2115.01. Such notice shall include a map of sufficient size to show the area to be declared extremely blighted or information on where to find such map and shall provide information on where to find copies of the study or analysis conducted pursuant to this subsection. The planning commission or board shall submit its written recommendations to the governing body of the city within thirty days after the public hearing.

   (3) Upon receipt of the recommendations of the planning commission or board, or if no recommendations are received within thirty days after the public hearing required under subsection (2) of this section, the governing body shall hold a public hearing on the question of whether the area is extremely blighted after giving notice of the hearing as provided in section 18-2115.01. Such notice shall include a map of sufficient size to show the area to be declared extremely blighted or information on where to find such map and shall provide information on where to find copies of the study or analysis conducted pursuant to subsection (2) of this section. At the public hearing, all interested parties shall be afforded a reasonable opportunity to express their views respecting the proposed declaration. After such hearing, the governing body of the city may make its declaration.

   (4) Copies of each study or analysis conducted pursuant to subsection (2) of this section shall be posted on the city’s public website or made available for public inspection at a location designated by the city.
19 (5) The study or analysis required under subsection (2) of this
20 section may be conducted in conjunction with the study or analysis
21 required under section 18-2109. The hearings required under this section
22 may be held in conjunction with the hearings required under section
23 18-2109.
24 Sec. 3. Section 18-2115.01, Revised Statutes Cumulative Supplement,
25 2018, is amended to read:
26 18-2115.01 (1) Public notice of any hearing required under section
27 18-2109 or 18-2115 or section 2 of this act shall be given by publication
28 at least once a week for two consecutive weeks in a legal newspaper in or
29 of general circulation in the community. The time of the hearing shall be
30 at least ten days from the last publication.
31 (2)(a) Notice of any hearing required under section 18-2109 or
32 18-2115 or section 2 of this act shall be given to neighborhood
33 associations that have registered under subsection (5) of this section as
34 follows:
35 (i) For a hearing under section 18-2109, notice shall be given to
36 each registered neighborhood association whose area of representation is
37 located in whole or in part within a one-mile radius of the area to be
38 declared substandard and blighted; and
39 (ii) For a hearing under section 18-2115, notice shall be
40 given to each registered neighborhood association whose area of
41 representation is located in whole or in part within a one-mile radius of
42 the area to be redeveloped.
43 (b) Notice under this subsection shall be given at least ten days
44 prior to the hearing in the manner requested by the neighborhood
45 association. The notice shall be deemed given on the date it is sent.
46 (3)(a) Notice of any hearing required under section 18-2109 or
47 18-2115 or section 2 of this act shall be given to political subdivisions
48 as follows:
49 (i) For a hearing under section 18-2109, notice shall be given to
50 the president or chairperson of the governing body of each county, school
51 district, community college area, educational service unit, and natural
52 resources district in which the real property to be declared substandard
53 and blighted is located; and
54 (ii) For a hearing under section 2 of this act, notice shall be
55 given to the president or chairperson of the governing body of each
56 county, school district, community college area, educational service
57 unit, and natural resources district in which the real property subject
58 to the redevelopment plan or substantial modification thereof is located.
6 (b) Notice under this subsection shall be given at least ten days prior to the hearing by certified mail, return receipt requested. The notice shall be deemed given on the date it is mailed by certified mail.

9 (4) All notices given under this section shall describe the time, date, place, and purpose of the hearing.

11 (5) Each neighborhood association desiring to receive notice of any hearing required under section 18-2109 or 18-2115 or section 2 of this act shall register with the city's planning department or, if there is no planning department, with the city clerk. The registration shall include a description of the area of representation of the association, the name and contact information for the individual designated by the association to receive the notice on its behalf, and the requested manner of service, whether by email, first-class mail, or certified mail.

19 Registration of the neighborhood association for purposes of this section shall be accomplished in accordance with such other rules and regulations as may be adopted and promulgated by the city.

22 Sec. 4. Section 18-2117.04, Revised Statutes Cumulative Supplement, 2018, is amended to read:

24 (1) On and after October 1, 2018, each city that has approved one or more redevelopment plans or redevelopment projects that are financed in whole or in part through the division of taxes as provided in section 18-2147 shall retain copies of (a) all such redevelopment plans and (b) all supporting documents associated with the redevelopment plans or redevelopment projects, and with any substandard and blighted declaration under section 18-2109, and with any related extremely blighted declaration under section 2 of this act that are received or generated by the city.

26 (2) The city shall retain the redevelopment plans and supporting documents described in subsection (1) of this section for the period of time required under any applicable records retention schedule adopted under the Records Management Act or for three years following the end of the last fiscal year in which ad valorem taxes are divided, whichever period is longer.

8 (3) For purposes of this section, supporting document includes any substandard and blighted study or analysis conducted pursuant to section 2 of this act, any cost-benefit analysis conducted pursuant to section 18-2113, and any invoice, receipt, claim, or contract received or generated by the city that provides support for receipts or payments associated with the redevelopment plan or redevelopment project.

15 Sec. 5. Section 77-2715.07, Reissue Revised Statutes of Nebraska, is amended to read:

17 (1) There shall be allowed to qualified resident individuals as a nonrefundable credit against the income tax imposed by the Nebraska Revenue Act of 1967:

20 (a) A credit equal to the federal credit allowed under section 22 of the Internal Revenue Code; and

22 (b) A credit for taxes paid to another state as provided in section 77-2730.
24 (2) There shall be allowed to qualified resident individuals against
25 the income tax imposed by the Nebraska Revenue Act of 1967:
26 (a) For returns filed reporting federal adjusted gross incomes of
27 greater than twenty-nine thousand dollars, a nonrefundable credit equal
28 to twenty-five percent of the federal credit allowed under section 21 of
29 the Internal Revenue Code of 1986, as amended, except that for taxable
30 years beginning or deemed to begin on or after January 1, 2015, such
31 nonrefundable credit shall be allowed only if the individual would have
1 received the federal credit allowed under section 21 of the code after
2 adding back in any carryforward of a net operating loss that was deducted
3 pursuant to such section in determining eligibility for the federal
4 credit;
5 (b) For returns filed reporting federal adjusted gross income of
6 twenty-nine thousand dollars or less, a refundable credit equal to a
7 percentage of the federal credit allowable under section 21 of the
8 Internal Revenue Code of 1986, as amended, whether or not the federal
9 credit was limited by the federal tax liability. The percentage of the
10 federal credit shall be one hundred percent for incomes not greater than
11 twenty-two thousand dollars, and the percentage shall be reduced by ten
12 percent for each one thousand dollars, or fraction thereof, by which the
13 reported federal adjusted gross income exceeds twenty-two thousand
14 dollars, except that for taxable years beginning or deemed to begin on or
15 after January 1, 2015, such refundable credit shall be allowed only if
16 the individual would have received the federal credit allowed under
17 section 21 of the code after adding back in any carryforward of a net
18 operating loss that was deducted pursuant to such section in determining
19 eligibility for the federal credit;
20 (c) A refundable credit as provided in section 77-5209.01 for
21 individuals who qualify for an income tax credit as a qualified beginning
22 farmer or livestock producer under the Beginning Farmer Tax Credit Act
23 for all taxable years beginning or deemed to begin on or after January 1,
24 2006, under the Internal Revenue Code of 1986, as amended;
25 (d) A refundable credit for individuals who qualify for an income
26 tax credit under the Angel Investment Tax Credit Act, the Nebraska
27 Advantage Microenterprise Tax Credit Act, the Nebraska Advantage Research
28 and Development Act, or the Volunteer Emergency Responders Incentive Act;
29 and
30 (e) A refundable credit equal to ten percent of the federal credit
31 allowed under section 32 of the Internal Revenue Code of 1986, as
1 amended, except that for taxable years beginning or deemed to begin on or
2 after January 1, 2015, such refundable credit shall be allowed only if
3 the individual would have received the federal credit allowed under
4 section 32 of the code after adding back in any carryforward of a net
5 operating loss that was deducted pursuant to such section in determining
6 eligibility for the federal credit.
7 (3) There shall be allowed to all individuals as a nonrefundable
8 credit against the income tax imposed by the Nebraska Revenue Act of
9 1967:
10 (a) A credit for personal exemptions allowed under section
11 77-2716.01;
12 (b) A credit for contributions to certified community betterment
13 programs as provided in the Community Development Assistance Act. Each
14 partner, each shareholder of an electing subchapter S corporation, each
15 beneficiary of an estate or trust, or each member of a limited liability
16 company shall report his or her share of the credit in the same manner
17 and proportion as he or she reports the partnership, subchapter S
18 corporation, estate, trust, or limited liability company income;
19 (c) A credit for investment in a biodiesel facility as provided in
20 section 77-27,236;
21 (d) A credit as provided in the New Markets Job Growth Investment
22 Act;
23 (e) A credit as provided in the Nebraska Job Creation and Mainstreet
24 Revitalization Act;
25 (f) A credit to employers as provided in section 77-27,238; and
26 (g) A credit as provided in the Affordable Housing Tax Credit Act.

27 (4) There shall be allowed as a credit against the income tax
28 imposed by the Nebraska Revenue Act of 1967:
29 (a) A credit to all resident estates and trusts for taxes paid to
30 another state as provided in section 77-2730;
31 (b) A credit to all estates and trusts for contributions to
1 certified community betterment programs as provided in the Community
2 Development Assistance Act; and
3 (c) A refundable credit for individuals who qualify for an income
4 tax credit as an owner of agricultural assets under the Beginning Farmer
5 Tax Credit Act for all taxable years beginning or deemed to begin on or
6 after January 1, 2009, under the Internal Revenue Code of 1986, as
7 amended. The credit allowed for each partner, shareholder, member, or
8 beneficiary of a partnership, corporation, limited liability company, or
9 estate or trust qualifying for an income tax credit as an owner of
10 agricultural assets under the Beginning Farmer Tax Credit Act shall be
11 equal to the partner's, shareholder's, member's, or beneficiary's portion
12 of the amount of tax credit distributed pursuant to subsection (4) of
13 section 77-5211.
14 (5)(a) For all taxable years beginning on or after January 1, 2007,
15 and before January 1, 2009, under the Internal Revenue Code of 1986, as
16 amended, there shall be allowed to each partner, shareholder, member, or
17 beneficiary of a partnership, subchapter S corporation, limited liability
18 company, or estate or trust a nonrefundable credit against the income tax
19 imposed by the Nebraska Revenue Act of 1967 equal to fifty percent of the
20 partner's, shareholder's, member's, or beneficiary's portion of the
21 amount of franchise tax paid to the state under sections 77-3801 to
22 77-3807 by a financial institution.
23 (b) For all taxable years beginning on or after January 1, 2009,
24 under the Internal Revenue Code of 1986, as amended, there shall be
25 allowed to each partner, shareholder, member, or beneficiary of a
26 partnership, subchapter S corporation, limited liability company, or
27 estate or trust a nonrefundable credit against the income tax imposed by
28 the Nebraska Revenue Act of 1967 equal to the partner's, shareholder's,
29 member's, or beneficiary's portion of the amount of franchise tax paid to
30 the state under sections 77-3801 to 77-3807 by a financial institution.
31 (c) Each partner, shareholder, member, or beneficiary shall report
1 his or her share of the credit in the same manner and proportion as he or
2 she reports the partnership, subchapter S corporation, limited liability
3 company, or estate or trust income. If any partner, shareholder, member,
4 or beneficiary cannot fully utilize the credit for that year, the credit
5 may not be carried forward or back.
6 (6) There shall be allowed to all individuals nonrefundable credits
7 against the income tax imposed by the Nebraska Revenue Act of 1967 as
8 provided in section 77-3604 and refundable credits against the income tax
9 imposed by the Nebraska Revenue Act of 1967 as provided in section
10 77-3605.
11 (7)(a) For taxable years beginning or deemed to begin on or after
12 January 1, 2020, and before January 1, 2026, under the Internal Revenue
13 Code of 1986, as amended, a nonrefundable credit against the income tax
14 imposed by the Nebraska Revenue Act of 1967 in the amount of five
15 thousand dollars shall be allowed to any individual who purchases a
16 residence during the taxable year if such residence:
17 (i) Is located within an area that has been declared an extremely
18 blighted area under section 2 of this act;
19 (ii) Is the individual's primary residence; and
20 (iii) Was not purchased from a family member of the individual or a
21 family member of the individual's spouse.
22 (b) The credit provided in this subsection shall be claimed for the
23 taxable year in which the residence is purchased. If the individual
24 cannot fully utilize the credit for such year, the credit may be carried
25 forward to subsequent taxable years until fully utilized.
26 (c) No more than one credit may be claimed under this subsection
27 with respect to a single residence.
28 (d) The credit provided in this subsection shall be subject to
29 recapture by the Department of Revenue if the individual claiming the
30 credit sells or otherwise transfers the residence or quits using the
31 residence as his or her primary residence within five years after the end
1 of the taxable year in which the credit was claimed.
2 (e) For purposes of this subsection, family member means an
3 individual's spouse, child, parent, brother, sister, grandchild, or
4 grandparent, whether by blood, marriage, or adoption.
5 Sec. 6. Original section 77-2715.07, Reissue Revised Statutes of
6 Nebraska, and sections 18-2101, 18-2115.01, and 18-2117.04, Revised
7 Statutes Cumulative Supplement, 2018, are repealed.

LEGISLATIVE BILL 310. Placed on General File with amendment.
AM739
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 77-2906, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 77-2906  (1)(a) (1) Within twelve months after the date on which the
6 historically significant real property is placed in service, a person
7 whose application was approved under section 77-2905 shall file a request
8 for final approval containing all required information with the officer
9 on a form prescribed by the officer and shall include a fee established
10 by the officer pursuant to section 77-2907. The officer shall then
11 determine whether the work substantially conforms to the application
12 approved under section 77-2905. If the work substantially conforms and no
13 other significant improvements have been made to the historically
14 significant real property that do not substantially comply with the
15 standards, the officer shall approve the request for final approval and
16 refer the application to the department to determine the amount of
17 eligible expenditures, calculate the amount of the credit, and issue a
18 certificate to the person evidencing the credit. If the work does not
19 substantially conform to the approved application or if other significant
20 improvements have been made to the historically significant real property
21 that do not substantially comply with the standards, the officer shall
22 deny the request for final approval and provide the person with a written
23 explanation of the decision. The officer shall make a determination on
24 the request for final approval in writing within thirty days after the
25 filing of the request. If the officer does not make a determination
26 within thirty days after the filing of the request, the request shall be
27 deemed approved and the person may petition the department directly to
1 determine the amount of eligible expenditures, calculate the amount of
2 the credit, and issue a certificate evidencing the credit.
3 (b) The department shall determine the amount of eligible
4 expenditures, calculate the amount of the credit, and issue one or more
5 certificates evidencing the credit within sixty days after referral of
6 the application to the department by the officer or the filing of a
7 petition pursuant to subdivision (1)(a) of this section. The person
8 filing the request for final approval and the department may also agree
9 to extend the sixty-day period, but such extension shall not exceed an
10 additional thirty days. If the department does not determine the amount
11 of eligible expenditures, calculate the amount of the credit, and issue
12 one or more certificates evidencing the credit within such sixty-day
13 period or agreed-upon longer period, the credit shall be deemed to have
14 been issued by the department for the amount requested in such person’s
15 request for final approval, except that such amount shall not exceed one
16 hundred ten percent of the amount of credits allocated by the officer
17 under section 77-2905 and such amount shall not increase or decrease the
18 total amount of credits that may be allocated by the officer under
19 section 77-2905 in any calendar year.
20 (c) Any denial of a request for final approval by the officer or any
21 determination of the amount of eligible expenditures or calculation of
22 the amount of the credit by the department pursuant to this section may
23 be appealed, and the appeal shall be in accordance with the
24 Administrative Procedure Act.
25 (2) The department shall divide the credit and issue multiple
26 certificates to a person who qualifies for the credit upon reasonable
27 request.
28 (3) In calculating the amount of the credits to be issued pursuant to this section, the department may issue credits in an amount that differs from the amount of credits allocated by the officer under section 77-2905 if such credits are supported by eligible expenditures as determined by the department, except that the department shall not issue credits in an amount exceeding one hundred ten percent of the amount of credits allocated by the officer under section 77-2905. If the amount of credits to be issued under this section is more than the amount of credits allocated by the officer pursuant to section 77-2905, the department shall notify the officer of the difference and such amount shall be subtracted from the annual amount available for allocation under section 77-2905. If the amount of credits to be issued under this section is less than the amount of credits allocated by the officer pursuant to section 77-2905, the department shall notify the officer of the difference and such amount shall be added to the annual amount available for allocation under section 77-2905.

13 (4) The department shall not issue any certificates for credits under this section until the recipient of the credit has paid to the department:

(a) A fee equal to one-quarter of one percent of the credit amount. The department shall remit such fees to the State Treasurer for credit to the Civic and Community Center Financing Fund; and

(b) A fee equal to two hundred seventy-five thousandths of one percent of the credit amount. The department shall retain such fee to offset the cost of processing applications for credits under this section.

23 (5) If the recipient of the credit is (a) a corporation having an election in effect under subchapter S of the Internal Revenue Code of 1986, as amended, (b) a partnership, or (c) a limited liability company, the credit may be claimed by the shareholders of the corporation, the partners of the partnership, or the members of the limited liability company in the same manner as those shareholders, partners, or members account for their proportionate shares of the income or losses of the corporation, partnership, or limited liability company, or as provided in the bylaws or other executed agreement of the corporation, partnership, or limited liability company. Credits granted to a partnership, a limited liability company taxed as a partnership, or other multiple owners of property shall be passed through to the partners, members, or owners, respectively, on a pro rata basis or pursuant to an executed agreement among the partners, members, or owners documenting any alternate distribution method.

7 (6) Subject to section 77-2912, any credit amount that is unused may be carried forward to subsequent tax years until fully utilized.

9 (7) Credits allowed under this section may be claimed for taxable years beginning or deemed to begin on or after January 1, 2015, under the Internal Revenue Code of 1986, as amended.

Sec. 2. Original section 77-2906, Reissue Revised Statutes of Nebraska, is repealed.
LESLIATIVE BILL 316. Placed on General File with amendment.

AM778

I. Strike the original sections and insert the following new section:

Section 1. (1) For purposes of this section:

(a) Contracted pharmacy means a pharmacy located in this state that participates either in the network of a pharmacy benefit manager or in a health care or pharmacy benefits management plan through a direct contract or through a contract with a pharmacy services administration organization, a group purchasing organization, or another contracting agent;

(b) Covered entity means (i) a nonprofit hospital or medical services corporation, an insurer, a third-party payor, a managed care company, or a health maintenance organization, (ii) a health program administered by the state in the capacity of provider of health insurance coverage, or (iii) an employer, a labor union, or any other group of persons organized in the state that provides health insurance coverage;

(c) Covered individual means a member, participant, enrollee, contract holder, policyholder, or beneficiary of a covered entity who is provided health insurance coverage by the covered entity and includes a dependent or other person provided health insurance coverage through a policy, contract, or plan for a covered individual;

(d)(i) Insurer means any person providing life insurance, sickness and accident insurance, workers' compensation insurance, or annuities in this state.

(ii) Insurer includes an authorized insurance company, a prepaid hospital or medical care plan, a managed care plan, a health maintenance organization, any other person providing a plan of insurance subject to state insurance regulation, and an employer who is approved by the Nebraska Workers' Compensation Court as a self-covered entity;

(e) Pharmacist has the same meaning as in section 38-2832;

(f) Pharmacy has the same meaning as in section 71-425;

(g) Pharmacy benefit manager means a person or an entity that performs pharmacy benefits management services for a covered entity and includes any other person or entity acting on behalf of a pharmacy benefit manager pursuant to a contractual or employment relationship;

(h) Pharmacy benefits management means the administration or management of prescription drug benefits provided by a covered entity under the terms and conditions of the contract between the pharmacy benefit manager and the covered entity; and

(i) Prescription drug means a prescription drug or device or legend drug or device as defined in section 38-2841.

(2) A pharmacist or contracted pharmacy shall not be prohibited from or subject to penalties or removal from a network or plan for sharing information regarding the cost, price, or copayment of a prescription
17 drug with a covered individual or a covered individual’s caregiver. A
18 pharmacy benefit manager shall not prohibit or inhibit a pharmacist or
19 contracted pharmacy from discussing any such information or selling a
20 more affordable alternative to a covered individual or a covered
21 individual’s caregiver.
22 (3) An insurer that offers a health plan which covers prescription
23 drugs shall not require a covered individual to make a payment for a
24 prescription drug at the point of sale in an amount that exceeds the
25 lesser of:
26 (a) The covered individual’s copayment, deductible, or coinsurance
27 for such prescription drug; or
28 (b) The amount any individual would pay for such prescription drug
29 if that individual paid in cash.

LEGALISITIVE BILL 573. Indefinitely postponed.

(Signed) Matt Williams, Chairperson

ANNOUNCEMENT(S)

Priority designation(s) received:

Hilgers - LB616
Lowe - LB153
Banking, Commerce and Insurance - LB316
Banking, Commerce and Insurance - LB603
Natural Resources - LB177
Transportation and Telecommunications - LB184
Transportation and Telecommunications - LB462
Halloran - LB693

RESOLUTION(S)

LEGALISITIVE RESOLUTION 45. Introduced by Bostelman, 23.

WHEREAS, the Bishop Neumann High School girls' basketball team won
the 2019 Class C-1 Girls State Basketball Championship; and
WHEREAS, the Bishop Neumann Cavaliers defeated the Lincoln
Christian Crusaders in the championship game by a score of 45-29; and
WHEREAS, this is the Cavaliers' first state title in girls' basketball since
2010; and
WHEREAS, head coach Jason Simons provided the leadership to cap a
winning season with a state championship; and
WHEREAS, the Legislature recognizes the academic, athletic, and artist
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 Bishop Neumann High School girls’ basketball team on winning the 2019 Class C-1 Girls State Basketball Championship.
2. That a copy of this resolution be sent to Bishop Neumann High School and Coach Jason Simons.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 311. Committee AM570, found on page 782 and considered in this day's Journal, was renewed.

SPEAKER SCHEER PRESIDING

Senator Chambers offered the following motion:
MO26
Recommit to the Business and Labor Committee.

Senator Chambers withdrew his motion to recommit to committee.

Pending.

COMMITTEE REPORT(S)
Government, Military and Veterans Affairs

LEGISLATIVE BILL 522. Placed on General File with amendment.
AM612
1. On page 9, strike lines 12 through 26; and in line 27 strike "(3)" and insert "(2)".
2. On page 10, line 1, strike "(4)" and insert "(3)".

LEGISLATIVE BILL 637. Placed on General File with amendment.
AM238
1. Insert the following new section:
   Sec. 6. Since an emergency exists, this act takes effect when passed and approved according to law.

LEGISLATIVE BILL 733. Placed on General File with amendment.
AM738
1. Strike the original sections and insert the following new sections:
   Section 1. Section 32-904, Reissue Revised Statutes of Nebraska, is amended to read:
   32-904  (1) The election commissioner or county clerk shall designate the polling places for each precinct at which the registered voters of the precinct will cast their votes. Polling places representing different precincts may be combined at a single location when potential sites cannot be
10 obtained, or a potential site is not accessible to handicapped persons as
11 provided in section 32-907.
12 (2) When combining polling places at a single site for an election
13 other than a special election, the election commissioner or county clerk
14 shall clearly separate the polling places from each other and maintain
15 separate receiving boards. When combining polling places at a single site
16 for a special election, the election commissioner or county clerk may
17 combine the polling places and receiving boards.
18 (3) Polling places shall not be changed between the statewide
19 primary and general elections unless the election commissioner or county
20 clerk has been authorized to make such change by the Secretary of State.
21 If changes are authorized, the election commissioner or county clerk
22 shall notify each state and local candidate affected by the change.
23 (4) Notwithstanding any other provision of the Election Act, the
24 Secretary of State may adopt and promulgate rules and regulations, with
25 the consent of the appropriate election commissioner or county clerk, for
26 the establishment of polling places which may be used for voting pursuant
27 to section 32-1041 for the twenty days preceding the day of election.
28 Such polling places shall be in addition to the office of the election
29 commissioner or county clerk and the polling places otherwise established
30 pursuant to this section.
31 Sec. 2. Section 32-907, Reissue Revised Statutes of Nebraska, is
32 amended to read:
33 32-907  (1) All polling places shall be accessible to all registered
34 voters and shall be in compliance with the federal Americans with
35 Disabilities Act of 1990, as amended, and the federal Help America Vote
36 Act of 2002, as amended. In addition, all polling places shall be
37 modified or relocated to architecturally barrier-free buildings to
38 provide unobstructed access to such polling places by people with
39 physical limitations as required by this section. At least one voting
40 booth shall be so constructed as to provide easy access for people with
41 limitations, and shall accommodate a wheelchair, and shall have a cover
42 or barrier to provide privacy. The modifications required by this section
43 may be of a temporary nature to provide such unobstructed access only on
44 election day.
45 (2) All polling places shall meet the requirements of the federal
46 Americans with Disabilities Act of 1990, as amended, and the federal Help
47 America Vote Act of 2002, as amended, including, but not limited to,
48 requirements for:
49 (a) Parking;
50 (b) Signage, including, but not limited to, signs at the entrances
51 to the parking area (i) that indicate that someone is available to bring
52 a ballot out to the polling location if access to the polling location is challenging, (ii) that
53 contain a telephone number to contact poll workers, and (iii) posted with
54 visible lettering that exceeds three inches, plus one-eighth inch per
55 foot of viewing distance more than twenty-one feet from accessible
56 parking spaces;
57 (c) Exterior route to accessible entrance;
58 (d) Polling place entrances;
1. Route from entrance into voting area;
2. Voting area, including, but not limited to, a sign (i) that indicates that assistance is available, (ii) that contains the contact telephone number approved by the Secretary of State and (ii) posted with visible lettering that is two inches, plus one-eighth inch per foot of viewing distance more than one hundred eighty inches from viewing points;
3. Ramps;
4. Lifts; and
5. Elevators.

(3) The Secretary of State shall develop, print, and make publicly available a training manual regarding accessibility requirements of the Election Act, the federal Americans with Disabilities Act of 1990, as amended, and the federal Help America Vote Act of 2002, as amended.

(4) The Secretary of State shall include in the biennial training for election commissioners and county clerks current standards for accessibility. All poll workers shall receive training regarding accessibility between appointment and serving at an election.

Sec. 3. Original sections 32-904 and 32-907, Reissue Revised Statutes of Nebraska, are repealed.

(Signed) Tom Brewer, Chairperson

ANNOUNCEMENT(S)

Priority designation(s) received:
Hughes - LB268
Natural Resources - LB700
Quick - LB149
General Affairs - LB397
General Affairs - LB592
Agriculture - LB320
Agriculture - LB227
Morfeld - LB352
Revenue - LB288
McDonnell - LB641

GENERAL FILE

LEGISLATIVE BILL 311. Senator Slama offered the following amendment to the committee amendment:

Amend AM570

On page 6, line 11, strike "12" and insert "6" and on line 14 strike "6" and insert "4".

SENATOR HUGHES PRESIDING

Pending.
COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 141. Placed on Final Reading.
LEGISLATIVE BILL 318. Placed on Final Reading.
LEGISLATIVE BILL 339. Placed on Final Reading.

LEGISLATIVE BILL 340. Placed on Final Reading.
ST12
The following changes, required to be reported for publication in the Journal, have been made:
  1. On page 1, the matter beginning with "incarceration" in line 1 through line 4 has been struck and "corrections; to amend sections 29-2262, 83-4,142, 83-4,144, 83-4,145, and 83-4,146, Reissue Revised Statutes of Nebraska, and section 83-4,143, Revised Statutes Cumulative Supplement, 2018; to change and eliminate provisions relating to incarceration work camps; to eliminate the incarceration work camp as a condition of probation; to" inserted.

LEGISLATIVE BILL 354. Placed on Final Reading.
LEGISLATIVE BILL 354A. Placed on Final Reading.
LEGISLATIVE BILL 399. Placed on Final Reading Second.
LEGISLATIVE BILL 443. Placed on Final Reading.
LEGISLATIVE BILL 463. Placed on Final Reading.

(Signed) Julie Slama, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 411. Placed on Select File with amendment.
ER52
1 1. In the Standing Committee amendments, AM514:
2 a. On page 10, line 7, strike "50" and insert "52"; and
3 b. On page 18, line 23, strike "Official", show as stricken, and
4 insert "official".
5 2. On page 1, strike beginning with "county" in line 1 through line
6 and insert "government; to amend sections 23-149, 23-202, 23-293,
7 31-787, 31-793, 32-116, 32-202, 32-221, 32-223, 32-230, 32-231, 32-236,
8 32-552, 32-631, 32-803, 32-816, 32-901, 32-903, 32-910, 32-916, 32-952,
9 32-956, 32-1002, 32-1008, 32-1010, 32-1012, 32-1013, 32-1041, 32-1121,
10 32-1306, 32-1309, 32-1405, 32-1407, 32-1409, 32-1524, and 49-1499.03,
11 Reissue Revised Statutes of Nebraska, and sections 14-2103, 18-2713,
12 23-148, 32-330, 32-607, 32-1007, 32-1303, and 49-14,126, Revised Statutes
13 Cumulative Supplement, 2018; to change provisions relating to election of
14 the board of directors of a metropolitan utilities district; to change
15 election procedures relating to adoption of an economic development
16 program by a city; to provide an additional method of changing the number
of county commissioners; to change provisions relating to township organization, ballot questions, and recall petitions and elections; to redefine a term; to update a federal reference; to change and eliminate Secretary of State duties; to prohibit use of and eliminate references to electronic voting systems; to change provisions relating to voter registration records; to require the provision of an approved election district boundary map; to change provisions relating to petition signature verification and publication of sample ballots; to authorize the use of precinct-based optical scanners; to change provisions relating to special elections by mail, ballots, recounts, and initiative and referendum measures; to eliminate obsolete provisions; to define electioneering; to change and eliminate prohibited activities near polling places; to change requirements for certain elected officeholders relating to a potential conflict of interest; to change a civil penalty for a violation of the Nebraska Political Accountability and Disclosure Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 217. Placed on Select File with amendment.

1. On page 1, strike beginning with "Wage" in line 1 through line 4 and insert "Fair Employment Practice Act; to amend section 48-1114, Reissue Revised Statutes of Nebraska; to prohibit discrimination against employees for communicating about employee compensation as prescribed;".

LEGISLATIVE BILL 269. Placed on Select File with amendment.

1. On page 1, strike beginning with "the" in line 1 through line 4 and insert "operator's licenses; to amend section 43-287, Reissue Revised Statutes of Nebraska, and sections 60-498.01, 60-4,118.06, 60-4,120.02, 60-4,124, 60-4,118.06, 60-4,120.02, 60-4,124, 60-4,125, and 60-4,126, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to ignition interlock permits and school permits; and to repeal the original sections;".

LEGISLATIVE BILL 270. Placed on Select File with amendment.

ER53 is available in the Bill Room.

(Signed) Julie Slama, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 46. Introduced by Blood, 3; Albrecht, 17; Arch, 14; Bolz, 29; Bostelman, 23; Brandt, 32; Brewer, 43; Briese, 41; Cavanaugh, 6; Chambers, 11; Clements, 2; Crawford, 45; DeBoer, 10; Dorn, 30; Erdman, 47; 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; Koltermann, 24; La Grone, 49; Lathrop, 12; Lindstrom, 18; Linehan, 39; Lowe, 37; McCollister, 20; McDonnell, 5; Morfeld, 46; Moser, 22; Murman, 38; Pansing Brooks, 28; Quick, 35;
WHEREAS, March is Women's History Month and is a time to celebrate the significant contributions women of all races, ethnicities, and backgrounds have made to the world; and
WHEREAS, women play a critical role in the vitality and diversity of our communities and are essential to ensuring Nebraska is well-represented; and
WHEREAS, while the twentieth century was a pivotal time of growth for women entering politics, women remain underrepresented in male-dominated fields. Thus, providing opportunities to support women in public office is imperative; and
WHEREAS, recognizing women in public office will bring awareness to the fundamental necessity of their work and will inspire other young people to serve their communities.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature recognizes March 19, 2019, as Celebrating Women in Public Office Day and calls upon the people of this state to unite in supporting the success of women in public office with appropriate activities, events, and programs.

Laid over.

LEGISLATIVE RESOLUTION 47. Introduced by Scheer, 19.

WHEREAS, Nathan Lidgett, a member of Troop 122 of Norfolk, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and
WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Throughout his scouting experience, Nathan has learned, been tested on, and been recognized for various scouting skills; and
WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 13 of which are in required areas, and complete an approved community service project; and
WHEREAS, Nathan, through his hard work and perseverance has joined other high achievers who are Eagle Scouts, including astronauts, leaders of government and industry, artists, scientists, and athletes.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates Nathan Lidgett on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Nathan Lidgett.

Laid over.
LEGISLATIVE RESOLUTION 48. Introduced by Scheer, 19.

WHEREAS, Christopher Lidgett, a member of Troop 122 of Norfolk, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and
WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Throughout his scouting experience, Christopher has learned, been tested on, and been recognized for various scouting skills; and
WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 13 of which are in required areas, and complete an approved community service project; and
WHEREAS, Christopher, through his hard work and perseverance has joined other high achievers who are Eagle Scouts, including astronauts, leaders of government and industry, artists, scientists, and athletes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates Christopher Lidgett on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Christopher Lidgett.

Laid over.

ANNOUNCEMENT(S)

Priority designation(s) received:

Briese - LB183
Legislative Performance Audit - LB560
State-Tribal Relations - LB519
Friesen - LB663
Murman - LB585
Groene - LB606
Appropriations - LB638
Appropriations - LB334
Stinner - LB424
Executive Board - LB713
Executive Board - LB600
Urban Affairs - LR14CA
Wayne - LB86
Arch - LB583
Albrecht - LB209
Bolz - LB109
Lathrop - LB538
Judiciary - LB686
Judiciary - LB630
B. Hansen - LB304
Clements - LB155
UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Hughes name added to LB209.
Senator La Grone name added to LB640.
Senator Slama name added to LB657.

VISITOR(S)

Visitors to the Chamber were Brenda, Samuel, Gary Scott, Molly, and Joanna Bennett from Red Cloud; Director General Gerry Chang and Director Jeffrey Liu from the Taipei Economic and Cultural Office; Aspect international exchange students from Germany, Ukraine, Armenia, Latvia, Tunisia, Sweden, Norway, and Brazil; members of the Leadership Lincoln County; students from Elm Creek Public Schools; and students from St. Michael Catholic School, Lincoln.

The Doctor of the Day was Dr. David Hoelting from Pender.

ADJOURNMENT

At 11:52 a.m., on a motion by Senator B. Hansen, the Legislature adjourned until 9:00 a.m., Wednesday, March 20, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
The prayer was offered by Pastor Derek Geist, Mercy City Church, Lincoln.

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 Walz and Wishart who were excused; and Senators Bostelman, Friesen, B. Hansen, and Kolowski who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-fourth day was approved.

COMMITTEE REPORT(S)
Transportation and Telecommunications

LEGISLATIVE BILL 268. Placed on General File.

(Signed) Curt Friesen, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 619. Placed on Select File with amendment.

ER51
1 1. On page 1, strike beginning with "require" in line 1 through line 2 and insert "prohibit denial of coverage for mental health services delivered in a school; to define terms; and to provide for applicability."

(Signed) Julie Slama, Chairperson
RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 41 and 42 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 41 and 42.

GENERAL FILE

LEGISLATIVE BILL 311. Senator Slama renewed her amendment, FA24, found on page 916, to the committee amendment.

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 49. Introduced by Hughes, 44.

WHEREAS, Samuel McArtor of Grant has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and
WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Throughout their scouting experience, these young men have learned, been tested on, and been recognized for various scouting skills; and
WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 13 of which are in required areas, and complete an approved community service project; and
WHEREAS, Samuel displayed his commitment to community service by renovating the outdoor area of the Hastings Memorial Library in Grant by cleaning the area, replacing a retaining wall, and laying cement and rock around the new retaining wall; and
WHEREAS, Samuel, through his hard work and perseverance, will join other high achievers who are Eagle Scouts, including astronauts, leaders of government and industry, artists, scientists, and athletes.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates Samuel McArtor on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Samuel McArtor.

Laid over.

LEGISLATIVE RESOLUTION 50. Introduced by Hughes, 44.

WHEREAS, Matthew Aerni of Madrid has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and
WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Throughout their scouting experience, these young men have learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 13 of which are in required areas, and complete an approved community service project; and

WHEREAS, Matthew displayed his commitment to community service by making upgrades to the park in the village of Madrid, installing handicapped-accessible sidewalks through the park that extend to both picnic shelters, bathrooms, and a park bench. Matthew's work also included repainting the basketball court, renetting a basketball hoop, replacing landscape timbers, and improving the park sign; and

WHEREAS, Matthew, through his hard work and perseverance has joined other high achievers who are Eagle Scouts, including astronauts, leaders of government and industry, artists, scientists, and athletes.

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

1. That the Legislature congratulates Matthew Aerni on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Matthew Aerni.

Laid over.

LEGISLATIVE RESOLUTION 51. Introduced by Hughes, 44.

WHEREAS, Beau Wood of Grant has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Throughout their scouting experience, these young men have learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 13 of which are in required areas, and complete an approved community service project; and

WHEREAS, Beau displayed his commitment to community service by making improvements to the park in the village of Madrid, installing a handicapped-accessible parking space and sidewalk leading to the park; and

WHEREAS, Beau, through his hard work and perseverance, will join other high achievers who are Eagle Scouts, including astronauts, leaders of government and industry, artists, scientists, and athletes.

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

1. That the Legislature congratulates Beau Wood on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Beau Wood.

Laid over.
LEGISLATIVE RESOLUTION 52. Introduced by Hughes, 44.

WHEREAS, Jarin Tines of Grant has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Throughout their scouting experience, these young men have learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 13 of which are in required areas, and complete an approved community service project; and

WHEREAS, Jarin displayed his commitment to community service by building a chain-link fence around a dog park, creating an agility course inside the area, and installing waste removal dispensers; and

WHEREAS, Jarin, through his hard work and perseverance, will join other high achievers who are Eagle Scouts, including astronauts, leaders of government and industry, artists, scientists, and athletes.

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

1. That the Legislature congratulates Jarin Tines on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Jarin Tines.

Laid over.

LEGISLATIVE RESOLUTION 53. Introduced by Vargas, 7; Wayne, 13.

WHEREAS, the Omaha South High Magnet School boys' basketball team, led by Coach Bruce Chubick, Sr., won the 2019 Class A Boys State Basketball Championship; and

WHEREAS, the Omaha South Packers defeated the Omaha Central Eagles by a score of 58-56 in a spirited contest where a last-second steal and layup by junior Ty Griggs won the title game; and

WHEREAS, the win marked the school's second state basketball championship title in the last four years and their sixth title overall; and

WHEREAS, Packers teammates Ta'Vion Anderson and Jay Saunders were named to the Class A all-tournament teams by both the Lincoln Journal Star and the Omaha World-Herald, with Ta'Vion also being named to the all-class all-tournament teams by the Lincoln Journal Star and the Omaha World-Herald and Jay being named to the all-class all-tournament team by the Omaha World-Herald; and

WHEREAS, the Legislature recognizes the hard work and dedication of the student-athletes, coaches, and parents of the Omaha South Packers boys' basketball team; 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 Omaha South boys' basketball team and their head coach, Bruce Chubick, Sr., on winning the 2019 Class A Boys State Basketball Championship.

2. That a copy of this resolution be sent to Omaha South High Magnet School and head coach, Bruce Chubick, Sr.

Laid over.

BILL ON FIRST READING

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

LEGISLATIVE BILL 477A. Introduced by Vargas, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 477, One Hundred Sixth Legislature, First Session, 2019.

GENERAL FILE

LEGISLATIVE BILL 169. Title read. Considered.

Committee AM710, found on page 869, was offered.

Senator Groene offered the following amendment to the committee amendment:

AM804

(Amendments to Standing Committee amendments, AM710)

1. On page 1, line 24, strike "persons", show as stricken, and 2 insert "individuals".

Pending.

COMMITTEE REPORT(S)

Revenue

LEGISLATIVE BILL 472. Placed on General File.
LEGISLATIVE BILL 483. Placed on General File.

LEGISLATIVE BILL 470, Placed on General File with amendment. AM896 is available in the Bill Room.

(Signed) Lou Ann Linehan, Chairperson
ANNOUNCEMENT(S)

Speaker priority bill/resolution designations are as follows:

GENERAL FILE

LEGISLATIVE BILL 169. The Groene amendment, AM804, found in this day's Journal, to the committee amendment, was renewed.
Pending.

COMMITTEE REPORT(S)

Appropriations

LEGISLATIVE BILL 737. Placed on General File.

(Signed) John Stinner, Chairperson
Urban Affairs

LEGISLATIVE BILL 23. Placed on General File with amendment.
AM795
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 13-3202, Revised Statutes Cumulative Supplement,
4 2018, is amended to read:
5 13-3202 The Legislature finds that:
6 (1) Energy efficiency and the use of renewable energy are important
7 for preserving the health and economic well-being of Nebraska’s citizens.
8 Using less energy decreases the cost of living and keeps the cost of
9 public power low by delaying the need for additional power plants. By
10 building the market for energy efficiency and renewable energy products,
11 economic development will be encouraged and new jobs will be created for
12 Nebraskans in the energy efficiency and renewable energy job sectors;
13 (2) To further these goals, the state should promote energy
14 efficiency improvements and renewable energy systems;
15 (3) The upfront costs for energy efficiency improvements and
16 renewable energy systems prohibit many property owners from making
17 improvements. Therefore, it is necessary to authorize municipalities to
18 implement an alternative financing method through the creation of clean
19 energy assessment districts; and
20 (4) Public purposes A public purpose will be served by providing
21 municipalities with the authority to finance the installation of energy
22 efficiency improvements and renewable energy systems through the creation
23 of clean energy assessment districts. Such public purposes include, but
24 are not limited to, reduced energy and water costs, reduced greenhouse
25 gas emissions, economic stimulation and development, improved property
26 valuation, and increased employment.
27 Sec. 2. Section 13-3203, Revised Statutes Cumulative Supplement,
1 2018, is amended to read:
2 13-3203 For purposes of the Property Assessed Clean Energy Act:
3 (1) Assessment contract means a contract entered into between a
4 municipality, a property owner, and, if applicable, a third-party lender
5 under which the municipality agrees to provide financing for an energy
6 project in exchange for a property owner's agreement to pay an annual
7 assessment for a period not to exceed the weighted average useful life of
8 the energy project;
9 (2) Clean energy assessment district means a district created by a
10 municipality to provide financing for energy projects;
11 (3) Energy efficiency improvement means any acquisition,
12 installation, or modification benefiting publicly or privately owned
13 property that is designed to reduce the electric, gas, water, or other
14 utility demand or consumption of the buildings on or to be constructed on
15 such property or to promote the efficient and effective management of
16 natural resources or storm water, including, but not limited to:
17 (a) Insulation in walls, roofs, floors, foundations, or heating and
18 cooling distribution systems;
19 (b) Storm windows and doors; multiglazed windows and doors; heat-
20 absorbing or heat-reflective glazed and coated window and door systems;
21 and additional glazing, reductions in glass area, and other window and
22 door system modifications that reduce energy consumption;
23 (c) Automated energy control systems;
24 (d) Heating, ventilating, or air conditioning and distribution
25 system modifications or replacements;
26 (e) Caulking, weatherstripping, and air sealing;
27 (f) Replacement or modification of lighting fixtures to reduce the
28 energy use of the lighting system;
29 (g) Energy recovery systems, including, but not limited to,
30 cogeneration and trigeneration systems;
31 (h) Daylighting systems;
1 (i) Installation or upgrade of electrical wiring or outlets to
2 charge a motor vehicle that is fully or partially powered by electricity;
3 (j) Facilities providing for water conservation or pollutant
4 control;
5 (k) Roofs designed to reduce energy consumption or support
6 additional loads necessitated by other energy efficiency improvements;
7 (l) Installation of energy-efficient fixtures, including, but not
8 limited to, water heating systems, escalators, and elevators;
9 (m) Energy efficiency related items so long as the cost of the
10 energy efficiency related items financed by the municipality does not
11 exceed twenty-five percent of the total cost of the energy project; and
12 (n) Any other installation or modification of equipment, devices, or
13 materials approved as a utility cost-saving measure by the municipality;
14 (4) Energy efficiency related item means any repair, replacement,
15 improvement, or modification to real property that is necessary or
16 desirable in conjunction with an energy efficiency improvement,
including, but not limited to, structural support improvements and the
repair or replacement of any building components, paved surfaces, or
fixtures disrupted or altered by the installation of an energy efficiency
improvement;
(5) Energy project means the installation or modification of an
energy efficiency improvement or the acquisition, installation, or
improvement of a renewable energy system;
(6) Municipality means any county, city, or village in this state;
(7) Qualifying property means any of the following types of property
located within a municipality:
(a) Agricultural property;
(b) Commercial property, including multifamily residential property
comprised of more than four dwelling units;
(c) Industrial property;
(d) Single-family residential property, which may include up to four
dwelling units;
(8)(a) Renewable energy resource means a resource that naturally
replenishes over time and that minimizes the output of toxic material in
the conversion to energy. Renewable energy resource includes, but is not
limited to, the following:
(i) Nonhazardous biomass;
(ii) Solar and solar thermal energy;
(iii) Wind energy;
(iv) Geothermal energy;
(v) Methane gas captured from a landfill or elsewhere; and
(vi) Photovoltaic systems; and
(vii) Cogeneration and trigeneration systems; and
(b) Renewable energy resource does not include petroleum, nuclear
power, natural gas, coal, or hazardous biomass; and
(9) Renewable energy system means a fixture, product, device, or
interacting group of fixtures, products, or devices on the customer's
side of the meter that uses one or more renewable energy resources to
generate electricity. Renewable energy system includes a biomass stove
but does not include an incinerator.
Sec. 3. Section 13-3204, Revised Statutes Cumulative Supplement,
2018, is amended to read:
(1) Pursuant to the procedures provided in this section, a
municipality may, from time to time, create one or more clean energy
assessment districts. Such districts may be separate, overlapping, or
coterminous and may be created anywhere within the municipality or its
extraterritorial zoning jurisdiction, except that a county shall not
create a district that includes any area within the corporate boundaries
or extraterritorial zoning jurisdiction of any city or village located in
whole or in part within such county. The governing body of the
municipality shall be the governing body for any district so created.
(2) Prior to creating any clean energy assessment district, the
municipality shall hold a public hearing at which the public may comment
on the creation of such district. Notice of the public hearing shall be
given by publication in a legal newspaper in or of general circulation in
4 the municipality at least ten days prior to the hearing.
5 (3) After the public hearing, the municipality may create a clean
6 energy assessment district by ordinance or, for counties, by resolution.
7 The ordinance or resolution shall include:
8 (a) A finding that the financing of energy projects is a valid
9 public purpose;
10 (b) A contract form to be used for assessment contracts between the
11 municipality, the owner of the qualifying property, and, if applicable, a
12 third-party lender governing the terms and conditions of financing and
13 annual assessments;
14 (c) Identification of an official authorized to enter into
15 assessment contracts on behalf of the municipality;
16 (d) An application process and eligibility requirements for
17 financing energy projects;
18 (e) An explanation of how annual assessments will be made and
19 collected;
20 (f) For energy projects involving residential property, a
21 requirement that any interest rate on assessment installments must be a
22 fixed rate;
23 (g) For energy projects involving residential property, a
24 requirement that the repayment period for assessments must be according
25 to a fixed repayment schedule;
26 (h) Information regarding the following, to the extent known, or
27 procedures to determine the following in the future:
28 (i) Provisions for an adequate debt service reserve fund created
29 under section 13-3209, if applicable;
30 (ii) Provisions for an adequate loss reserve fund created under
31 section 13-3208; and
1 (iii) Any application, administration, or other program fees to be
2 charged to owners participating in the program that will be used to
3 finance costs incurred by the municipality as a result of the program;
4 (i) A requirement that the term of the annual assessments not exceed
5 the weighted average useful life of the energy project paid for by the
6 annual assessments;
7 (j) A requirement that any energy efficiency improvement that is not
8 permanently affixed to the qualifying property upon which an annual
9 assessment is imposed to repay the cost of such energy efficiency
10 improvement must be conveyed with the qualifying property if a transfer
11 of ownership of the qualifying property occurs;
12 (k) A requirement that, prior to the effective date of any contract
13 that binds the purchaser to purchase qualifying property upon which an
14 annual assessment is imposed, the owner shall provide notice to the
15 purchaser that the purchaser assumes responsibility for payment of the
16 annual assessment as provided in subdivision (3)(d) of section 13-3205;
17 (l) Provisions for marketing and participant education;
18 (m) A requirement that after the energy project is completed, the
19 municipality shall obtain verification that the renewable energy system
20 or energy efficiency improvement was properly installed and is operating
21 as intended; and
(n) A requirement that the clean energy assessment district, with respect to single-family residential property, comply with the Property Assessed Clean Energy Act and with directives or guidelines issued by the Federal Housing Administration and the Federal Housing Finance Agency on or after January 1, 2016, relating to property assessed clean energy financing.

Sec. 4. Section 13-3205, Revised Statutes Cumulative Supplement, 2018, is amended to read:

(1) After passage of an ordinance or resolution under section 13-3204, a municipality may enter into an assessment contract with the record owner of qualifying property within a clean energy assessment district and, if applicable, with a third-party lender to finance an energy project on the qualifying property. The costs financed under the assessment contract may include the cost of materials and labor necessary for installation, permit fees, inspection fees, application and administrative fees, bank fees, and all other fees that may be incurred by the owner pursuant to the installation. The assessment contract shall provide for the repayment of all such costs through annual assessments upon the qualifying property benefited by the energy project. A municipality may not impose an annual assessment under the Property Assessed Clean Energy Act unless such annual assessment is part of an assessment contract entered into under this section.

(2) Before entering into an assessment contract with an owner and, if applicable, a third-party lender under this section, the municipality shall verify:
   (a) In all cases involving qualifying property other than single-family residential property, that the owner has obtained an acknowledged and verified written consent and subordination agreement executed by each mortgage holder or trust deed beneficiary stating that the mortgagee or beneficiary consents to the imposition of the annual assessment and that the priority of the mortgage or trust deed is subordinated to the PACE lien established in section 13-3206. The consent and subordination agreement shall be in a form and substance acceptable to each mortgagee or beneficiary and shall be recorded in the office of the register of deeds of the county in which the qualifying property is located;
   (b) That there are no delinquent taxes, special assessments, water or sewer charges, or any other assessments levied on the qualifying property; that there are no involuntary liens, including, but not limited to, construction liens, on the qualifying property; and that the owner of the qualifying property is current on all debt secured by a mortgage or trust deed encumbering or otherwise securing the qualifying property;
   (c) That there are no delinquent annual assessments on the qualifying property which were imposed to pay for a different energy project under the Property Assessed Clean Energy Act; and
   (d) That there are sufficient resources to complete the energy project and that the energy project creates an estimated economic benefit, including, but not limited to, energy and water cost savings, maintenance cost savings, and other property operating savings expected from the energy project during the financing period, which is equal to or
greater than the principal cost of the energy project. The estimated
economic benefit may be derived from federal, state, or third-party
engineer certifications or from standards of energy or water savings
associated with a particular energy efficiency improvement or set of
energy efficiency improvements. A municipality may waive the requirements
of this subdivision upon request of the owner of the qualifying property,
and, if such request is denied, the owner may appeal the denial as
provided by the ordinance or resolution adopted pursuant to section
13-3204 or as otherwise provided by local ordinance or resolution.
Upon completion of the verifications required under subsection
(2) of this section, an assessment contract may be executed by the
municipality, the owner of the qualifying property, and, if applicable, a
third-party lender and shall provide:
(a) A description of the energy project, including the estimated
cost of the energy project and a description of the estimated savings
prepared in accordance with standards acceptable to the municipality;
(b) A mechanism for:
(i) Verifying the final costs of the energy project upon its
completion; and
(ii) Ensuring that any amounts advanced, financed, or otherwise paid
by the municipality toward the costs of the energy project will not
exceed the final cost of the energy project;
(c) An agreement by the property owner to pay annual assessments for
a period not to exceed the weighted average useful life of the energy
project;
(d) A statement that the obligations set forth in the assessment
contract, including the obligation to pay annual assessments, are a
covenant that shall run with the land and be obligations upon future
owners of the qualifying property; and
(e) An acknowledgment that no subdivision of qualifying property
subject to the assessment contract shall be valid unless the assessment
contract or an amendment to such contract divides the total annual
assessment due between the newly subdivided parcels pro rata to the
special benefit realized by each subdivided parcel.
The total annual assessments levied against qualifying property
under an assessment contract shall not exceed the sum of the cost of the
energy project, including any energy audits or inspections or portion
thereof financed by the municipality, plus such administration fees,
interest, and other financing costs reasonably required by the
municipality.
Nothing in the Property Assessed Clean Energy Act shall be
construed to prevent a municipality from entering into more than one
assessment contract with respect to a single parcel of real property so
long as each assessment contract relates to a separate energy project and
subdivision (2)(c) of this section is not violated.
The municipality shall provide a copy of each signed assessment
contract to the county assessor and register of deeds of the county in
which the qualifying property is located, and the register of deeds shall
record the assessment contract with the qualifying property.
(7) Annual assessments agreed to under an assessment contract shall be levied against the qualifying property and collected at the same time and in the same manner as property taxes are levied and collected, except that an assessment contract for qualifying property other than single-family residential property may allow third-party lenders to collect annual assessments directly from the owner of the qualifying property in a manner prescribed in the assessment contract. Any third-party lender collecting annual assessments directly from the owner of the qualifying property shall notify the municipality within three business days if an annual assessment becomes delinquent.

(8) Collection of annual assessments shall only be sought from the original owners or subsequent purchasers of qualifying property subject to an assessment contract.

Sec. 5. Original sections 13-3202, 13-3203, 13-3204, and 13-3205, Revised Statutes Cumulative Supplement, 2018, are repealed.

Sec. 6. Since an emergency exists, this act takes effect when passed and approved according to law.

(Signed) Justin Wayne, Chairperson

NOTICE OF COMMITTEE HEARING(S)
Appropriations
Room 1525
Thursday, March 28, 2019 1:30 p.m.

AM614
Note: Amendment to LB481

(Signed) John Stinner, Chairperson

AMENDMENT(S) - Print in Journal

Senator Gragert filed the following amendment to LB243:
AM789
(Amendments to Standing Committee amendments, AM640)
1 1. On page 4, line 5, strike "annual".
2 2. On page 5, line 2, strike "each fiscal year".

BILL ON FIRST READING

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

LEGISLATIVE BILL 231A. Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 231, One Hundred Sixth Legislature, First Session, 2019; and to provide an operative date.
RESOLUTION(S)

LEGISLATIVE RESOLUTION 54. Introduced by Murman, 38; Arch, 14; Bolz, 29; Brandt, 32; Briese, 41; Dorn, 30; Halloran, 33; Howard, 9; Hughes, 44; Lowe, 37; Moser, 22; Williams, 36.

WHEREAS, the Mosaic School in Axtell recently became the first Certified Autism Center in the state; and
WHEREAS, the Mosaic School is one of only five learning and tutoring centers nationwide to receive such designation from the International Board of Credentialing and Continuing Education Standards; and
WHEREAS, the certification requires 80 percent of staff to be trained and certified as autism specialists, but the Mosaic School chose to train and certify 100 percent of staff, showing their dedication and commitment to professional growth; and
WHEREAS, the Mosaic School is bringing innovative services to rural Nebraska for children with intellectual and developmental disabilities; and
WHEREAS, the Mosaic School serves more than 30 students in rural Nebraska and partners with local school districts to provide specialized supports and improved outcomes for students with autism.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates the Mosaic School in Axtell on becoming the first Certified Autism Center in Nebraska.
2. That a copy of this resolution be sent to the Mosaic School in Axtell.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator McCollister name added to LB352.

VISITOR(S)

Visitors to the Chamber were Audrey Denney from California; students from Pershing Elementary School, Lexington; Brad and Susan Stockwell from Bellevue; students from Wildewood Elementary School, Ralston; Michelle Suarez from Lincoln and Cara Small from Martell; students and teachers from York College; and a group from Heartland Workers Center from Omaha, Bellevue, Schuyler, Columbus, and Grand Island.

The Doctor of the Day was Dr. Rob Rhodes from Lincoln.
ADJOURNMENT

At 11:53 a.m., on a motion by Senator Cavanaugh, the Legislature adjourned until 9:00 a.m., Thursday, March 21, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
FORTY-SIXTH DAY - MARCH 21, 2019

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

FORTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 21, 2019

PRAYER

The prayer was offered by Pastor Jim Haack, Beautiful Savior Lutheran Church, La Vista.

ROLL CALL

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

The roll was called and all members were present except Senator Walz who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-fifth day was approved.

COMMITTEE REPORT(S)

Agriculture

LEGISLATIVE BILL 227. Placed on General File with amendment.
AM746
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 2-4403, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 2-4403 A farm or farm operation or a public grain warehouse or
6 public grain warehouse operation shall not be found to be a public or
7 private nuisance if;
8 1. The farm or farm operation or public grain warehouse or
9 public grain warehouse operation existed before a change in the land use
10 or occupancy of land in and about the locality of such farm or farm
11 operation or public grain warehouse or public grain warehouse operation
12 and before such change in land use or occupancy of land the farm or farm
13 operation or public grain warehouse or public grain warehouse operation
14 would not have been a nuisance; or ,
15 (a) Reasonable techniques are employed to keep dust, noise,
insects, and odors at a minimum and the farm or farm operation or public
grain warehouse or public grain warehouse operation is in compliance with
applicable laws and regulations, including any zoning regulations of a
local governing body; and
(b) There is no significant change in the farm or farm operation or
public grain warehouse or public grain warehouse operation and such farm
or farm operation or public grain warehouse or public grain warehouse
operation has been in operation for more than one year and was not a
nuisance at the time it began. For purposes of this subdivision, a
significant change in a farm or farm operation or public grain warehouse
operation does not include:
(i) The conversion from one type of farm or farm operation or public
grain warehouse or public grain warehouse operation to another type of
farm or farm operation or public grain warehouse or public grain
warehouse operation;
(ii) A change in ownership or size of the farm or farm operation or
public grain warehouse or public grain warehouse operation;
(iii) The enrollment, reduction, or cessation of participation in a
government program by the farm or farm operation or public grain
warehouse or public grain warehouse operation; or
(iv) Adoption of new technology by the farm or farm operation or
public grain warehouse or public grain warehouse operation.
Sec. 2. Original section 2-4403, Reissue Revised Statutes of
Nebraska, is repealed.

(Signed) Steve Halloran, Chairperson

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 20, 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

Forrest, Sarah
Nebraska Alliance of Child Advocacy Centers

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
BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 141.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-115 and 28-310.01, Reissue Revised Statutes of Nebraska; to prohibit assault by strangulation or suffocation as prescribed; to provide for an enhanced penalty for assault by strangulation or suffocation of a pregnant woman; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Brewer      Walz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 318.

A BILL FOR AN ACT relating to liens; to amend section 52-903, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to petroleum products liens; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?""

Voting in the affirmative, 47:
Voting in the negative, 0.

Excused and not voting, 2:

Brewer        Walz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 339.**

A BILL FOR AN ACT relating to judges; to amend section 24-803, Reissue Revised Statutes of Nebraska; to change provisions relating to judicial nominating commissions; to eliminate obsolete provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

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<tr>
<th>Albrecht</th>
<th>Crawford</th>
<th>Hansen, M.</th>
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<td>Clements</td>
<td>Hansen, B.</td>
<td>Lathrop</td>
<td>Quick</td>
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</tbody>
</table>

Voting in the negative, 0.

Present and not voting, 1:

La Grone
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 340.

A BILL FOR AN ACT relating to corrections; to amend sections 29-2262, 83-4,142, 83-4,144, 83-4,145, and 83-4,146, Reissue Revised Statutes of Nebraska, and section 83-4,143, Revised Statutes Cumulative Supplement, 2018; to change and eliminate provisions relating to incarceration work camps; to eliminate the incarceration work camp as a condition of probation; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Wayne

Excused and not voting, 2:

Brewer       Walz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.
Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB354 with 38 ayes, 6 nays, 3 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 354.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend sections 43-260.04, 43-2,108.01, 43-2,108.02, 43-2,108.03, 43-2,108.04, and 43-2,108.05, Reissue Revised Statutes of Nebraska; to change requirements for juvenile pretrial diversion programs; to change provisions relating to the sealing of juvenile records; to provide for retroactivity; to increase a penalty; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Lowe

Excused and not voting, 2:

Brewer    Walz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.
The following bills were read and put upon final passage:

**LEGISLATIVE BILL 354A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 354, One Hundred Sixth Legislature, First Session, 2019.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Present and not voting, 3:

Arch  Lowe  Scheer

Excused and not voting, 2:

Brewer  Walz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 399.**

A BILL FOR AN ACT relating to schools; to amend sections 79-724 and 79-727, Reissue Revised Statutes of Nebraska; to change the name of and provisions relating to the committee on Americanism; to eliminate a penalty; to provide duties for the State Board of Education and the State Department of Education; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 443.

A BILL FOR AN ACT relating to the Nebraska Treatment and Corrections Act; to amend section 83-181, Reissue Revised Statutes of Nebraska; to require the Department of Correctional Services to allow committed offenders to communicate with their attorneys as prescribed; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 463.**

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1802, 77-1831, 77-1832, 77-1833, 77-1834, 77-1835, 77-1837, and 77-1837.01, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to real property sold for delinquent taxes, the process for issuing treasurer's tax deeds, and tax sale certificates; to harmonize provisions; to repeal the original sections; and to outright repeal section 77-1824.01, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Brewer      Walz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.
PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 141, 318, 339, 340, 354, 354A, 399, 443, and 463.

COMMITTEE REPORT(S)

Transportation and Telecommunications

LEGISLATIVE BILL 550. Placed on General File with amendment. AM530
1 1. Strike the original sections and insert the following new
2 section:
3 Section 1. No municipality shall impose any tax or fee related to
4 wireless and prepaid wireless services after the effective date of this
5 act unless and until the question of whether to impose such tax or fee
6 has been submitted at a primary, general, or special election held within
7 the municipality and in which all registered voters shall be entitled to
8 vote on such question. The officials of the municipality shall order the
9 submission of the question by submitting a certified copy of the
10 resolution proposing the tax or fee to the election commissioner or
11 county clerk by March 1 for a primary election, by September 1 for a
12 general election, or at least fifty days before a special election. The
13 election shall be conducted in accordance with the Election Act. If a
14 majority of the votes cast upon such question are in favor of such tax or
15 fee, then the governing body of such municipality shall be empowered to
16 impose such tax or fee. If a majority of those voting on the question are
17 opposed to such tax or fee, then the governing body of the municipality
18 shall not impose such tax or fee.

LEGISLATIVE BILL 641. Placed on General File with amendment. AM724
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. (1) For purposes of this section, 211 Information and
4 Referral Network means a statewide information and referral network
5 providing information to the public regarding disaster and emergency
6 response and health and human services provided by public and private
7 entities throughout the state.
8 (2) The Public Service Commission shall award a grant annually to a
9 211 Information and Referral Network which submits an application and
10 meets the requirements of this section. The amount of each grant shall be
11 three hundred thousand dollars.
12 (3) To be eligible for a grant, the 211 Information and Referral
13 Network shall update the information and referral services on the network
14 at least annually, shall geographically index the services to provide
15 information on a county-by-county basis, and shall be accredited as
16 meeting the standards for service delivery and quality by the Alliance of
Information and Referral Systems or a similar organization approved by the commission.

(4) The grant may be used to establish a web site which includes links to providers of health and human services, the name, address, and telephone number of any organization listed on the web site, a description of the type of services provided by the organization, and other information to educate the public about the health and human services available on a geographic basis. The grant may also be used to provide access to the network twenty-four hours per day, seven days per week, through telephone access and web site access.

Sec. 2. Section 71-7611, Reissue Revised Statutes of Nebraska, is amended to read:

Sec. 71-7611 (1) The Nebraska Health Care Cash Fund is created. The State Treasurer shall transfer (a) sixty million three hundred thousand dollars on or before July 15, 2014, (b) sixty million three hundred fifty thousand dollars on or before July 15, 2015, (c) sixty million three hundred fifty thousand dollars on or before July 15, 2016, (d) sixty million seven hundred thousand dollars on or before July 15, 2017, (e) five hundred thousand dollars on or before May 15, 2018, (f) sixty-one million six hundred thousand dollars on or before July 15, 2018, (g) sixty-one million three hundred fifty thousand dollars on or before July 15, 2019, and (h) sixty million four hundred fifty thousand dollars on or before every July 15 thereafter from the Nebraska Medicaid Intergovernmental Trust Fund and the Nebraska Tobacco Settlement Trust Fund to the Nebraska Health Care Cash Fund, except that such amount shall be reduced by the amount of the unobligated balance in the Nebraska Health Care Cash Fund at the time the transfer is made. The state investment officer shall advise the State Treasurer on the amounts to be transferred first from the Nebraska Medicaid Intergovernmental Trust Fund until the fund balance is depleted and from the Nebraska Tobacco Settlement Trust Fund thereafter in order to sustain such transfers in perpetuity. The state investment officer shall report electronically to the Legislature on or before October 1 of every even-numbered year on the sustainability of such transfers. The Nebraska Health Care Cash Fund shall also include money received pursuant to section 77-2602. Except as otherwise provided by law, no more than the amounts specified in this subsection may be appropriated or transferred from the Nebraska Health Care Cash Fund at any fiscal year.

The State Treasurer shall transfer ten million dollars from the Nebraska Medicaid Intergovernmental Trust Fund to the General Fund on June 28, 2018, and June 28, 2019.

Except as otherwise provided in subsection (6) of this section, it is the intent of the Legislature that no additional programs are funded through the Nebraska Health Care Cash Fund until funding for all programs with an appropriation from the fund during FY2012-13 are restored to their FY2012-13 levels.

(2) Any money in the Nebraska Health Care Cash Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds...
8 Investment Act.
9 (3) The University of Nebraska and postsecondary educational
10 institutions having colleges of medicine in Nebraska and their affiliated
11 research hospitals in Nebraska, as a condition of receiving any funds
12 appropriated or transferred from the Nebraska Health Care Cash Fund,
13 shall not discriminate against any person on the basis of sexual
14 orientation.
15 (4) The State Treasurer shall transfer fifty thousand dollars on or
16 before July 15, 2016, from the Nebraska Health Care Cash Fund to the
17 Board of Regents of the University of Nebraska for the University of
18 Nebraska Medical Center. It is the intent of the Legislature that these
19 funds be used by the College of Public Health for workforce training.
20 (5) It is the intent of the Legislature that the cost of the staff
21 and operating costs necessary to carry out the changes made by Laws 2018,
22 LB439, and not covered by fees or federal funds shall be funded from the
24 (6) The State Treasurer shall transfer three hundred thousand
25 dollars on or before September 15, 2019, and on or before September 15,
26 2020, from the Nebraska Health Care Cash Fund to the Public Service
27 Commission for grants to be awarded pursuant to section 1 of this act.
28 Sec. 3. Original section 71-7611, Reissue Revised Statutes of
29 Nebraska, is repealed.

(Signed) Curt Friesen, Chairperson

AMENDMENT(S) - Print in Journal

Senator Kolterman filed the following amendment to LB34:
AM915
(Amendments to Standing Committee amendments, AM591)

1. On page 46, line 4, strike "a total of" and show as stricken.

GENERAL FILE

LEGISLATIVE BILL 169. Senator Groene renewed his amendment,
AM804, found on page 927 and considered on page 928, to the committee
amendment.

SPEAKER SCHEER PRESIDING

Pending.

AMENDMENT(S) - Print in Journal

Senator Hunt filed the following amendment to LB169:
AM922
(Amendments to Standing Committee amendments, AM710)

1. Strike original section 1 and all amendments thereto and insert
2. the following new section:
Section 1. Section 68-1017.02, Reissue Revised Statutes of Nebraska, is amended to read:

68-1017.02 (1)(a) The Department of Health and Human Services shall apply for and utilize to the maximum extent possible, within limits established by the Legislature, any and all appropriate options available to the state under the federal Supplemental Nutrition Assistance Program and regulations adopted under such program to maximize the number of Nebraska residents being served under such program within such limits. The department shall seek to maximize federal funding for such program and minimize the utilization of General Funds for such program and shall employ the personnel necessary to determine the options available to the state and issue the report to the Legislature required by subdivision (b) of this subsection.

(b) The department shall submit electronically an annual report to the Health and Human Services Committee of the Legislature by December 1 on efforts by the department to carry out the provisions of this subsection. Such report shall provide the committee with all necessary and appropriate information to enable the committee to conduct a meaningful evaluation of such efforts. Such information shall include, but not be limited to, a clear description of various options available to the state under the federal Supplemental Nutrition Assistance Program, the department's evaluation of any action taken by the department with respect to such options, the number of persons being served under such program, and any and all costs and expenditures associated with such program.

(c) The Health and Human Services Committee of the Legislature, after receipt and evaluation of the report required in subdivision (b) of this subsection, shall issue recommendations to the department on any further action necessary by the department to meet the requirements of this section.

(2)(a) The department shall develop a state outreach plan to promote access by eligible persons to benefits of the Supplemental Nutrition Assistance Program. The plan shall meet the criteria established by the Food and Nutrition Service of the United States Department of Agriculture for approval of state outreach plans. The Department of Health and Human Services may apply for and accept gifts, grants, and donations to develop and implement the state outreach plan.

(b) For purposes of developing and implementing the state outreach plan, the department shall partner with one or more counties or nonprofit organizations. If the department enters into a contract with a nonprofit organization relating to the state outreach plan, the contract may specify that the nonprofit organization is responsible for seeking sufficient gifts, grants, or donations necessary for the development and implementation of the state outreach plan and may additionally specify that any costs to the department associated with the award and management of the contract or the implementation or administration of the state outreach plan shall be paid out of private or federal funds received for development and implementation of the state outreach plan.

(c) The department shall submit the state outreach plan to the Food
26 and Nutrition Service of the United States Department of Agriculture for
27 approval on or before August 1, 2011, and shall request any federal
28 matching funds that may be available upon approval of the state outreach
29 plan. It is the intent of the Legislature that the State of Nebraska and
30 the Department of Health and Human Services use any additional public or
31 private funds to offset costs associated with increased caseload
1 resulting from the implementation of the state outreach plan.
2 (d) The department shall be exempt from implementing or
3 administering a state outreach plan under this subsection, but not from
4 developing such a plan, if it does not receive private or federal funds
5 sufficient to cover the department's costs associated with the
6 implementation and administration of the plan, including any costs
7 associated with increased caseload resulting from the implementation of
8 the plan.
9 (3)(a)(i) On or before October 1, 2011, the department shall create
10 a TANF-funded program or policy that, in compliance with federal law,
11 establishes categorical eligibility for federal food assistance benefits
12 pursuant to the Supplemental Nutrition Assistance Program to maximize the
13 number of Nebraska residents being served under such program in a manner
14 that does not increase the current gross income eligibility limit.
15 (ii) Such TANF-funded program or policy shall eliminate all asset
16 limits for eligibility for federal food assistance benefits, except that
17 the total of liquid assets which includes cash on hand and funds in
18 personal checking and savings accounts, money market accounts, and share
19 accounts shall not exceed twenty-five thousand dollars pursuant to the
20 Supplemental Nutrition Assistance Program, as allowed under federal law
21 and under 7 C.F.R. 273.2(j)(2).
22 (iii) This subsection becomes effective only if the department
23 receives funds pursuant to federal participation that may be used to
24 implement this subsection.
25 (b) For purposes of this subsection:
26 (i) Federal law means the federal Food and Nutrition Act of 2008, 7
27 U.S.C. 2011 et seq., and regulations adopted under the act; and
28 (ii) TANF means the federal Temporary Assistance for Needy Families
29 program established in 42 U.S.C. 601 et seq.
30 (4)(a) As authorized under 21 U.S.C. 862a(d) and within Within the
31 limits specified in this subsection, the State of Nebraska opts out of
1 the provision of the federal Personal Responsibility and Work Opportunity
2 Reconciliation Act of 1996, as such act existed on January 1, 2009, that
3 eliminates eligibility for the Supplemental Nutrition Assistance Program
4 for any person convicted of a felony involving the possession, use, or
5 distribution of a controlled substance.
6 (b) Except as otherwise provided in subdivision (c) of this
7 subsection, a person convicted of a felony involving the possession or
8 use of a controlled substance shall only be eligible for Supplemental
9 Nutrition Assistance Program benefits if such person (i) has completed
10 her or his sentence for such felony, including any term of parole,
11 probation, or post-release supervision, or (ii) is serving a term of
12 parole, probation, or post-release supervision for such felony.
13 (c) A person shall be ineligible for Supplemental Nutrition
14 Assistance Program benefits under this subsection if he or she (i) has
15 had three or more felony convictions for the possession or use of a
16 controlled substance or (ii) has been convicted of a felony involving the
17 sale or distribution of a controlled substance or the intent to sell or
18 distribute a controlled substance. A person with one or two felony
19 convictions for the possession or use of a controlled substance shall
20 only be eligible to receive Supplemental Nutrition Assistance Program
21 benefits under this subsection if he or she is participating in or has
22 completed a state-licensed or nationally accredited substance abuse
23 treatment program since the date of conviction. The determination of such
24 participation or completion shall be made by the treatment provider
25 administering the program.

BILL ON FIRST READING

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

LEGISLATIVE BILL 483A. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to
aid in carrying out the provisions of Legislative Bill 483, One Hundred
Sixth Legislature, First Session, 2019; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 243. Title read. Considered.

Committee AM640, found on page 834, was offered.

Senator Gragert offered his amendment, AM789, found on page 934, to the
committee amendment.

PRESIDENT FOLEY PRESIDING

The Gragert amendment was adopted with 39 ayes, 0 nays, 8 present and not
voting, and 2 excused and not voting.

The committee amendment, as amended, was adopted with 38 ayes, 0 nays,
9 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 1 nay, 7 present
and not voting, and 2 excused and not voting.

COMMITTEE REPORT(S)

Transportation and Telecommunications

LEGISLATIVE BILL 138. Placed on General File with amendment.
AM783 is available in the Bill Room.
LEGISLATIVE BILL 356. Placed on General File with amendment. AM731 is available in the Bill Room.

(Signed) Curt Friesen, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 55. Introduced by Kolterman, 24.

WHEREAS, Tim Teegerstrom began working at Polk County Rural Public Power District while still in high school as a part-time groundman; and
WHEREAS, Tim served the district honorably in several integral positions, eventually working his way up to Safety Director; and
WHEREAS, under Tim's leadership as Safety Director, the Polk County Rural Public Power District celebrated over ten years without a lost time accident, embodying the motto "Work Safe, Home Safe"; and
WHEREAS, Tim retired from the Polk County Rural Public Power District after nearly 45 years of service.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature recognizes Tim Teegerstrom for his many years of service to the Polk County Rural Public Power District and congratulates him on his retirement.
2. That a copy of this resolution be sent to Tim Teegerstrom.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Hunt filed the following amendment to LB169:
FA25
Amend AM710
On page 3, strike "being served" and insert "serviced".

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 21, 2019, at 11:30 a.m. were the following: LBs 141, 318, 339, 340, 354, 354A, 399, 443, and 463.

(Signed) Laura Gerkin
Clerk of the Legislature's Office
MESSAGE(S) FROM THE GOVERNOR

March 21, 2019

Patrick J. O’Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O’Donnell:

Engrossed Legislative Bills 8, 16, 29, 48, 112, 112A, 116, 124e, 125, 127, 139, 145, 156, 160, 195, 224, 284e, 302e, 319, 384, 486, 575, 660e, 660Ae, and 699 were received in my office on March 15, 2019.

These bills were signed and delivered to the Secretary of State on March 21, 2019.

Sincerely,

(Signed) Pete Ricketts
Governor

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Murman name added to LB15.
Senator Gragert name added to LB15.
Senator Briese name added to LB15.
Senator Brandt name added to LB15.
Senator Lowe name added to LB15.
Senator Williams name added to LB352.
Senator Slama name added to LB584.

VISITOR(S)

Visitors to the Chamber were students from elementary schools in Chapman, St. Libory, and Grand Island; students, teacher, and sponsors from Southwest High School, Bartley; members of Leadership Tomorrow and Leadership Hastings from Grand Island and Hastings; Tammy and Tom Hanson from Lincoln and Bettania Heaton from Roca; and the Executive Director of the YWCA of Lincoln, Karen Bell-Dancy.

The Doctor of the Day was Dr. Steven Williams from Omaha.
ADJOURNMENT

At 11:42 a.m., on a motion by Senator Murman, the Legislature adjourned until 9:00 a.m., Monday, March 25, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
FORTY-SEVENTH DAY - MARCH 25, 2019

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

FORTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 25, 2019

PRAYER

The prayer was offered by Bishop Evan Clark, Church of Jesus Christ of Latter-day Saints, Bellevue.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Scheer presiding.

The roll was called and all members were present except Senator Brewer who was excused; and Senators Bolz, Cavanaugh, Chambers, Morfeld, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-sixth day was approved.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 43 and 44 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 43 and 44.

GENERAL FILE

LEGISLATIVE BILL 390. Title read. Considered.

Committee AM408, found on page 599, was adopted with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 4 present and not voting, and 7 excused and not voting.
COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 511. Placed on Select File with amendment.
ER56 is available in the Bill Room.

LEGISLATIVE BILL 34. Placed on Select File with amendment.
ER54
1 1. On page 1, strike lines 2 through 8 and insert "23-2321, 23-2331,
2 79-901, 79-927, 79-956, 79-914, 9-106, 84-1321.01, 84-1322, 84-1323,
3 and 84-1331, Reissue Revised Statutes of Nebraska, and sections 23-2306,
4 23-2308.01, 23-2317, 23-2319.01, 79-902, 79-921, 79-934, 79-978.01,
5 79-9,100, 84-1307, 84-1309.02, 84-1319, and 84-1503, Revised Statutes
6 Cumulative Supplement, 2018; to eliminate provisions relating to benefits
7 payable after the filing of a grievance or appeal and change provisions
8 relating to reemployment, reinstatement, repayment, and age eligibility
9 regarding certain retirement system members under the County Employees
10 Retirement Act and State Employees Retirement Act; to redefine creditable
11 service for certain member employees, change a deadline for payment for
12 restoration of relinquished creditable service, and change provisions
13 relating to required forms of payment and service credit computation
14 under the School Employees Retirement Act; to change provisions relating
15 to a designated beneficiary determination under the Retirement System for
16 Nebraska Counties, the School Employees Retirement System of the State of
17 Nebraska, any school employees retirement system established under the
18 Class V School Employees Retirement Act, and the State Employees
19 Retirement System of the State of Nebraska; to provide a duty for the
20 Public Employees Retirement Board as prescribed; to harmonize provisions;
21 to provide severability; to repeal the original sections; and to declare
22 an emergency."

LEGISLATIVE BILL 348. Placed on Select File.

LEGISLATIVE BILL 405. Placed on Select File.

LEGISLATIVE BILL 130. Placed on Select File with amendment.
ER55
1 1. On page 8, line 22, strike the period and insert an underscored
2 colon.

LEGISLATIVE BILL 130A. Placed on Select File.

LEGISLATIVE BILL 409. Placed on Select File.

LEGISLATIVE BILL 243. Placed on Select File with amendment.
ER57
1 1. On page 1, line 1, after the semicolon insert "to amend section
2 81-2,162.27, Revised Statutes Cumulative Supplement, 2018;", and in line
3 2 strike the last "and" and strike "reports" and insert "a report; to
4 provide for termination; to add a use for the Fertilizers and Soil
5 Conditioners Administrative Fund; to repeal the original section; and to
WHEREAS, Reverend Keith Winton was called to ministry ten years ago to devote himself to full-time service in the Episcopal Church; and
WHEREAS, Reverend Keith Winton received his Master of Divinity from the Sioux Falls Seminary in South Dakota; and
WHEREAS, Reverend Keith Winton began his pastoral work as an intern at St. Martin of Tours Episcopal Church in Omaha; and
WHEREAS, Reverend Keith Winton, upon his ordination as a deacon, served at St. David of Wales in Lincoln and as a part-time chaplain at the University of Nebraska Medical Center; and
WHEREAS, the Right Reverend J. Scott Barker, XI Bishop of Nebraska, ordained Reverend Keith Winton to the sacred order of priests in the Episcopal Church on March 3, 2019; and
WHEREAS, Reverend Keith Winton now begins his new ministerial service at All Saints Episcopal Church in Omaha.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates Reverend Keith Winton on his ordination as a priest in the Episcopal Church.
2. That a copy of this resolution be sent to Reverend Keith Winton.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Hughes filed the following amendment to LB243:
AM937
1 1. On page 2, lines 22 and 23, after "Legislature" insert ", or his or her designee".

GENERAL FILE

LEGISLATIVE BILL 320. Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 5 present and not voting, and 7 excused and not voting.
LEGISLATIVE BILL 603. Title read. Considered.
Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 4 present
and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 713. Title read. Considered.
Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 5 present
and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 316. Title read. Considered.
Committee AM778, found on page 912, was adopted with 38 ayes, 0 nays, 7
present and not voting, and 4 excused and not voting.
Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 3 present
and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 218. Title read. Considered.
Committee AM536, found on page 803, was adopted with 40 ayes, 1 nay, 5
present and not voting, and 3 excused and not voting.
Advanced to Enrollment and Review Initial with 38 ayes, 1 nay, 7 present
and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 59. Title read. Considered.
Committee AM622, found on page 869, was adopted with 42 ayes, 0 nays, 4
present and not voting, and 3 excused and not voting.
Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 4 present
and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 514. Title read. Considered.
Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 7 present
and not voting, and 3 excused and not voting.

LEGISLATIVE RESOLUTION 14CA. Read. Considered.
Senator Groene offered the following amendment:
FA26
Line 1, page 2 strike "more than one-half" and replace with 100%.
Pending.
LEGISLATIVE BILL 397. Placed on General File.

LEGISLATIVE BILL 41. Placed on General File with amendment.

AM244
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 9-1,101, Revised Statutes Cumulative Supplement,
4 2018, is amended to read:
5 9-1,101 (1) The Nebraska Bingo Act, the Nebraska County and City
6 Lottery Act, the Nebraska Lottery and Raffle Act, the Nebraska Pickle
7 Card Lottery Act, the Nebraska Small Lottery and Raffle Act, and section
8 9-701 shall be administered and enforced by the Charitable Gaming
9 Division of the Department of Revenue, which division is hereby created.
10 The Department of Revenue shall make annual reports to the Governor,
11 Legislature, Auditor of Public Accounts, and Attorney General on all tax
12 revenue received, expenses incurred, and other activities relating to the
13 administration and enforcement of such acts. The report submitted to the
14 Legislature shall be submitted electronically.
15 (2) The Charitable Gaming Operations Fund is hereby created. Any
16 money in the fund available for investment shall be invested by the state
17 investment officer pursuant to the Nebraska Capital Expansion Act and the
18 Nebraska State Funds Investment Act.
19 (3)(a) Forty percent of the taxes collected pursuant to sections
20 9-239, 9-344, 9-429, and 9-648 shall be available to the Charitable
21 Gaming Division for administering and enforcing the acts listed in
22 subsection (1) of this section and providing administrative support for
23 the Nebraska Commission on Problem Gambling. The remaining sixty percent
24 shall be transferred to the General Fund. Any portion of the forty
25 percent not used by the division in the administration and enforcement of
26 such acts and section shall be distributed as provided in this
27 subsection.
1 (b) On or before the last day of the last month of each calendar
2 quarter November 1 each year, the State Treasurer shall transfer one
3 hundred thousand dollars from the Charitable Gaming Operations Fund to
4 the Compulsive Gamblers Assistance Fund, except that no transfer shall
5 occur if the Charitable Gaming Operations Fund contains less than one
6 hundred thousand dollars.
7 (c) Any money remaining in the Charitable Gaming Operations Fund
8 after the quarterly transfers pursuant to subdivision (b) of
9 this subsection not used by the Charitable Gaming Division in its
10 administration and enforcement duties pursuant to this section may be
11 transferred to the General Fund at the direction of the Legislature.
12 (4) The Tax Commissioner shall employ investigators who shall be
13 vested with the authority and power of a law enforcement officer to carry
14 out the laws of this state administered by the Tax Commissioner or the
15 Department of Revenue and to enforce sections 28-1101 to 28-1117 relating
16 to possession of a gambling device. For purposes of enforcing sections
17 28-1101 to 28-1117, the authority of the investigators shall be limited
18 to investigating possession of a gambling device, notifying local law
19 enforcement authorities, and reporting suspected violations to the county
20 attorney for prosecution.
21 (5) The Charitable Gaming Division may charge a fee for publications
22 and listings it produces. The fee shall not exceed the cost of
23 publication and distribution of such items. The division may also charge
24 a fee for making a copy of any record in its possession equal to the
25 actual cost per page. The division shall remit the fees to the State
26 Treasurer for credit to the Charitable Gaming Operations Fund.
27 (6) For administrative purposes only, the Nebraska Commission on
28 Problem Gambling shall be located within the Charitable Gaming Division.
29 The division shall provide office space, furniture, equipment, and
30 stationery and other necessary supplies for the commission. Commission
31 staff shall be appointed, supervised, and terminated by the director of
1 the Gamblers Assistance Program pursuant to section 9-1004.
2 Sec. 2. Original section 9-1,101, Revised Statutes Cumulative
3 Supplement, 2018, is repealed.

LEGISLATIVE BILL 137. Placed on General File with amendment.
AM902
1 1. On page 3, line 21, strike ", not to exceed ten thousand
2 dollars.".

LEGISLATIVE BILL 149. Placed on General File with amendment.
AM901
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 28-1418, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 28-1418 Whoever, being a person minor under the age of nineteen
6 eighteen years, shall smoke cigarettes or cigars, use electronic nicotine
7 delivery systems vapor products or alternative nicotine products, or use
8 tobacco in any form whatever, in this state, shall be guilty of a Class V
9 misdemeanor. Any person minor charged with a violation of this section
10 may be free from prosecution if he or she furnishes evidence for the
11 conviction of the person or persons selling or giving him or her the
12 cigarettes, cigars, electronic nicotine delivery systems vapor products,
13 alternative nicotine products, or tobacco.
14 Sec. 2. Section 28-1418.01, Reissue Revised Statutes of Nebraska, is
15 amended to read:
16 28-1418.01 For purposes of sections 28-1418 to 28-1429.03:
17 (1) Alternative nicotine product means any noncombustible product
18 containing nicotine that is intended for human consumption, whether
19 chewed, absorbed, dissolved, or ingested by any other means. Alternative
20 nicotine product does not include any electronic nicotine delivery system
21 vapor product, cigarette, cigar, or other tobacco product, or any product
22 regulated as a drug or device by the United States Food and Drug
23 Administration under Chapter V of the Federal Food, Drug, and
24 Cosmetic Act;
25 (2) Cigarette means any product that contains nicotine, is intended
26 to be burned or heated under ordinary conditions of use, and consists of
27 or contains (a) any roll of tobacco wrapped in paper or in any substance
28 not containing tobacco, (b) tobacco, in any form, that is functional in
29 the product which, because of its appearance, the type of tobacco used in
30 the filler, or its packaging and labeling, is likely to be offered to, or
31 purchased by, consumers as a cigarette, or (c) any roll of tobacco
32 wrapped in any substance containing tobacco which, because of its
33 appearance, the type of tobacco used in the filler, or its packaging and
34 labeling, is likely to be offered to, or purchased by, consumers as a
35 cigarette described in subdivision (2)(a) of this section;
36 (3)(a) Electronic nicotine delivery system means any product or
37 device containing nicotine, tobacco, or tobacco derivatives that employs
38 a heating element, power source, electronic circuit, or other electronic,
39 chemical, or mechanical means, regardless of shape or size, to simulate
40 smoking by delivering the nicotine, tobacco, or tobacco derivatives in
41 vapor, fog, mist, gas, or aerosol form to a person inhaling from the
42 product or device.
43 (b) Electronic nicotine delivery system includes, but is not limited
44 to, the following:
45 (i) Any substance containing nicotine, tobacco, or tobacco
46 derivatives, whether sold separately or sold in combination with a
47 product or device that is intended to deliver to a person nicotine,
48 tobacco, or tobacco derivatives in vapor, fog, mist, gas, or aerosol
49 form;
50 (ii) Any product or device marketed, manufactured, distributed, or
51 sold as an electronic cigarette, electronic cigar, electronic cigarillo,
52 electronic pipe, electronic hookah, or similar products, names,
53 descriptors, or devices; and
54 (iii) Any component, part, or accessory of such a product or device
55 that is used during operation of the product or device when sold in
56 combination with any substance containing nicotine, tobacco, or tobacco
57 derivatives.
58 (c) Electronic nicotine delivery system does not include the
59 following:
60 (i) An alternative nicotine product, cigarette, cigar, or other
61 tobacco product, or any product regulated as a drug or device by the
62 United States Food and Drug Administration under Chapter V of the Federal
63 Food, Drug, and Cosmetic Act; or
64 (ii) Any component, part, or accessory of such a product or device
65 that is used during operation of the product or device when not sold in
66 combination with any substance containing nicotine, tobacco, or tobacco
67 derivatives;
68 (4) (2) Self-service display means a retail display that contains a
69 tobacco product, a tobacco-derived product, an electronic nicotine
delivery system or an alternative nicotine product and
70 is located in an area openly accessible to a retailer's customers and
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14 from which such customers can readily access the product without the
15 assistance of a salesperson. Self-service display does not include a
16 display case that holds tobacco products, electronic nicotine delivery
17 systems vapor products, or alternative nicotine products behind locked
doors; and
18 (5) Tobacco specialty store means a retail store that (a)
19 derives at least seventy-five percent of its revenue from tobacco
20 products, tobacco-derived products, electronic nicotine delivery systems
21 vapor products, or alternative nicotine products and (b) does not permit
22 persons minors under the age of nineteen eighteen years to enter the
23 premises unless accompanied by a parent or legal guardian; and
24 (4) Vapor product means any noncombustible product containing
25 nicotine that employs a heating element, power source, electronic
26 circuit, or other electronic, chemical, or mechanical means, regardless
27 of shape or size, that can be used to produce vapor from nicotine in a
28 solution or other form. Vapor product includes any electronic cigarette,
electroncigar, electronic cigarillo, electronic pipe, or similar
product or device and any vapor cartridge or other container of nicotine
1 in a solution or other form that is intended to be used with or in an
2 electronic cigarette, electronic cigar, electronic cigarillo, electronic
pipe, or similar product or device. Vapor product does not include an
4 alternative nicotine product, cigarette, cigar, or other tobacco product,
or any product regulated as a drug or device by the United States Food
5 and Drug Administration under Chapter V of the federal Food, Drug, and
7 Cosmetic Act.
8 Sec. 3. Section 28-1419, Reissue Revised Statutes of Nebraska, is
9 amended to read:
10 28-1419 Whoever shall sell, give, or furnish, in any way, any
11 tobacco in any form whatever, or any cigarettes, cigarette paper,
electronic nicotine delivery systems vapor products, or alternative
13 nicotine products, to any person minor under nineteen eighteen years of
14 age, is guilty of a Class III misdemeanor for each offense.
15 Sec. 4. Section 28-1420, Reissue Revised Statutes of Nebraska, is
16 amended to read:
17 28-1420 It shall be unlawful for any person, partnership, limited
18 liability company, or corporation to sell, keep for sale, or give away in
19 course of trade, any cigars, tobacco, electronic nicotine delivery
20 systems, cigarettes, or cigarette material to anyone without first
21 obtaining a license as provided in sections 28-1421 and 28-1422. It shall
22 also be unlawful for any wholesaler to sell or deliver any cigars,
tobacco, electronic nicotine delivery systems, cigarettes, or cigarette
24 material to any person, partnership, limited liability company, or
25 corporation who, at the time of such sale or delivery, is not the
26 recipient of a valid tobacco license for the current year to retail the
27 same as provided in such sections. It shall also be unlawful for any
28 person, partnership, limited liability company, or corporation to
29 purchase or receive, for purposes of resale, any cigars, tobacco,
electronic nicotine delivery systems, cigarettes, or cigarette material
31 if such person, partnership, limited liability company, or corporation is
not the recipient of a valid tobacco license to retail such tobacco products at the time the same are purchased or received. Whoever shall be found guilty of violating this section shall be guilty of a Class III misdemeanor for each offense.

Sec. 5. Section 28-1421, Reissue Revised Statutes of Nebraska, is amended to read:

28-1421 Licenses for the sale of cigars, tobacco, electronic nicotine delivery systems, cigarettes, and cigarette material to persons nineteen years of age or over shall be issued to individuals, partnerships, limited liability companies, and corporations by the clerk or finance director of any city or village and by the county clerk of any county upon application duly made as provided in section 28-1422. The sale of cigarettes or cigarette materials that contain perfumes or drugs in any form is prohibited and is not licensed by the provisions of this section. Only cigarettes and cigarette material containing pure white paper and pure tobacco shall be licensed.

Sec. 6. Section 28-1423, Reissue Revised Statutes of Nebraska, is amended to read:

28-1423 The term for which such license shall run shall be from the date of filing such application and paying such license fee to and including December 31 of the calendar year in which application for such license is made, and the license fee for any person, partnership, limited liability company, or corporation selling at retail shall be twenty-five dollars in cities of the metropolitan class, fifteen dollars in cities of the primary and first classes, and ten dollars in cities of all other classes and in towns and villages and in locations outside of the limits of cities, towns, and villages. Any person, partnership, limited liability company, or corporation selling annually in the aggregate more than one hundred fifty thousand cigars, packages of cigarettes, electronic nicotine delivery systems, and packages of tobacco in any form, at wholesale, shall pay a license fee of one hundred dollars, and if such combined annual sales amount to less than one hundred fifty thousand cigars, packages of cigarettes, electronic nicotine delivery systems, and packages of tobacco, the annual license fee shall be fifteen dollars. No wholesaler's license shall be issued in any year on a less basis than one hundred dollars per annum unless the applicant for the same shall file with such application a statement duly sworn to by him or herself, or if applicant is a partnership, by a member of the firm, or if a limited liability company, by a member or manager of the company, or if a corporation, by an officer or manager thereof, that in the past such wholesaler's combined sales of cigars, packages of cigarettes, electronic nicotine delivery systems, and packages of tobacco in every form have not exceeded in the aggregate one hundred fifty thousand annually, and that such sales will not exceed such aggregate amount for the current year for which the license is to issue. Any person swearing falsely in such affidavit shall be guilty of perjury and upon conviction thereof shall be punished as provided by section 28-915 and such wholesaler's license shall be revoked until the full license fee of one hundred dollars is paid. If application for license is made after
19 July 1 of any calendar year, the fee shall be one-half of the fee
provided in this section.
20 Sec. 7. Section 28-1424, Reissue Revised Statutes of Nebraska, is
21 amended to read:
22 28-1424 The license, provided for in sections 28-1421 and 28-1422
23 shall, when issued, authorize the sale of cigars, tobacco,
24 electronic nicotine delivery systems, cigarettes, and cigarette material
25 by the licensee and employees, to persons nineteen years of age or over
26 the age of eighteen years, at the place of business described in such
27 license for the term therein authorized, unless the license is same be
28 forfeited as provided in section 28-1425.
29 Sec. 8. Section 28-1425, Reissue Revised Statutes of Nebraska, is
30 amended to read:
1 28-1425 Any licensee who shall sell, give, or furnish in any way to
2 any person under the age of nineteen eighteen years, or who shall
3 willingly allow to be taken from his or her place of business by any
4 person under the age of nineteen eighteen years, any cigars, tobacco,
5 cigarettes, cigarette material, electronic nicotine delivery systems
6 vapor products, or alternative nicotine products is guilty of a Class III
7 misdemeanor. Any officer, director, or manager having charge or control,
8 either separately or jointly with others, of the business of any
9 corporation which violates sections 28-1418.01, 28-1420 to 28-1429 or
10 section and 28-1429.03, if he or she has knowledge of such violation,
11 shall be subject to the penalties provided in this section. In addition
12 to the penalties provided in this section, such licensee shall be subject
13 to the additional penalty of a revocation and forfeiture of his, her,
14 their, or its license, at the discretion of the court before whom the
15 complaint for violation of such sections may be heard. If such license is
16 revoked and forfeited, all rights under such license shall at once cease
17 and terminate.
18 Sec. 9. Section 28-1427, Reissue Revised Statutes of Nebraska, is
19 amended to read:
20 28-1427 Any person under the age of nineteen eighteen years who
21 shall obtain cigars, tobacco, cigarettes, cigarette material, electronic
22 nicotine delivery systems vapor products, or alternative nicotine
23 products from a licensee by representing that he or she is of the age of
24 nineteen eighteen years or over is guilty of a Class V misdemeanor.
25 Sec. 10. Section 28-1429.01, Reissue Revised Statutes of Nebraska,
26 is amended to read:
27 28-1429.01 The Legislature finds that the incumbent health risks
28 associated with using smoking tobacco products have been scientifically
29 proven. The Legislature further finds that the growing number of young
30 people minors who start using tobacco products smoking is staggering, and
31 even more abhorrent are the ages at which such use begins children begin
1 this deadly habit. The Legislature has established an age restriction on
2 the use of tobacco products by minors. To ensure that the use of tobacco
3 products among young people minors is discouraged to the maximum extent
4 possible, it is the intent of the Legislature to ban the use of vending
5 machines and similar devices to dispense tobacco products in facilities,
6 buildings, or areas which are open to the general public within Nebraska.
7 Sec. 11. Section 28-1429.02, Reissue Revised Statutes of Nebraska,
8 is amended to read:
9 28-1429.02 (1) Except as provided in subsection (2) of this section,
10 it shall be unlawful to dispense cigarettes, other tobacco products,
11 electronic nicotine delivery systems vapor products, or alternative
12 nicotine products from a vending machine or similar device. Any person
13 violating this section is guilty of a Class III misdemeanor. In addition,
14 upon conviction for a second offense, the court shall order a six-month
15 suspension of the offender's license to sell tobacco, if any, and, upon
16 conviction for a third or subsequent offense, the court shall order the
17 permanent revocation of the offender's license to sell tobacco, if any.
18 (2) Cigarettes, other tobacco products, electronic nicotine delivery
19 systems vapor products, or alternative nicotine products may be dispensed
20 from a vending machine or similar device when such machine or device is
21 located in an area, office, business, plant, or factory which is not open
22 to the general public or on the licensed premises of any establishment
23 having a license issued under the Nebraska Liquor Control Act for the
24 sale of alcoholic liquor for consumption on the premises when such
25 machine or device is located in the same room in which the alcoholic
26 liquor is dispensed.
27 (3) Nothing in this section shall be construed to restrict or
28 prohibit a governing body of a city or village from establishing and
29 enforcing ordinances at least as stringent as or more stringent than the
30 provisions of this section.
31 Sec. 12. Section 28-1429.03, Reissue Revised Statutes of Nebraska,
1 is amended to read:
2 28-1429.03 (1) Except as provided in subsection (2) of this section
3 and section 28-1429.02, it shall be unlawful to sell or distribute
4 cigarettes, cigars, electronic nicotine delivery systems vapor products,
5 alternative nicotine products, or tobacco in any form whatever through a
6 self-service display. Any person violating this section is guilty of a
7 Class III misdemeanor. In addition, upon conviction for a second or
8 subsequent offense within a twelve-month period, the court shall order a
9 six-month suspension of the license issued under section 28-1421.
10 (2) Cigarettes, cigars, electronic nicotine delivery systems vapor
11 products, alternative nicotine products, or tobacco in any form whatever
12 may be sold or distributed in a self-service display that is located in a
13 tobacco specialty store or cigar shop as defined in section 53-103.08.
14 Sec. 13. Section 71-5716, Reissue Revised Statutes of Nebraska, is
15 amended to read:
16 71-5716 Sections 71-5716 to 71-5735 and section 15 of this act shall
17 be known and may be cited as the Nebraska Clean Indoor Air Act.
18 Sec. 14. Section 71-5718, Reissue Revised Statutes of Nebraska, is
19 amended to read:
20 71-5718 For purposes of the Nebraska Clean Indoor Air Act, the
21 definitions found in sections 71-5719 to 71-5728 and section 15 of this
22 act apply.
23 Sec. 15. Electronic nicotine delivery system has the same meaning
Sec. 16. Section 71-5727, Reissue Revised Statutes of Nebraska, is amended to read:

71-5727 Smoke or smoking means (1) the lighting of any cigarette, cigar, pipe, or other smoking material or the possession of any lighted cigarette, cigar, pipe, or other smoking material, regardless of its composition, or (2) the use of an electronic nicotine delivery system.

Sec. 17. This act becomes operative on January 1, 2020.

Sec. 18. Original sections 28-1418, 28-1418.01, 28-1419, 28-1420, 28-1421, 28-1423, 28-1424, 28-1425, 28-1427, 28-1429.01, 28-1429.02, 28-1429.03, 71-5716, 71-5718, and 71-5727, Reissue Revised Statutes of Nebraska, are repealed.

LEGISLATIVE BILL 538. Placed on General File with amendment. AM900 is available in the Bill Room.

LEGISLATIVE BILL 584. Placed on General File with amendment. AM903

1 1. Strike original sections 4 and 5.
2 2. On page 2, lines 30 and 31, strike the new matter and reinstate the stricken matter.
3 3. Renumber the remaining section and correct the repealer accordingly.

(Signed) Tom Briese, Chairperson

Health and Human Services

LEGISLATIVE BILL 62. Placed on General File.

LEGISLATIVE BILL 559. Placed on General File.

LEGISLATIVE BILL 220. Placed on General File with amendment. AM660

1 1. On page 3, line 22, after "basis" insert "and offer products at prices comparable to similar products sold in similar buildings or on similar property".

LEGISLATIVE BILL 323. Placed on General File with amendment. AM678

1 1. Strike the original sections and insert the following new sections:
2 Section 1. Section 68-915, Revised Statutes Cumulative Supplement, 4 2016, as amended by section 3, Initiative Law 2018, No. 427, is amended to read:
5 68-915 The following persons shall be eligible for medical assistance:
6 (1) Dependent children as defined in section 43-504;
7 (2) Aged, blind, and disabled persons as defined in sections 68-1002 to 68-1005;
(3) Children under nineteen years of age who are eligible under section 1905(a)(i) of the federal Social Security Act;

(4) Persons who are presumptively eligible as allowed under sections 1920 and 1920B of the federal Social Security Act;

(5) Children under nineteen years of age with a family income equal to or less than two hundred percent of the Office of Management and Budget income poverty guideline, as allowed under Title XIX and Title XXI of the federal Social Security Act, without regard to resources, and pregnant women with a family income equal to or less than one hundred eighty-five percent of the Office of Management and Budget income poverty guideline, as allowed under Title XIX and Title XXI of the federal Social Security Act, without regard to resources. Children described in this subdivision and subdivision (6) of this section shall remain eligible for six consecutive months from the date of initial eligibility prior to redetermination of eligibility. The department may review eligibility monthly thereafter pursuant to rules and regulations adopted and promulgated by the department. The department may determine upon such review that a child is ineligible for medical assistance if such child no longer meets eligibility standards established by the department;

(6) For purposes of Title XIX of the federal Social Security Act as provided in subdivision (5) of this section, children with a family income as follows:

(a) Equal to or less than one hundred fifty percent of the Office of Management and Budget income poverty guideline with eligible children one year of age or younger;

(b) Equal to or less than one hundred thirty-three percent of the Office of Management and Budget income poverty guideline with eligible children over one year of age and under six years of age; or

(c) Equal to or less than one hundred percent of the Office of Management and Budget income poverty guideline with eligible children six years of age or older and less than nineteen years of age;

(7) Persons who are medically needy caretaker relatives as allowed under 42 U.S.C. 1396d(a)(ii);

(8) As allowed under 42 U.S.C. 1396a(a)(10)(A)(ii)(XV) and (XVI), disabled persons who have as defined in section 68-1005 with a family income of less than two hundred fifty percent of the Office of Management and Budget income poverty guideline and who, but for earnings in excess of the limit established under 42 U.S.C. 1396d(q)(2)(B), would be considered to be receiving federal Supplemental Security Income. The department shall apply for a waiver to disregard any unearned income that is contingent upon a trial work period in applying the Supplemental Security Income standard. Such disabled persons shall be subject to payment of premiums as a percentage of family income beginning at not less than two hundred percent of the Office of Management and Budget income poverty guideline. Such premiums shall be graduated based on family income and shall not exceed seven and one-half percent or more than ten percent of family income;

(9) As allowed under 42 U.S.C. 1396a(a)(10)(A)(ii), persons who:

(a) Have been screened for breast and cervical cancer under the
2 Centers for Disease Control and Prevention breast and cervical cancer
3 early detection program established under Title XV of the federal Public
4 Health Service Act, 42 U.S.C. 300k et seq., in accordance with the
5 requirements of section 1504 of such act, 42 U.S.C. 300n, and who need
6 treatment for breast or cervical cancer, including precancerous and
7 cancerous conditions of the breast or cervix;
8 (b) Are not otherwise covered under creditable coverage as defined
9 in section 2701(c) of the federal Public Health Service Act, 42 U.S.C.
10 300gg-3(c) 300gg(c);
11 (c) Have not attained sixty-five years of age; and
12 (d) Are not eligible for medical assistance under any mandatory
13 categorically needy eligibility group;
14 (10) Persons eligible for services described in subsection (3) of
15 section 68-972; and
16 (11) Persons eligible pursuant to section 2 of this act.
17 Except as provided in subsection (8) of this section and section
18 68-972, eligibility shall be determined under this section using an
19 income budgetary methodology that determines children's eligibility at no
20 greater than two hundred percent of the Office of Management and Budget
21 income poverty guideline and adult eligibility using adult income
22 standards no greater than the applicable categorical eligibility
23 standards established pursuant to state or federal law. Except as
24 otherwise provided in subsection (8) of this section, the The department
25 shall determine eligibility under this section pursuant to such income
26 budgetary methodology and subdivision (1)(q) of section 68-1713.
27 Sec. 2. Original section 68-915, Revised Statutes Cumulative
28 Supplement, 2016, as amended by section 3, Initiative Law 2018, No. 427,
29 is repealed.

LEGISLATIVE BILL 518. Placed on General File with amendment.
AM899
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Sections 1 to 9 of this act shall be known and may be
4 cited as the Support for Trafficking Survivors Act.
5 Sec. 2. (1) The Legislature finds that:
6 (a) Substantial harm results from the commercial sexual exploitation
7 of individuals, including physical violence, negative physical and mental
8 health consequences, rape, and suicide;
9 (b) Commercial sexual exploitation is widespread and has profound
10 economic and social impacts on Nebraskans;
11 (c) There is a lack of supportive services available to minor and
12 adult victims of sex trafficking and commercial sexual exploitation;
13 (d) The Department of Health and Human Services plays an integral
14 role in serving vulnerable populations and there is a need for the
15 department to provide leadership in coordinating supportive services for
16 victims;
17 (e) The existing network of domestic violence and sexual assault
18 programs are uniquely equipped to provide supportive services to victims
of sex trafficking and commercial sexual exploitation using a trauma-informed and victim-centered approach; and

(1) Law enforcement plays an important role in identifying victims of sex trafficking and commercial sexual exploitation and directing them toward supportive services.

(2) It is the intent of the Support for Trafficking Survivors Act to create a statewide multisystemic response and provide supportive services that promote safety, well-being, and economic stability for victims of sex trafficking and commercial sexual exploitation and to establish the Office of Support for Trafficking Survivors, Support for Trafficking Survivors Advisory Board, and Sex Trafficking Investigation Assistance Fund as a means to that end.

Sec. 3. For purposes of the Support for Trafficking Survivors Act:

(1) Board means the Support for Trafficking Survivors Advisory Board created in section 5 of this act;

(2) Commercial sexual exploitation means the exploitation of individuals as a result of their involvement in commercial sexual activity as defined in section 28-830;

(3) Department means the Department of Health and Human Services;

(4) Eligible program recipient means an organization that (a) is a nonprofit organization organized under section 501(c)(3) of the Internal Revenue Code or a federally recognized Indian tribe whose governmental body is within the borders of Nebraska and (b) has an affiliation agreement with the department to provide services to victims of domestic violence and sexual assault under the Protection from Domestic Abuse Act;

(5) Office means the Office of Support for Trafficking Survivors created in section 4 of this act;

(6) Sex trafficking includes sex trafficking and sex trafficking of a minor as defined in section 28-830; and

(7) Supportive services includes, but is not limited to, housing, economic stability, education, mental health, substance abuse, legal, transportation, case management, and victim advocacy services.

Sec. 4. (1) The Office of Support for Trafficking Survivors is established within the department.

(2) The office shall:

(a) Provide administrative support to the board;

(b) Oversee and coordinate the implementation of the state plan created by the board under section 6 of this act;

(c) Administer and oversee the grant program established under section 7 of this act if public or private funding is made available for this purpose;

(d) Coordinate the department's efforts to prevent, identify, and respond to sex trafficking and commercial sexual exploitation and to support the safety, well-being, and economic stability of victims of sex trafficking and commercial sexual exploitation, including identifying and addressing challenges associated with individual cases of commercial sexual exploitation and sex trafficking;

(e) Collaborate with other state agencies to ensure a statewide multisystemic response that promotes safety, well-being, and economic
stability for victims of sex trafficking and commercial sexual exploitation;
(f) Coordinate trauma-informed and victim-centered training and resources on sex trafficking and commercial sexual exploitation for relevant department personnel, as well as other state agencies and service providers who work with victims of sex trafficking and commercial sexual exploitation;
(g) Monitor and apply for available federal or other funding opportunities that would support efforts to prevent, identify, and respond to sex trafficking and commercial sexual exploitation and efforts to support the safety, well-being, and economic stability of victims of sex trafficking and commercial sexual exploitation; and
(h) As part of the state plan created under section 6 of this act, submit an annual report of receipts to and disbursements from the Sex Trafficking Investigation Assistance Fund.

Sec. 5. (1) The Support for Trafficking Survivors Advisory Board is created within the Office of Support for Trafficking Survivors. The purpose of the board is to award grants, if public or private funding is made available for this purpose, and create a state plan for supportive services for victims of sex trafficking and commercial sexual exploitation. The board shall have fifteen members, including nine voting and six nonvoting members. The voting members shall be appointed by the Governor.
(2) The voting members shall, to the extent practical, be representative of the geographic diversity and demographic composition of Nebraska. The board shall include the following voting members:
(a) At least two survivors of sex trafficking or commercial sexual exploitation;
(b) A representative of a service provider that serves victims of domestic or sexual assault or sex trafficking and is not a grant program recipient under section 7 of this act;
(c) One representative of a statewide association of child advocacy centers;
(d) Three representatives of law enforcement, including one from each congressional district;
(e) One county attorney who has experience working with victims of sex trafficking and commercial sexual exploitation; and
(f) One expert in behavioral health with experience working with victims of sex trafficking and commercial sexual exploitation.
(3) The nonvoting members of the board shall include:
(a) One representative of a statewide coalition representing nonprofit organizations that have an affiliation agreement with the department to provide services to victims of domestic violence and sexual assault under the Protection from Domestic Abuse Act, as designated by the department;
(b) One representative of the Nebraska State Patrol, as designated by the Superintendent of Law Enforcement and Public Safety;
(c) One representative of the Nebraska Commission on Law Enforcement and Criminal Justice, as designated by the executive director of the
commission;
(d) One representative of the Attorney General, as designated by the Attorney General;
(e) One representative of the Office of Probation Administration, as designated by the probation administrator; and
(f) One representative of the Office of Support for Trafficking Survivors within the department designated by the chief executive officer of the Department of Health and Human Services.
(4) Members of the board appointed under subsection (2) of this section shall serve four-year terms. A vacancy shall be filled for the balance of the unexpired term in the same manner as the original appointment. A member may be reappointed at the expiration of his or her term. An appointed board member shall not serve more than two consecutive terms, whether partial or full.
(5) Initial board members shall be appointed or designated no later than October 1, 2019.
(6) The board shall elect a chairperson and may elect other officers and establish committees as it deems appropriate.
(7) The members of the board shall not receive any compensation for service on the board but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties as provided in sections 81-1174 to 81-1177.
(8) Any board member may be removed by the Governor for misconduct, incompetency, or neglect of duty after first being given the opportunity to be heard in his or her own behalf.
Sec. 6. The board shall have the following powers and duties:
(1) To meet not less than quarterly at the call of the chairperson to conduct its official business;
(2) To create and annually review a state plan to prevent, identify, respond to sex trafficking and commercial sexual exploitation, with a specific focus on supporting the safety, well-being, and economic stability of victims of sex trafficking and commercial sexual exploitation. The state plan shall be revised at least once every three years. The state plan shall be submitted to the Governor and electronically to the Health and Human Services Committee of the Legislature and the Judiciary Committee of the Legislature within one year after the appointment of the original board and annually thereafter by December 1. The state plan shall:
(a) Include strategies to develop and support the provision of supportive services for victims of sex trafficking and commercial sexual exploitation across the state;
(b) Include steps to develop and implement a screening and reporting plan for the department and other state agencies and make recommendations regarding the use of specific screening tools and reporting mechanisms;
(c) Evaluate the availability of services accessed through the child welfare system and the criminal justice system, as well as supportive services funded through the competitive grant program established in section 7 of this act if public or private funding is made available for this grant program;
(d) Include an accounting of receipts to and disbursements from the Human Trafficking Victim Assistance Fund;
(e) Include an accounting of receipts to and disbursements from the Sex Trafficking Investigation Assistance Fund, if public or private funding is made available for this purpose, including a description of reimbursements made, the name of state or local law enforcement agencies that received reimbursement, and the type of expense reimbursed; and
(f) Include the number of victims of sex trafficking and commercial sexual exploitation identified or served by the department and other state agencies and services;
(3) To develop criteria, review applications, and approve the awarding of grants to eligible program recipients in the manner described in section 7 of this act if public or private funding is made available for this grant program;
(4) To consult with relevant state agencies, task forces, commissions, and boards to help determine availability, probable effectiveness, fiscal soundness, and need for proposed programs; and
(5) To identify barriers to the provision of supportive services for victims of sex trafficking and commercial sexual exploitation and make recommendations to eliminate such barriers in the state plan.
Sec. 7. (1) If public or private funding is made available for this purpose, the board shall establish a competitive grant program in support of the state plan developed under section 6 of this act to prevent, identify, and respond to sex trafficking and commercial sexual exploitation and to support the safety, well-being, and economic stability of victims of sex trafficking and commercial sexual exploitation. The awarding of any such grant shall be approved by a majority of the voting members of the board.
(2) Grants shall be awarded to eligible program recipients to provide supportive services to prevent, identify, and respond to sex trafficking and commercial sexual exploitation and to support the safety, well-being, and economic stability of victims of sex trafficking and commercial sexual exploitation. Programs providing supportive services that are funded through such grant program shall:
(a) Utilize a trauma-informed approach, which involves understanding and responding to the symptoms of trauma and traumatic stress across the lifespan, recognizing the signs and symptoms of trauma, implementing that knowledge into policies, procedures, and practices, and seeking to actively resist re-traumatization;
(b) Use a victim-centered approach, which focuses on the needs and concerns of the victim, provides supportive services in a nondiscriminatory, nonjudgmental manner, and seeks to minimize re-traumatization by supporting victims’ rights, dignity, autonomy, and self-determination;
(c) Provide services that are linguistically and developmentally appropriate. Applicants must have in place policies and procedures promoting linguistically relevant services, including the accessibility of services for program participants with limited English proficiency and individuals with disabilities;
(d) Ensure that case management is provided for victims of sex trafficking and commercial sexual exploitation receiving services under the grant. Case management shall include, but not be limited to, an assessment of victim needs, development of individualized service plans, assessment of eligibility for other public or community-based programs, assistance in accessing publicly funded programs, assistance with safety planning, assistance with crime victim compensation claims when possible, information and referral, documentation of services provided, and routine followup to ensure that the needs of the victim are being addressed. Case management shall be delivered in a manner that is trauma-informed and victim-centered;

(e) Inform each victim about the option to work within the criminal justice system in the prosecution of the trafficker and others involved in his or her victimization by sex trafficking or commercial sexual exploitation; and

(f) Have written policies and procedures to ensure the safety, confidentiality, and privacy of the information regarding each victim.

(3) Programs providing supportive services shall be ineligible to participate in the grant program if:

(a) Services are provided in a way that is coercive or not voluntary;

(b) Services provided do not allow the free practice of the religion of choice; or

(c) Services are conditioned upon participation with the criminal justice system in the prosecution of traffickers or others involved in sex trafficking or commercial sexual exploitation.

(4) In awarding grants under this section, consideration shall be given to factors such as need, geographic location, diversity of population served, and coordination with or improvement of existing services.

(5) Funding for the competitive grant program may be paid from the Human Trafficking Victim Assistance Fund.

Sec. 8. The board shall contract for an independent evaluation of the state plan created under section 6 of this act and the competitive grant program created under section 7 of this act if public or private funding is made available in the Human Trafficking Victim Assistance Fund or the Sex Trafficking Investigation Assistance Fund for this specific purpose. The evaluation shall assess the effectiveness of the state plan in promoting the safety, well-being, and economic stability for victims of sex trafficking and commercial sexual exploitation and the effectiveness of the grant program in achieving the purposes described in section 7 of this act. The evaluation shall begin after the completion of the second year of the competitive grant program and shall be completed in the third year of the program. The department shall electronically transmit the completed evaluation to the Health and Human Services Committee of the Legislature and the Judiciary Committee of the Legislature.

Sec. 9. (1) The Sex Trafficking Investigation Assistance Fund is created. The State Treasurer shall credit to the fund such money as is
appropriated or transferred to the fund by the Legislature, donated as
gifts, bequests, or other contributions to such fund from public or
private entities, and made available by any department or agency of the
United States if so directed by such department or agency. The fund shall
be administered by the Nebraska Commission on Law Enforcement and
Criminal Justice. The Department of Justice shall approve and coordinate
payments to state and local law enforcement.

(2) Any money in the fund available for investment shall be invested
by the state investment officer pursuant to the Nebraska Capital
Expansion Act and the Nebraska State Funds Investment Act.

(3) All money credited to such fund shall be used to reimburse state
or local law enforcement for expenses associated with victim-centered
trauma-informed investigations, operations, or prosecution of sex
trafficking. The fund shall not be used to reimburse state or local law
enforcement costs associated with investigations, operations, or
prosecution of prostitution arrests.

Sec. 10. Section 81-1429.02, Revised Statutes Cumulative Supplement,
2018, is amended to read:

81-1429.02 The Human Trafficking Victim Assistance Fund is created.
The fund shall consist of any funds appropriated by the Legislature or
contain money donated as gifts, bequests, or other contributions from
public or private entities. Funds made available by any department or
agency of the United States may also be credited to the fund if so
directed by such department or agency. The fund shall be administered by
the Nebraska Commission on Law Enforcement and Criminal Justice. The
Department of Health and Human Services shall approve and coordinate
payments to service providers. All money credited to such fund shall be
used to support care, treatment, and other services for victims of human
trafficking and commercial sexual exploitation of a child. Any money in
the fund available for investment shall be invested by the state
investment officer pursuant to the Nebraska Capital Expansion Act and the
Nebraska State Funds Investment Act.

Sec. 11. Original section 81-1429.02, Revised Statutes Cumulative
Supplement, 2018, is repealed.

(Signed) Sara Howard, Chairperson

Appropriations

LEGISLATIVE BILL 334. Placed on General File with amendment.
AM801 is available in the Bill Room.

LEGISLATIVE BILL 638. Placed on General File with amendment.
AM800
1 1. On page 3, after line 9, insert the following new subsection:
2 "(6) Nothing in this section prohibits the balance in the Cash
3 Reserve Fund from exceeding sixteen percent of the total budgeted General
4 Fund expenditures each fiscal year if the Legislature determines it
5 necessary to prepare for and respond to budgetary requirements which may
6 include, but are not limited to, capital construction projects and 7 responses to emergencies.

(Signed) John Stinner, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 237A. Introduced by Crawford, 45.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 237, One Hundred Sixth Legislature, First Session, 2019.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 57. Introduced by Williams, 36.

PURPOSE: The purpose of this resolution is to study whether the Real Property Appraiser Act should be updated. In order to carry out the purpose of this resolution, the study committee should seek the assistance of the Real Property Appraiser Board and should consider the input of interested persons as the study committee deems necessary and appropriate.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Banking, Commerce and Insurance 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 58. Introduced by Halloran, 33.

WHEREAS, the Hastings St. Cecilia High School girls' basketball team won the 2019 Class C-2 Girls State Basketball Championship; and
WHEREAS, the St. Cecilia Hawkettes girls' basketball team defeated the Crofton Warriors in the championship game by a score of 63-45; and
WHEREAS, this is the St. Cecilia Hawkettes first championship title since 2011; and
WHEREAS, the St. Cecilia girls' basketball team members are positive role models of hard work, dedication, perseverance, and discipline for young athletes in their community; and
WHEREAS, such a team achievement is made possible through the support of teachers, administrators, parents, and the community; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of 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 Hastings St. Cecilia High School girls' basketball team on winning the 2019 Class C-2 Girls State Basketball Championship.

2. That a copy of this resolution be sent to the Hastings St. Cecilia High School girls' basketball team and Coach Greg Berndt.

Laid over.

**AMENDMENT(S) - Print in Journal**

Senator Crawford filed the following amendment to LB237:

AM943

(Amendments to Standing Committee amendments, AM676)

1 1. On page 6, line 17, strike "three" and insert "six".

**COMMITTEE REPORT(S)**

Health and Human Services

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

Randy Boldt - Board of Emergency Medical Services
John Bonta - Board of Emergency Medical Services
Karen Bowlin - Board of Emergency Medical Services
Ann Fiala - Board of Emergency Medical Services
Michael Miller - Board of Emergency Medical Services
Carl Rennerfeldt - Board of Emergency Medical Services


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

Lynette Kramer - Nebraska Rural Health Advisory Commission
Laeth Nasir - Nebraska Rural Health Advisory Commission
Rebecca A. Schroeder - Nebraska Rural Health Advisory Commission


(Signed) Sara Howard, Chairperson
UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Wayne name added to LB390.
Senator Linehan name added to LB451.
Senator Brandt name added to LB491.
Senator Brewer name added to LB605.
Senator Murman name added to LB657.
Senator Brandt name added to LB657.

VISITOR(S)

Visitors to the Chamber were Rachel, Erin, and Malachi Clark from Bellevue; staff from the Public Health Solutions District from Crete and Beatrice; members of the U.S. State Department Leadership Program from Czechia, Estonia, Greece, Slovakia, Slovenia, and Turkey; and members from the Delta Sigma Theta Sorority and Veterans Upward Bound from Omaha.

ADJOURNMENT

At 11:52 a.m., on a motion by Senator Hunt, the Legislature adjourned until 9:00 a.m., Tuesday, March 26, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
FORTY-EIGHTH DAY - MARCH 26, 2019

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

FORTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 26, 2019

PRAYER

The prayer was offered by Pastor Ken Miller, St. Paul Lutheran Church, Auburn.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Hughes presiding.

The roll was called and all members were present except Senators Albrecht, Gragert, and Kolowski who were excused; and Senators Cavanaugh, Lindstrom, Linehan, Morfeld, Pansing Brooks, Vargas, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-seventh day was approved.

RESOLUTION(S)


WHEREAS, the York Rotary Club was founded on February 6, 1919, and officially approved by Rotary International on March 1, 1919; and
WHEREAS, the York Rotary Club was initially organized by Melvin O. McLaughlin and twenty other men from the York area with the help of a delegation of Rotarians from the Downtown Lincoln Rotary Club; and
WHEREAS, serving youth has been a focus of York Rotary Club since its inception, shaping future generations through unique opportunities from camping trips for boy's homes in 1919 to providing scholarships and exchange-student programs around the world in 2019; and
WHEREAS, York Rotary Club is also focused on improving the lives of individuals from committing to eradicate Polio worldwide to helping stamp out hunger in local communities through fundraising and food drives; and
WHEREAS, the club has worked to serve the York area, greater Nebraska, and the world for 100 years and plans to continue for future generations.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes the York Rotary Club for 100 years of service to the state.
2. That a copy of this resolution be sent to the York Rotary Club.

Laid over.

LEGISLATIVE RESOLUTION 60. Introduced by Lowe, 37.

WHEREAS, Katie Philpot represented the United States of America at the 2019 Special Olympics World Games in Abu Dhabi, competing in four swimming events; and
WHEREAS, Katie won gold medals in the 100 meter butterfly and 100 meter freestyle events and won silver medals in the 200 meter freestyle and 4x100 meter freestyle relay; and
WHEREAS, Katie, a sophomore, is a member of the Kearney High School swimming and diving team; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Katie Philpot on winning gold and silver medals at the Special Olympics World Games in Abu Dhabi.
2. That a copy of this resolution be sent to Katie Philpot.

Laid over.

MOTION(S) - Confirmation Report(s)

Senator Howard moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 976:

Board of Emergency Medical Services
Randy Boldt
John Bonta
Karen Bowlin
Ann Fiala
Michael Miller
Carl Rennerfeldt

Voting in the affirmative, 33:
Voting in the negative, 0.

Present and not voting, 6:

Bolz Hansen, M. Lowe
Groene Lathrop Scheer

Excused and not voting, 10:

Albrecht Gragert Lindstrom Morfeld Vargas
Cavanaugh Kolowski Linehan Pansing Brooks Wishart

The appointments were confirmed with 33 ayes, 0 nays, 6 present and not voting, and 10 excused and not voting.

Senator Howard moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 976:

Nebraska Rural Health Advisory Commission
  Lynette Kramer
  Laeth Nasir
  Rebecca A. Schroeder

Voting in the affirmative, 33:

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Voting in the negative, 0.

Present and not voting, 6:

Bolz Hansen, M. Lowe
Erdman Lathrop Williams

Excused and not voting, 10:

Albrecht Gragert Lindstrom Morfeld Vargas
Cavanaugh Kolowski Linehan Pansing Brooks Wishart
The appointments were confirmed with 33 ayes, 0 nays, 6 present and not voting, and 10 excused and not voting.

GENERAL FILE

LEGISLATIVE RESOLUTION 14CA. Senator Groene renewed his amendment, FA26, found on page 958.

Pending.

COMMITTEE REPORT(S)

Revenue

LEGISLATIVE BILL 585. Placed on General File with amendment. AM953
1 1. Strike original section 11.
2 2. On page 3, line 3, after "together" insert "in blends higher than E-15"; and strike beginning with "consider" in line 26 through "received" in line 27 and insert "award grants to the maximum number of qualified applicants".

LEGISLATIVE BILL 610. Placed on General File with amendment. AM917 is available in the Bill Room.

(Signed) Lou Ann Linehan, Chairperson

General Affairs

LEGISLATIVE BILL 252. Placed on General File.

(Signed) Tom Briese, Chairperson

AMENDMENT(S) - Print in Journal

Senator Hilkemann filed the following amendment to LB558: AM920
1 1. Strike original section 1 and insert the following new section:
2 Section 1. There is hereby appropriated (1) $10,269,035 from federal funds for FY2019-20 and (2) $10,269,035 from federal funds for FY2020-21 to the Department of Health and Human Services, for Program 348.
3 There is hereby appropriated (1) $10,269,035 from the General Fund for FY2019-20 and (2) $10,269,035 from the General Fund for FY2020-21 to the Department of Health and Human Services, for Program 424.
4 There is included in the amount shown as General Fund aid in Program
Senator Hilgers filed the following amendment to LB583:

AM523
1 1. On page 2, line 23, strike "or an eligible county" and insert ", an eligible county, or a city of the metropolitan class".
2 2. On page 5, line 12, after "county" insert "or a city of the metropolitan class" and in line 14 after "county" insert "or city of the metropolitan class".
3 3. On page 15, line 9, after "county" insert "or a city of the metropolitan class".

GENERAL FILE

LEGISLATIVE RESOLUTION 14CA. The Groene amendment, FA26, found on page 958 and considered in this day's Journal, was renewed.

SENATOR WILLIAMS PRESIDING

Pending.

BILL ON FIRST READING

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

LEGISLATIVE BILL 556A. Introduced by Howard, 9.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 556, One Hundred Sixth Legislature, First Session, 2019; and to declare an emergency.

AMENDMENT(S) - Print in Journal

Senator Linehan filed the following amendment to LB288:

AM974
1 1. Strike the original sections and insert the following new 2 sections:
3 Section 1. Section 77-2734.04, Reissue Revised Statutes of Nebraska, 4 is amended to read:
5 77-2734.04 As used in sections 77-2734.01 to 77-2734.15, unless the 6 context otherwise requires:
7 (1) Annual average amortized loan balance means the total of the 8 ending monthly values in the tax year divided by the number of months in 9 the tax year;
Application service means computer-based services provided to customers over a network for a fee without selling, renting, leasing, licensing, or otherwise transferring computer software. Application service includes, but is not limited to, software as a service, platform as a service, or infrastructure as a service;

Billing address means the location indicated in the books and records of the taxpayer as the address of record where the bill relating to the customer's account is mailed;

Borrower located in this state means:

(a) A borrower who is engaged in a trade or business in this state;

or

(b) A borrower whose billing address is in this state, but is not engaged in a trade or business in this state;

Buyer includes a buyer, licensee, user, or person providing consideration for the use of an item or service;

Commercial domicile means the principal place from which the trade or business of the taxpayer is directed or managed;

Communications company means any entity that:

(i) A telecommunications company as defined in section 86-119 that provides a telecommunications service as defined in section 86-121 or provides broadband, Internet, or video services as defined in section 86-593;

(ii) A communications company that provides the electronic transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points, and includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code, or protocol of the content for purposes of transmission, conveyance, or routing without regard to whether such service is referred to as a voice over Internet protocol service or is classified by the Federal Communications Commission as enhanced or value added. The company may also provide video programming provided by, or generally considered comparable to, programming provided by, a television broadcast station, regardless of the medium, including the furnishing of transmission, conveyance, and routing of such services by the programming service provider. Video programming includes, but is not limited to, cable service as defined in 47 U.S.C. 522 and video programming services delivered by providers of commercial mobile radio service, as defined in 47 C.F.R. 20.3; or

(iii) A broadcast company that provides an over-the-air broadcast radio station or over-the-air broadcast television station; and

Owns, operates, manages, or controls any plant or equipment used to furnish telecommunications service, communication services, broadband services, Internet service, or broadcast services directly or indirectly to the general public at large and derives at least seventy percent of its gross sales for the current taxable year from the provision of these services. For purposes of the seventy-percent test, gross sales does not include interest, dividends, rents, royalties, capital gains, or ordinary gains from asset dispositions, other than in the normal course of...
business;
2 (8) Compensation means wages, salaries, commissions, and any other
3 form of remuneration paid to employees for personal services;
4 (9) Corporate taxpayer means any corporation that is not a part of a
5 unitary business or the part of a unitary business, whether it is one or
6 more corporations, that is doing business in this state. Corporate
7 taxpayer does not include any corporation that has a valid election under
8 subchapter S of the Internal Revenue Code or any financial institution as
9 defined in section 77-3801;
10 (10) Corporation means all corporations and all other entities that
11 are taxed as corporations under the Internal Revenue Code;
12 (11) Credit card means a credit card, debit card, purchase card,
13 charge card, and travel or entertainment card;
14 (12) Doing business in this state means the exercise of the
15 corporation's franchise in this state or the conduct of operations in
16 this state that exceed the limitations provided in 15 U.S.C. 381 on a
17 state imposing an income tax. Doing business in this state includes the
18 sale, lease, or license of services, intangibles, or digital products to
19 customers in this state that exceed five hundred thousand dollars in the
20 previous or current calendar year;
21 (13) Federal taxable income means the corporate taxpayer's federal
22 taxable income as reported to the Internal Revenue Service or as
23 subsequently changed or amended. Except as provided in subsection (5) or
24 (6) of section 77-2716, no adjustment shall be allowed for a change from
25 any election made or the method used in computing federal taxable income.
26 An election to file a federal consolidated return shall not require the
27 inclusion in any unitary group of a corporation that is not a part of the
28 unitary business;
29 (14) Intangible property means all personal property which is not
30 tangible personal property and includes, but is not limited to, patents,
31 copyrights, trademarks, trade names, service names, franchises, licenses,
1 royalties, processes, techniques, formulas, and technical know-how but
2 excludes money;
3 (15) Loan means any extension of credit resulting from direct
4 negotiations between the taxpayer and its customer or the purchase, in
5 whole or in part, of an extension of credit from another person. Loan
6 includes participations, syndications, and leases treated as loans for
7 federal income tax purposes. Loan does not include properties treated as
8 loans under section 595 of the Internal Revenue Code prior to its repeal
9 by Public Law 104-188, futures or forward contracts, options, notional
10 principal contracts such as swaps, credit card receivables, including
11 purchased credit card relationships, noninterest bearing balances due
12 from depository institutions, cash items in the process of collection,
13 federal funds sold, securities purchased under agreements to resell,
14 assets held in a trading account, securities, interests in a real estate
15 mortgage investment conduit or other mortgage-backed or asset-backed
16 security, and other similar items;
17 (16) Loan secured by real property means a loan or other obligation
18 which, at the time the original loan or obligation was incurred or during
19 the current taxable year, was secured by real property. A loan secured by
20 real property includes an installment sales contract for real property;
21 (17) Loan secured by tangible personal property means a loan or
22 other obligation which, at the time the original loan or obligation was
23 incurred or during the current taxable year, was secured by tangible
24 personal property. A loan secured by tangible personal property includes
25 an installment sales contract for tangible personal property;
26 (18) Loan servicing fee includes (a) fees or charges for originating
27 and processing loan applications, including, but not limited to, prepaid
28 interest and loan discounts, (b) fees or charges for collecting,
29 tracking, and accounting for loan payments received, and (c) gross
30 receipts from the sale of loan servicing rights;
31 (19) Participation means an extension of credit in which an
1 undivided ownership interest is held on a pro rata basis in a single loan
2 or pool of loans and related collateral;
3 (20) Sales means all gross receipts of the taxpayer, except:
4 (a) Income from discharge of indebtedness;
5 (b) Amounts received from hedging transactions involving intangible
6 assets; or
7 (c) Net gains from marketable securities held for investment;
8 (21) Single economic unit means a business in which there is a
9 sharing or exchange of value between the parts of the unit. A sharing or
10 exchange of value occurs when the parts of the business are linked by (a)
11 common management or (b) common operational resources that produce
12 material (i) economies of scale, (ii) transfers of value, or (iii) flow
13 of goods, capital, or services between the parts of the unit.
14 (A) For the purposes of this subdivision, common management
15 includes, but is not limited to, (I) a centralized executive force or
16 (II) review or approval authority over long-term operations with or
17 without the exercise of control over the day-to-day operations.
18 (B) For the purposes of this subdivision, common operational
19 resources includes, but is not limited to, centralization of any of the
20 following: Accounting, advertising, engineering, financing, insurance,
21 legal, personnel, pension or benefit plans, purchasing, research and
22 development, selling, or union relations;
23 (22) State means any state of the United States, the District of
24 Columbia, the Commonwealth of Puerto Rico, any territory or possession of
25 the United States, and any foreign country or political subdivision
26 thereof;
27 (23) Subject to the Internal Revenue Code means a corporation that
28 meets the requirements of section 243 of the Internal Revenue Code in
29 order for its distributions to qualify for the dividends-received
30 deduction;
31 (24) Taxable income means federal taxable income as adjusted and, if
1 appropriate, as apportioned;
2 (25) Taxable year means the period the corporate taxpayer used on
3 its federal income tax return;
4 (26) Treasury function is the pooling, management, and investment of
5 intangible assets to satisfy the cash-flow needs of the trade or
6 business, including, but not limited to, providing liquidity for a
7 taxpayer's business cycle, providing a reserve for business
8 contingencies, or business acquisitions. A taxpayer principally engaged
9 in the trade or business of purchasing and selling intangible assets of
10 the type typically held in a taxpayer's treasury function, such as a
11 registered broker-dealer, is not performing a treasury function with
12 respect to income so produced;
13 (27) Unitary business means a business that is conducted as a single
14 economic unit by one or more corporations with common ownership and shall
15 include all activities in different lines of business that contribute to
16 the single economic unit.
17 For the purposes of this subdivision, common ownership means one or
18 more corporations owning fifty percent or more of another corporation;
19 and
20 (28) Unitary group means the group of corporations that are
21 conducting a unitary business.
22 Sec. 2. Original section 77-2734.04, Reissue Revised Statutes of
23 Nebraska, is repealed.

NOTICE OF COMMITTEE HEARING(S)
Revenue
Room 1510

Wednesday, April 3, 2019 12:30 p.m.

AM974
Note: Amendment to LB288

GENERAL FILE

LEGISLATIVE BILL 169. Senator Groene renewed his amendment,
AM804, found on page 927 and considered on pages 928 and 948, to the
committee amendment.

SENATOR HUGHES PRESIDING

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

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

Pending.
AMENDMENT(S) - Print in Journal

Senator Wayne filed the following amendments to **LB675**:

**FA27**
Strike section 2.

**FA28**
Strike section 8.

**FA29**
Strike section 16.

**FA30**
Strike section 52.

**FA31**
Strike section 57.

Senator Wayne filed the following amendment to **LB147**:

**FA32**
Add new section:
Sec. 4 Sections 2 and 3 of this Act shall only apply to Class III school districts located within a county with a population between 35,000 and 40,000.

Senator Wayne filed the following amendment to **LB148**:

**FA33**
Amend AM421
On page 5, lines 6-7, strike "described in subdivision (1)(a)(i) of section 84-1409" and insert "located within a county with a population between 35,000 and 40,000".

Senator Wayne filed the following amendment to **LB606**:

**FA34**
On page 2, line 1, after "district" insert "located within a city of the metropolitan class".

RESOLUTION(S)

**LEGISLATIVE RESOLUTION 61.** Introduced by Arch, 14; Blood, 3; Clements, 2; Crawford, 45; La Grone, 49.

WHEREAS, the 55th Wing is a unit of the United States Air Force and is the largest wing in Air Combat Command; and
WHEREAS, the 55th Wing, known as the Fightin' Fifty-fifth, is over 75 years old and was a fighter wing during World War II; and
WHEREAS, the 55th Wing was reconstituted as the 55th Strategic Reconnaissance Wing in 1948 and finally renamed the 55th Wing in 1991; and
WHEREAS, the 55th Wing has been stationed at Offutt Air Force Base since 1966; and 
WHEREAS, the 55th Wing provides premier reconnaissance, real-time intelligence, command and control, information warfare, and combat support around the world; and 
WHEREAS, the 55th Wing is proudly supported by the 55th Wing Association, comprised of veterans who have served in the Fightin' Fifty-fifth in the United States Air Force; and 
WHEREAS, the 55th Wing Association, an exemplar alumni organization, works tirelessly at supporting members of the 55th Wing as embodied in its credo, "Honoring those who served and serving those who do".

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

1. That the Legislature recognizes the contributions of the 55th Wing and the 55th Wing Association and commends the exceptional relationship between military personnel and veteran citizens.
2. That the Legislature expresses appreciation to the members of the 55th Wing and the 55th Wing Association for their ongoing contribution to maintaining safety and security around the world for Nebraska and the United States.
3. That copies of this resolution be sent to the 55th Wing at Offutt Air Force Base and the 55th Wing Association.

Laid over.

LEGISLATIVE RESOLUTION 62. Introduced by Bolz, 29; Geist, 25; Hansen, M., 26; Hilgers, 21; Morfeld, 46; Pansing Brooks, 28; Wishart, 27.

WHEREAS, Thomas K. Casady is well known for his distinguished career in law enforcement, protecting the public and assisting victims; and
WHEREAS, Tom Casady, a Lincoln native, graduated from Northeast High School and earned a bachelor's degree in criminology and criminal justice from the University of Nebraska at Omaha and a Master of Arts in political science from the University of Nebraska-Lincoln; and
WHEREAS, Tom Casady joined the Lincoln Police Department in 1974 and rose to the rank of lieutenant in 1986; and
WHEREAS, Tom Casady was appointed as the Lancaster County Chief Deputy Sheriff in 1987 and then as the Lancaster County Sheriff in 1991; and
WHEREAS, in 1994, Tom Casady was appointed by Mayor Mike Johanns as Chief of Police for the City of Lincoln, where he served for 17 years; and
WHEREAS, Mayor Chris Beutler appointed Tom Casady as the Public Safety Director for the City of Lincoln in 2011, where he served honorably for the last eight years; and
WHEREAS, Tom Casady retired in March 2019, leaving a remarkable 45 year legacy in law enforcement.
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 Tom Casady for his 45 year career in public service and his dedication to Lincoln and Lancaster County.
2. That the Legislature congratulates Tom Casady on his retirement.
3. That a copy of this resolution be sent to Tom Casady.

Laid over.

LEGISLATIVE RESOLUTION 63. Introduced by Linehan, 39; Friesen, 34; Groene, 42.

PURPOSE: To study educational service units, including, but not limited to, the structure, duties, current projects, and financing of educational service units.

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

1. That the Education 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.

GENERAL FILE

LEGISLATIVE BILL 169. The Groene amendment, AM804, found on page 927 and considered on pages 928, 948, and in this day's Journal, to the committee amendment, was renewed.

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

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

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

Senator Howard withdrew her motion to overrule the Chair.

Senator Groene withdrew his amendment, AM804.

Pending.
COMMITTEE REPORT(S)
Government, Military and Veterans Affairs

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Richard Grauerholz - State Emergency Response Commission


The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Tim Hofbauer - State Emergency Response Commission


(Signed) Tom Brewer, Chairperson

AMENDMENT(S) - Print in Journal

Senator Morfeld filed the following amendment to LB352:

AM955
(Amendments to Standing Committee amendments, AM761)
1 1. Strike the original amendments and insert the following new
2 amendment:
3 1. Strike the original sections and all amendments thereto and
4 insert the following new sections:
5 Section 1. For purposes of sections 1 to 6 of this act:
6 (1) Benefit means any plea bargain, bail consideration, reduction or
7 modification of sentence, or any other leniency, immunity, financial
8 payment, reward, or amelioration of current or future conditions of
9 incarceration that has been requested by the jailhouse informant or that
10 has been offered or may be offered in the future to the jailhouse
11 informant in connection with his or her testimony in the criminal
12 proceeding in which the prosecutor intends to call him or her as a
13 witness; and
14 (2) Jailhouse informant means a person who offers testimony about
15 statements made by a suspect or defendant while the suspect or defendant
16 and jailhouse informant were in the custody of any jail or correctional
17 institution and who has requested or received or may in the future
18 receive a benefit in connection with such testimony.
19 Sec. 2. Sections 1 to 6 of this act apply to any case in which a
20 suspect or defendant is charged with a felony.
21 Sec. 3.  Each prosecutor's office shall undertake measures to
22 maintain a searchable record of:
23 (1) Each case in which:
24 (a) Trial testimony is offered or provided by a jailhouse informant
25 against a suspect's or defendant's interest; or
26 (b) A statement from a jailhouse informant against a suspect's or
1 defendant's interest is used and a criminal conviction is obtained; and
1 (2) Any benefit requested by or offered or provided to a jailhouse
3 informant in connection with such statement or trial testimony.
4 Sec. 4.  (1) Except as provided in subsection (3) of this section,
5 if a prosecutor intends to use the testimony or statement of a jailhouse
6 informant at a defendant's trial, the prosecutor shall disclose to the
7 defense:
8 (a) The known criminal history of the jailhouse informant;
9 (b) Any benefit requested by or offered or provided to a jailhouse
10 informant or that may be offered or provided to the jailhouse informant
11 in the future in connection with such testimony;
12 (c) The specific statements allegedly made by the defendant against
13 whom the jailhouse informant will testify or provide a statement and the
14 time, place, and manner of the defendant's disclosures;
15 (d) The case name and jurisdiction of any criminal case known to the
16 prosecutor in which the jailhouse informant testified or a prosecutor
17 intended to have the jailhouse informant testify about statements made by
18 another suspect or criminal defendant that were disclosed to the
19 jailhouse informant and whether the jailhouse informant requested, was
20 offered, or received any benefit in exchange for or subsequent to such
21 testimony; and
22 (e) Any occasion known to the prosecutor in which the jailhouse
23 informant recanted testimony about statements made by another suspect or
24 defendant that were disclosed to the jailhouse informant and any
25 transcript or copy of such recantation.
26 (2) The prosecutor shall disclose the information described in
27 subsection (1) of this section to the defense as soon as practicable
28 after discovery, but no later than thirty days before trial. If the
29 prosecutor seeks to introduce the testimony of a jailhouse informant that
30 was not known until after such deadline, or if the information described
31 in subsection (1) of this section could not have been discovered or
1 obtained by the prosecutor with the exercise of due diligence at least
2 thirty days before the trial or other criminal proceeding, the court may
3 permit the prosecutor to disclose the information as soon as is
4 practicable after the thirty-day period;
5 (3) If the court finds by clear and convincing evidence that
6 disclosing information listed in subsection (1) of this section will
7 result in the possibility of bodily harm to a jailhouse informant or that
8 a jailhouse informant will be coerced, the court may permit the
9 prosecutor to redact some or all of such information.
10 (4) If, at any time subsequent to the deadline in subsection (2) of
11 this section, the prosecutor discovers additional material required to be
disclosed under subsection (1) of this section, the prosecutor shall promptly:

(a) Notify the court of the existence of the additional material;

and

(b) Disclose such material to the defense, except as provided in subsection (3) of this section.

Sec. 5. If a jailhouse informant receives leniency related to a pending charge, a conviction, or a sentence for a crime against a victim as defined in section 29-119, in connection with offering or providing testimony against a suspect or defendant, the prosecutor shall notify such victim. Prior to reaching a plea agreement, the prosecutor shall proceed as provided in subsection (1) of section 23-1201. For purposes of this section, leniency means any plea bargain, reduced or dismissed charges, bail consideration, or reduction or modification of sentence.

Sec. 6. If, at any time during the course of the proceedings, it is brought to the attention of the court that the prosecutor has failed to comply with section 4 of this act, or an order issued pursuant to this section, the court may:

(1) Order the prosecutor to disclose materials not previously disclosed;

(2) Grant a continuance;

(3) Prohibit the prosecutor from calling a witness not disclosed or introducing in evidence the material not disclosed; or

(4) Enter such other order as it deems just under the circumstances.

Sec. 7. Section 29-1912, Reissue Revised Statutes of Nebraska, is amended to read:

29-1912 (1) When a defendant is charged with a felony or when a defendant is charged with a misdemeanor or a violation of a city or village ordinance for which imprisonment is a possible penalty, he or she may request the court where the case is to be tried, at any time after the filing of the indictment, information, or complaint, to order the prosecuting attorney to permit the defendant to inspect and copy or photograph:

(a) The defendant's statement, if any. For purposes of this subdivision, statement means a written statement made by the defendant and signed or otherwise adopted or approved by him or her, or a stenographic, mechanical, electrical, or other recording, or a transcription thereof, which is a substantially verbatim recital of an oral statement made by the defendant to an agent of the prosecution, state, or political subdivision thereof, and recorded contemporaneously with the making of such oral statement;

(b) The defendant's prior criminal record, if any;

(c) The defendant's recorded testimony before a grand jury;

(d) The names and addresses of witnesses on whose evidence the charge is based;

(e) The results and reports of physical or mental examinations, and of scientific tests, or experiments made in connection with the particular case, or copies thereof; and

(f) Documents, papers, books, accounts, letters, photographs,
30 objects, or other tangible things of whatsoever kind or nature which
31 could be used as evidence by the prosecuting authority;
3 (g) The known criminal history of a jailhouse witness;
3 (h) Any deal, promise, inducement, or benefit that the prosecuting
3 attorney or any person acting on behalf of the prosecuting attorney has
3 knowingly made or may make in the future to the jailhouse witness;
3 (i) The specific statements allegedly made by the defendant against
3 whom the jailhouse witness will testify and the time, place, and manner
3 of the defendant's disclosures;
3 (j) The case name and jurisdiction of any criminal cases known to
3 the prosecuting attorney in which a jailhouse witness testified about
3 statements made by another criminal defendant that were disclosed to the
3 jailhouse witness while he or she was a jailhouse witness and whether the
3 jailhouse witness received any deal, promise, inducement, or benefit in
3 exchange for or subsequent to such testimony; and
3 (k) Any occasion known to the prosecuting attorney in which the
3 jailhouse witness recanted testimony about statements made by another
3 criminal defendant that were disclosed to the jailhouse witness while he
3 or she was a jailhouse witness and, if any are known, a transcript or
3 copy of such recantation.
3 (2) The court may issue such an order pursuant to the provisions of
3 this section. In the exercise of its judicial discretion, the court shall
3 consider among other things whether:
3 (a) The request is material to the preparation of the defense;
3 (b) The request is not made primarily for the purpose of harassing
3 the prosecution or its witnesses;
3 (c) The request, if granted, would not unreasonably delay the trial
3 of the offense and an earlier request by the defendant could not have
3 reasonably been made;
3 (d) There is no substantial likelihood that the request, if granted,
3 would preclude a just determination of the issues at the trial of the
3 offense; or
3 (e) The request, if granted, would not result in the possibility of
3 bodily harm to, or coercion of, witnesses.
3 (3) Whenever the court refuses to grant an order pursuant to the
3 provisions of this section, it shall render its findings in writing
3 together with the facts upon which the findings are based.
3 (4) Whenever the prosecuting attorney believes that the granting of
3 an order under the provisions of this section will result in the
3 possibility of bodily harm to witnesses or that witnesses will be
3 coerced, the court may permit him or her to make such a showing in the
3 form of a written statement to be inspected by the court alone. The
3 statement shall be sealed and preserved in the records of the court to be
3 made available to the appellate court in the event of an appeal by the
3 defendant.
3 (5) This section does not apply to jailhouse informants as defined
3 in section 1 of this act. Sections 1 to 6 of this act govern jailhouse
3 informants. For purposes of subdivisions (1)(g) through (k) of this
3 section, jailhouse witness means a person in the physical custody of any
17 jail or correctional institution as (a) an accused defendant, (b) a
18 convicted defendant awaiting sentencing, or (c) a convicted defendant
19 serving a sentence of incarceration, at the time the statements the
20 jailhouse witness will testify about were disclosed.
21 Sec. 8. Original section 29-1912, Reissue Revised Statutes of
22 Nebraska, is repealed.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Moser name added to LB15.
Senator Kolterman name added to LB657.

VISITOR(S)

Visitors to the Chamber were Chris Klinger and members of Leadership
Beatrice; students from St. Bernadette Catholic School, Bellevue; and
students from St. Columbkille Catholic School, Papillion.

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

ADJOURNMENT

At 11:53 a.m., on a motion by Senator Howard, the Legislature adjourned
until 9:00 a.m., Wednesday, March 27, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
FORTY-NINTH DAY - MARCH 27, 2019

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

FORTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 27, 2019

PRAYER

The prayer was offered by Pastor Perry Gauthier, Capitol Ministries of Nebraska, Lincoln.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Scheer presiding.

The roll was called and all members were present except Senators Cavanaugh, Dorn, Morfeld, Murman, Pansing Brooks, and Vargas who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-eighth day was approved.

BILL ON FIRST READING

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

LEGISLATIVE BILL 137A. Introduced by Blood, 3.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 137, One Hundred Sixth Legislature, First Session, 2019.

AMENDMENT(S) - Print in Journal

Senator Kolowski filed the following amendment to LB619:

AM957

(Amendments to Standing Committee amendments, AM287)

1. Strike lines 16 through 19 and insert the following new subsection:

3. (3) Nothing in this section shall:
4. (a) Require an insurer offering a health insurance policy to pay for mental health services that are otherwise excluded from such health
6 insurance policy;  
7 (b) Require an insurer offering a health insurance policy to pay for 
8 mental health services that are provided by an individual employed by or 
9 under contract with a school district or an educational service unit in a 
10 regular full-time or part-time position; or 
11 (c) Prevent application of any other provision of such health 
12 insurance policy.

Senator Hunt filed the following amendment to LB169: 
FA35  
Page 1, line 11 strike "utilization" insert "use".

COMMITTEE REPORT(S)  
Transportation and Telecommunications

LEGISLATIVE BILL 693. Placed on General File.  

(Signed) Curt Friesen, Chairperson

RESOLUTION(S)  
Pursuant to Rule 4, Sec. 5(b), LRs 45, 46, 47, and 48 were adopted.

SPEAKER SIGNED  
While the Legislature was in session and capable of transacting business, the 
Speaker signed the following: LRs 45, 46, 47, and 48.

GENERAL FILE

LEGISLATIVE BILL 169. Senator Hunt withdrew her amendment, FA25, 
found on page 952.

Senator Hunt offered her amendment, AM922, found on page 948, to the 
committee amendment.

Senator Chambers offered the following motion: 
MO27  
Recommit to the Health and Human Services Committee.

Senator Chambers withdrew his motion to recommit to committee.

Senator Chambers offered the following motion: 
MO28  
Bracket until April 15, 2019.

Senator Chambers withdrew his motion to bracket.

Pending.
COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 390. Placed on Select File with amendment.
ER58
1 1. On page 1, lines 2 and 3, strike "Nebraska Commission on Law
2 Enforcement and Criminal Justice" and insert "State Department of
3 Education".

LEGISLATIVE BILL 320. Placed on Select File with amendment.
ER61
1 1. On page 25, line 18, after "C.F.R." insert "part".
2 2. On page 27, line 13, strike "171.5" and insert "171.105".
3 3. On page 33, line 27, strike "section 2-2642" and insert "this
4 section".

LEGISLATIVE BILL 603. Placed on Select File.
LEGISLATIVE BILL 713. Placed on Select File.

LEGISLATIVE BILL 316. Placed on Select File with amendment.
ER59
1 1. On page 1, strike beginning with "adopt" in line 1 through line 2
2 and insert "provide duties for pharmacists and contracted pharmacies
3 regarding disclosure of cost, price, or copayment of prescription drugs;
4 to prohibit insurers from requiring excessive payments as prescribed; and
5 to define terms.".

LEGISLATIVE BILL 218. Placed on Select File with amendment.
ER60
1 1. On page 1, line 2, strike "77-105" and insert "77-103, 77-117,";
2 in line 3 strike "tangible personal" and insert "real"; and in line 4
3 after the first semicolon insert "to harmonize provisions;".

LEGISLATIVE BILL 59. Placed on Select File.
LEGISLATIVE BILL 514. Placed on Select File.

(Signed) Julie Slama, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 334A. Introduced by Stinner, 48.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to
aid in carrying out the provisions of Legislative Bill 334, One Hundred
Sixth Legislature, First Session, 2019.
The Education Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Greg Adams - Nebraska Educational Telecommunications Commission
Patricia Kircher - Nebraska Educational Telecommunications Commission
Paul Turman - Nebraska Educational Telecommunications Commission


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

John Chaney - Board of Trustees of the Nebraska State Colleges
Robert Engles - Board of Trustees of the Nebraska State Colleges


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

Dwayne B. Probyn - Board of Educational Lands and Funds


(Signed) Mike Groene, Chairperson

GENERAL FILE

LEGISLATIVE BILL 169. The Hunt amendment, AM922, found on page 948 and considered in this day's Journal, to the committee amendment, was renewed.

Senator Hunt offered the following motion:
MO29
Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Hunt moved for a call of the house. The motion prevailed with 27 ayes, 3 nays, and 19 not voting.
Senator Hunt requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 28:

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<td>Vargas</td>
</tr>
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</table>

Voting in the negative, 16:

<table>
<thead>
<tr>
<th>Senator</th>
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<tbody>
<tr>
<td>Albrecht</td>
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<td>Lowe</td>
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<td>Briese</td>
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<td>Gragert</td>
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<td>Hughes</td>
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<td>Slama</td>
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Present and not voting, 5:

<table>
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<tr>
<th>Senator</th>
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<tbody>
<tr>
<td>Arch</td>
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<tr>
<td>Geist</td>
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<tr>
<td>Hansen, B.</td>
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<tr>
<td>Linehan</td>
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<tr>
<td>Murman</td>
</tr>
</tbody>
</table>

The Hunt motion to invoke cloture failed with 28 ayes, 16 nays, and 5 present and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 87.** Title read. Considered.

Senator Chambers offered the following motion:

MO30
Bracket until April 15, 2019.

**SENATOR WILLIAMS PRESIDING**

Senator Chambers withdrew his motion to bracket.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

**COMMITTEE REPORT(S)**

Agriculture

**LEGISLATIVE BILL 304.** Placed on General File with amendment.

AM990
1 1. Strike the original sections and insert the following new 2 sections:
3 Section 1. Section 81-2,239, Revised Statutes Cumulative Supplement, 4 2018, is amended to read:
Sections 81-2,239 to 81-2,292 and section 3 of this act and the provisions of the Food Code and the Current Good Manufacturing Practice In Manufacturing, Packing, or Holding Human Food adopted by reference in sections 81-2,257.01 and 81-2,259, shall be known and may be cited as the Nebraska Pure Food Act.

Sec. 2. Section 81-2,245.01, Revised Statutes Cumulative Supplement, 2018, is amended to read:

81-2,245.01 Food establishment shall mean an operation that stores, prepares, packages, serves, sells, vends, delivers, or otherwise provides food for human consumption. The term does not include:

1. An establishment or vending machine operation that offers only prepackaged soft drinks, carbonated or noncarbonated; canned or bottled fruit and vegetable juices; prepackaged ice; candy; chewing gum; potato chips; pretzels; cheese puffs and curls; crackers; popped popcorn; nuts and edible seeds; and cookies, cakes, pies, and other pastries, that are not time/temperature control for safety foods;
2. A produce stand that only offers whole, uncut fresh fruits and vegetables;
3. A food processing plant;
4. A salvage operation;
5. A private home where food is prepared or served for personal use, a small day care in the home, or a hunting lodge, guest ranch, or other operation where no more than ten paying guests eat meals in the home;
6. A private home or other area where food that is not time/temperature control for safety food is prepared for sale or service at a religious, charitable, or fraternal organization's bake sale or similar function;
7. A private home or other area where food that is not time/temperature control for safety food is prepared for sale directly to the consumer, but not limited to, at a farmers market, fair, festival, craft show, or other public event or for pick up at or delivery from such private home or other area, if:
   (a) The consumer is informed by a clearly visible notification at the sale location that the food was prepared in a kitchen that is not subject to regulation and inspection by the regulatory authority and may contain allergens. For sales conducted at a farmers market, fair, festival, craft show, or other public event, such notification shall be at the sale location. For sales conducted for pick up at or delivery from a private home or other area, such notification shall be at such private home or other area, on the producer's web site if one exists, and in any print, radio, television, or Internet advertisement for such sales;
   (b) The name and address of the producer is provided to the consumer on the package or container label;
   (c) Product delivery is made directly from the producer to the actual customer in a person-to-person transaction or by United States mail or a commercial mail delivery service;
   (d) The producer follows any food safety and handling guidelines for sale at a farmers market, fair, festival, craft show, or other public
(e) Prior to conducting any food sales, the producer, other than one selling directly to the consumer at a farmers market, has successfully completed (i) a nationally accredited food safety and handling education course that covers topics such as food safety issues, regulations, and techniques to maintain a food-safe environment or (ii) a certified food safety and handling training course offered at a culinary school or as required by a county, city, or village to obtain a food handler permit;

(f) The producer, if using private well water to produce food sold under this subdivision (7), has had such well water tested for contamination by nitrates or bacteria prior to conducting any food production and sales; and

(g) The producer complies with section 3 of this act;

(8) (7) A private home or other area where food is prepared for distribution at a fundraising event for a charitable purpose if the consumer is informed by a clearly visible placard at the serving location that the food was prepared in a kitchen that is not subject to regulation and inspection by the regulatory authority. This subdivision does not apply to a caterer or other establishment providing food for the event if the caterer or establishment receives compensation for providing the food;

(9) (8) The location where food prepared by a caterer is served so long as the caterer only minimally handles the food at the serving location;

(10) (9) Educational institutions, health care facilities, nursing homes, and governmental organizations which are inspected by a state agency or a political subdivision other than the regulatory authority for sanitation in the food preparation areas;

(11) (10) A pharmacy as defined in section 71-425 if the pharmacy only sells prepackaged pharmaceutical, medicinal, or health supplement foods that are not time/temperature control for safety or foods described in subdivision (1) of this section; and

(12) (11) An establishment which is not a commercial food establishment and which sells only commercially packaged foods that are not time/temperature control for safety foods.

Sec. 3. A producer of food described in subdivision (7) of section 81-2,245.01 shall register with the department prior to conducting any sales of food. The registration shall be made on forms prescribed by the department and include (1) the name, address, and telephone number of the producer, (2) the type of food safety and handling education or training course taken and the date of its successful completion, and (3) proof of private well water testing pursuant to subdivision (7)(f) of this section. A producer of food described in subdivision (7) of section 81-2,245.01, if applicable. This section shall not apply to a producer of food selling directly to the consumer at a farmers market.

Sec. 4. Original sections 81-2,239 and 81-2,245.01, Revised Statutes 2018, are repealed.

(Signed) Steve Halloran, Chairperson
Appropriations

LEGISLATIVE BILL 694. Placed on General File with amendment.
AM983
1. On page 2, line 13, after the period insert "Political subdivisions, local housing authorities, community action agencies, and community-based, neighborhood-based, and reservation-based nonprofit organizations shall not be required to provide, or cause to be provided, such matching funds."

(Signed) John Stinner, Chairperson

MESSAGE(S) FROM THE GOVERNOR

March 27, 2019

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 141, 318, 339, 340, 354, 354A, 399, 443, and 463 were received in my office on March 21, 2019. These bills were signed and delivered to the Secretary of State on March 27, 2019.

Sincerely,

(Signed) Pete Ricketts
Governor

AMENDMENT(S) - Print in Journal

Senator Erdman filed the following amendment to LB483:
AM973
1. On page 7, line 27, strike "in bushels".
2. On page 10, line 19, strike "and" and insert an underscored comma; in line 20 after "members" insert ", and shall serve as the board's chairperson"; in line 22 strike ", shall be the board's chairperson,"; and strike beginning with "In" in line 26 through line 30.
3. On page 11, line 1, strike "on or before June 1, 2019" and insert "within sixty days after the operative date of this section"; and in line 6 strike "the remaining members" and insert "those specified in subdivisions (1)(d), (e), and (f) of this section".
4. On page 12, line 6, strike "the Director of Agriculture" and insert "Tax Commissioner".
Senator Dorn filed the following amendment to LB472:

AM959
1 1. Insert the following new sections:
2 Sec. 5. Any county that imposes a sales and use tax pursuant to the
3 Qualified Judgment Payment Act shall set its property tax levy at the
4 maximum levy authorized in section 77-3442 for each year that the county
5 is imposing such sales and use tax. The county shall use any available
6 revenue from the imposition of such levy to pay the qualified judgment.
7 Sec. 6. The Qualified Judgment Payment Act terminates on January 1,
8 2027.
9 2. On page 2, line 1, strike "4" and insert "6"; in line 6 after
10 "judgment" insert "in excess of twenty-five million dollars"; and in line
11 29 after "full" insert "or after seven years, whichever is earlier".
12 3. Renumber the remaining sections accordingly.

Senator Brewer filed the following amendment to LB374:

AM980
1 1. On page 2, line 27, strike "twelve to", show as stricken, and
2 insert "between twelve and".
3 2. On page 3, line 1, strike "A person less than", show as stricken,
4 and insert "No person under"; in line 2 strike "not" and show as
5 stricken; in line 3 strike "from twelve to", show as stricken, and insert
6 "between twelve and"; in line 18 strike "twelve to" and insert "between
7 twelve and"; in line 20 strike "A person less" and insert "No person
8 under"; in line 21 strike "than" and "not"; in line 22 strike "from
9 twelve to" and insert "between twelve and"; and in line 23 after
10 "sponsored" insert "and supervised".

MOTION(S) - Print in Journal

Senator Wayne filed the following motion to LB595:
MO31
Indefinitely postpone pursuant to Rule 6, Sec. 3(f).

Senator Wayne filed the following motion to LB179:
MO32
Indefinitely postpone pursuant to Rule 6, Sec. 3(f).

Senator Wayne filed the following motion to LB37:
MO33
Indefinitely postpone pursuant to Rule 6, Sec. 3(f).

Senator Wayne filed the following motion to LB462:
MO34
Indefinitely postpone pursuant to Rule 6, Sec. 3(f).

Senator Wayne filed the following motion to LB184:
MO35
Indefinitely postpone pursuant to Rule 6, Sec. 3(f).
Senator Wayne filed the following motion to LB700: MO36
Indefinitely postpone pursuant to Rule 6, Sec. 3(f).

Senator Wayne filed the following motion to LB592: MO37
Indefinitely postpone pursuant to Rule 6, Sec. 3(f).

Senator Wayne filed the following motion to LB147: MO38
Indefinitely postpone pursuant to Rule 6, Sec. 3(f).

Senator Wayne filed the following motion to LB675: MO39
Indefinitely postpone pursuant to Rule 6, Sec. 3(f).

Senator Wayne filed the following motion to LB428: MO40
Indefinitely postpone pursuant to Rule 6, Sec. 3(f).

Senator Wayne filed the following motion to LB593: MO41
Indefinitely postpone pursuant to Rule 6, Sec. 3(f).

Senator Wayne filed the following motion to LB606: MO42
Indefinitely postpone pursuant to Rule 6, Sec. 3(f).

VISITOR(S)

Visitors to the Chamber were Sam Baird from Lincoln; students, alumni, and supporters from the University of Nebraska from across the state; students from St. Cecilia Cathedral School, Omaha; John Rundel from the Nebraska Oil and Gas Commission; students from St. Peter School, Lincoln; members of Alpha Kappa Alpha Sorority from Omaha and Lincoln; members of Catholics at the Capitol from across the state; Jayla Gerrard from San Diego, CA; and Steve Tucker from Venango.

The Doctor of the Day was Dr. Roger Meyer from Utica.

ADJOURNMENT

At 11:53 a.m., on a motion by Senator DeBoer, the Legislature adjourned until 9:00 a.m., Thursday, March 28, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
The prayer was offered by Senator Kolterman.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Hughes presiding.

The roll was called and all members were present except Senator Hilgers who was excused; and Senators B. Hansen, Howard, and Morfeld who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-ninth day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 27, 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

Bromm Nielsen & Mines
Vapor Technology Association

Clark, Jacqueline
Ash Grove Cement Company (Withdrawn 03/25/2019)

Fletcher, Eric
Allegiant Air

Galbraith, Brad
Excellence in Education National, Inc., d/b/a Excellence in Education in Action

Harrold, Michael D.
Express Scripts Holding Co. (Withdrawn 03/26/2019)

Jensen Rogert Associates, Inc.
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

SPEAKER SCHEER PRESIDING

MOTION(S) - Confirmation Report(s)

Senator Brewer moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 991:
State Emergency Response Commission
Richard Graerholz

SENATOR HUGHES PRESIDING

SPEAKER SCHEER PRESIDING

Voting in the affirmative, 40:

<table>
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<th>Albrecht</th>
<th>Chambers</th>
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<th>Hunt</th>
<th>Quick</th>
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<tr>
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<td>DeBoer</td>
<td>Hansen, B.</td>
<td>La Grone</td>
<td>Stinner</td>
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<td>Hansen, M.</td>
<td>Linehan</td>
<td>Vargas</td>
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<td>Howard</td>
<td>McDonnell</td>
<td>Williams</td>
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<td>Cavanaugh</td>
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Voting in the negative, 0.

Present and not voting, 6:

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<tr>
<td>Lathrop</td>
<td>Murman</td>
<td>Wayne</td>
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Excused and not voting, 3:

<table>
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<tr>
<th>Hilgers</th>
<th>Lindstrom</th>
<th>McCollister</th>
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</thead>
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The appointment was confirmed with 40 ayes, 0 nays, 6 present and not
voting, and 3 excused and not voting.

Senator Brewer moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 991:

State Emergency Response Commission
Tim Hofbauer

SENATOR WILLIAMS PRESIDING

Voting in the affirmative, 41:

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

Voting in the negative, 0.

Present and not voting, 3:

Halloran Hunt Linehan

Excused and not voting, 5:

Hilgers Lindstrom McCollister Morfeld Stinner

The appointment was confirmed with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

COMMITTEE REPORT(S)
Business and Labor

LEGISLATIVE BILL 178. Placed on General File.

LEGISLATIVE BILL 428. Placed on General File with amendment.

AM758
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 48-628.13, Revised Statutes Cumulative
4 Supplement, 2018, is amended to read:
5 48-628.13 Good cause for voluntarily leaving employment shall
6 include, but not be limited to, the following reasons:
7 (1) An individual has made all reasonable efforts to preserve the employment but voluntarily leaves his or her work for the necessary purpose of escaping abuse at the place of employment or abuse as defined in section 42-903 between household members;
8 (2) An individual left his or her employment voluntarily due to a bona fide non-work-connected illness or injury that prevented him or her from continuing the employment or from continuing the employment without undue risk of harm to the individual;
9 (3) An individual left his or her employment to accompany his or her spouse to the spouse's employment in a different city or new military duty station;
10 (4) An individual left his or her employment because his or her employer required the employee to relocate;
11 (5)(a) An individual is a construction worker and left his or her employment voluntarily for the purpose of accepting previously secured insured work in the construction industry if the commissioner finds that:
12 (i)(A) The quit occurred within thirty days immediately prior to the established termination date of the job which the individual voluntarily leaves, (B) the specific starting date of the new job is prior to the established termination date of the job which the worker quits, (C) the new job offered employment for a longer period of time than remained available on the job which the construction worker voluntarily quit, and (D) the worker had worked at least twenty days or more at the new job after the established termination date of the previous job unless the new job was terminated by a contract cancellation; or
13 (ii)(A) The construction worksite of the job which the worker quit was more than fifty miles from his or her place of residence, (B) the new construction job was fifty or more miles closer to his or her residence than the job which he or she quit, and (C) the worker actually worked twenty days or more at the new job unless the new job was terminated by a contract cancellation.
14 (b) The provisions of this subdivision (5) shall not apply if the individual is separated from the new job under conditions resulting in a disqualification from benefits under section 48-628.10 or 48-628.12;
15 (6) An individual accepted a voluntary layoff to avoid bumping another worker;
16 (7) An individual left his or her employment as a result of being directed to perform an illegal act;
17 (8) An individual left his or her employment because of unlawful discrimination or workplace harassment on the basis of race, sex, or age;
18 (9) An individual left his or her employment because of unsafe working conditions;
19 (10) An individual left his or her employment to attend school;
20 (11) An individual has made all reasonable efforts to preserve employment but voluntarily leaves employment for the purpose of caring for a family member with a serious health condition. For purposes of this subdivision:
21 (a) Family member means:
22 (i) A biological, adopted, or foster child, a stepchild, or a legal ward of the individual or the individual's spouse or a person to whom the
30 individual or the individual's spouse stood in loco parentis when such
31 person was a minor child, regardless of the age or dependency status of
1 such child, stepchild, legal ward, or person;
2 (ii) A biological, adoptive, or foster parent, a stepparent, or a
3 legal guardian of the individual or the individual's spouse or a person
4 who stood in loco parentis to the individual or the individual's spouse
5 when the individual or the individual's spouse was a minor child;
6 (iii) The individual's spouse; or
7 (iv) A grandparent, grandchild, or sibling, whether of a biological,
8 foster, adoptive, or step relationship, of the individual or the
9 individual's spouse; and
10 (b) Serious health condition has the same meaning as in 29 U.S.C.
11 2611, as such section existed on January 1, 2019; or
12 Sec. 2. Section 48-648.02, Revised Statutes Cumulative Supplement,
13 2018, is amended to read:
14 48-648.02  (1) For tax years beginning before January 1, 2020, as As
15 used in sections 48-648 and 48-649 to 48-649.04 only, the term wages
16 shall not include that part of the remuneration paid to an individual by
17 an employer or by the predecessor of such employer with respect to
18 employment within this or any other state during a calendar year which
19 exceeds nine thousand dollars unless that part of the remuneration is
20 subject to a federal law imposing a tax against which credit may be taken
21 for contributions required to be paid into a state unemployment fund.
22 (2) For tax years beginning on or after January 1, 2020, as used in
23 sections 48-648 and 48-649 to 48-649.04 only:
24 (a) Except as to employers assigned to category twenty under section
25 48-649.03, the term wages shall not include that part of the remuneration
26 paid to an individual by an employer or by the predecessor of such
27 employer with respect to employment within this or any other state during
28 a calendar year which exceeds nine thousand dollars unless that part of
29 the remuneration is subject to a federal law imposing a tax against which
30 credit may be taken for contributions required to be paid into a state
31 unemployment fund; and
2 (b) For employers assigned to category twenty under section
3 48-649.03, the term wages shall not include that part of the remuneration
4 paid to an individual by an employer or by the predecessor of such
5 employer with respect to employment within this or any other state during
6 a calendar year which exceeds twenty-four thousand dollars unless that
7 part of the remuneration is subject to a federal law imposing a tax
8 against which credit may be taken for contributions required to be paid
9 into a state unemployment fund.
10 Sec. 3. Section 48-652, Revised Statutes Cumulative Supplement,
11 2018, is amended to read:
12 48-652 (1)(a) A separate experience account shall be established for
13 each employer who is liable for payment of combined tax. Whenever and
14 wherever in the Employment Security Law the terms reserve account or
15 experience account are used, unless the context clearly indicates
16 otherwise, such terms shall be deemed interchangeable and synonymous and
17 reference to either of such accounts shall refer to and also include the
(b) A separate reimbursement account shall be established for each employer who is liable for payments in lieu of contributions. All benefits paid with respect to service in employment for such employer shall be charged to his or her reimbursement account, and such employer shall be billed for and shall be liable for the payment of the amount charged when billed by the commissioner. Payments in lieu of contributions received by the commissioner on behalf of each such employer shall be credited to such employer's reimbursement account, and two or more employers who are liable for payments in lieu of contributions may jointly apply to the commissioner for establishment of a group account for the purpose of sharing the cost of benefits paid that are attributable to service in the employ of such employers. The commissioner shall adopt and promulgate such rules and regulations as he or she deems necessary with respect to applications for establishment, maintenance, and termination of group accounts authorized by this subdivision.

(2) All contributions paid by an employer shall be credited to the experience account of such employer. State unemployment insurance tax payments shall not be credited to the experience account of each employer. Partial payments of combined tax shall be credited so that at least eighty percent of the combined tax payment excluding interest and penalty is credited first to contributions due. Contributions with respect to prior years which are received on or before January 31 of any year shall be considered as having been paid at the beginning of the calendar year. All voluntary contributions which are received on or before January 10 of any year shall be considered as having been paid at the beginning of the calendar year.

(3)(a) Each experience account shall be charged only for benefits based upon wages paid by such employer. No benefits shall be charged to the experience account of any employer if:

(i) Such benefits were paid on the basis of a period of employment from which the claimant (A) left work voluntarily without good cause, (B) left work voluntarily due to a nonwork-connected illness or injury, (C) left work voluntarily with good cause to escape abuse as defined in section 42-903 between household members as provided in subdivision (1) of section 48-628.13, (D) left work from which he or she was discharged for misconduct connected with his or her work, (E) left work voluntarily and is entitled to unemployment benefits without disqualification in accordance with subdivision (3), (f), (5), or (11) of section 48-628.13, or (F) was involuntarily separated from employment and such benefits were paid pursuant to section 48-628.17; and

(ii) The employer has filed timely notice of the facts on which such exemption is claimed in accordance with rules and regulations adopted and promulgated by the commissioner.

(b) No benefits shall be charged to the experience account of any employer if such benefits were paid during a week when the individual was participating in training approved under section 236(a)(1) of the federal Trade Act of 1974, 19 U.S.C. 2296(a)(1).

(c) Each reimbursement account shall be charged only for benefits
6 paid that were based upon wages paid by such employer in the base period
7 that were wages for insured work solely by reason of section 48-627.01.
8 (d)(i) Benefits paid to an eligible individual shall be charged
9 against the account of his or her most recent employers within his or her
10 base period against whose accounts the maximum charges hereunder have not
11 previously been made in the inverse chronological order in which the
12 employment of such individual occurred. The maximum amount so charged
13 against the account of any employer, other than an employer for which
14 services in employment as provided in subdivision (4)(a) of section
15 48-604 are performed, shall not exceed the total benefit amount to which
16 such individual was entitled as set out in section 48-626 with respect to
17 base period wages of such individual paid by such employer plus one-half
18 the amount of extended benefits paid to such eligible individual with
19 respect to base period wages of such individual paid by such employer.
20 The commissioner shall adopt and promulgate rules and regulations
21 determining the manner in which benefits shall be charged against the
22 account of several employers for whom an individual performed employment
23 during the same quarter or during the same base period.
24 (ii) Any benefit check duly issued and delivered or mailed to a
25 claimant and not presented for payment within one year from the date of
26 its issue may be invalidated and the amount thereof credited to the
27 Unemployment Compensation Fund, except that a substitute check may be
28 issued and charged to the fund on proper showing at any time within the
29 year next following. Any charge made to an employer’s account for any
30 such invalidated check shall stand as originally made.
31 (4)(a) An employer's experience account shall be terminated one
1 calendar year after such employer has ceased to be subject to the
2 Employment Security Law, except that if the commissioner finds that an
3 employer's business is closed solely because one or more of the owners,
4 officers, partners, or limited liability company members or the majority
5 stockholder entered the armed forces of the United States, or of any of
6 its allies, such employer's account shall not be terminated and, if the
7 business is resumed within two years after the discharge or release from
8 active duty in the armed forces of such person or persons, the employer's
9 experience account shall be deemed to have been continuous throughout
10 such period.
11 (b) An experience account terminated pursuant to this subsection
12 shall be reinstated if:
13 (i) The employer becomes subject again to the Employment Security
14 Law within one calendar year after termination of such experience
15 account;
16 (ii) The employer makes a written application for reinstatement of
17 such experience account to the commissioner within two calendar years
18 after termination of such experience account; and
19 (iii) The commissioner finds that the employer is operating
20 substantially the same business as prior to the termination of such
21 experience account.
22 (5) All money in the Unemployment Compensation Fund shall be kept
23 mingled and undivided. In no case shall the payment of benefits to an
24 individual be denied or withheld because the experience account of any
(6)(a) For benefit years beginning before September 3, 2017, if an individual's base period wage credits represent part-time employment for a contributory employer and the contributory employer continues to employ the individual to the same extent as during the base period, then the contributory employer's experience account shall not be charged if the contributory employer has filed timely notice of the facts on which such exemption is claimed in accordance with rules and regulations adopted and promulgated by the commissioner.

(b) For benefit years beginning on or after September 3, 2017, if an individual's base period wage credits represent part-time employment for an employer and the employer continues to employ the individual to the same extent as during the base period, then the employer's experience account, in the case of a contributory employer, or the employer's reimbursement account, in the case of a reimbursable employer, shall not be charged if the employer has filed timely notice of the facts on which such exemption is claimed in accordance with rules and regulations prescribed by the commissioner.

(7) If a contributory employer responds to the department's request for information within the time period set forth in subsection (1) of section 48-632 and provides accurate information as known to the employer at the time of the response, the employer's experience account shall not be charged if the individual's separation from employment is voluntary and without good cause as determined under section 48-628.12.

Sec. 4. Original sections 48-628.13, 48-648.02, and 48-652, Revised Statutes Cumulative Supplement, 2018, are repealed.

LEGISLATIVE BILL 464. Placed on General File with amendment. AM895 is available in the Bill Room.

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT(S)
Business and Labor

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

Steven Bley - Boiler Safety Code Advisory Board
Scott Hollman - Boiler Safety Code Advisory Board
Thomas Phipps - Boiler Safety Code Advisory Board


(Signed) Matt Hansen, Chairperson
BILL ON FIRST READING

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

LEGISLATIVE BILL 719A. Introduced by Hughes, 44.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 719, One Hundred Sixth Legislature, First Session, 2019.

AMENDMENT(S) - Print in Journal

Senator Blood filed the following amendment to LB138:
AM930
(Amendments to Standing Committee amendments, AM783)
1 1. On page 22, line 20, strike "forty" and insert "seventy".

MOTION(S) - Print in Journal

Senator Wayne filed the following motion to LB619:
MO43
Bracket until June 1, 2019.

AMENDMENT(S) - Print in Journal

Senator Wayne filed the following amendments to LB270:
FA36
Amend ER53
Add new section: Sec. 43 This act becomes operative two years following the date the Governor signs the bill into law.

FA37
Amend ER53
On page 55, strike lines 23 and 24.

Senator Wayne filed the following amendments to LB269:
AM1100
(Amendments to Quick amendments, AM611)
1 1. On page 13, line 6, strike "by the nearest highway", show as stricken, and insert "as shown by Google maps".

AM1101
(Amendments to Quick amendments, AM611)
1 1. On page 12, lines 5 and 6, strike ", primary, or first" and show as stricken.

AM1102
(Amendments to Quick amendments, AM611)
1 1. On page 12, lines 5 and 6, after "class" insert "located within a county with at least one hundred thousand inhabitants".
AM1103
(Amendments to Quick amendments, AM611)
1. On page 13, strike beginning with "Enforcement" in line 23 through the period in line 25 and show as stricken.

AM1104
(Amendments to Quick amendments, AM611)
1. On page 15, after line 1, insert the following new subsection:
"(8) For purposes of this section, school event or function means a practice, game, match, or other contest for a sanctioned activity as defined by the Nebraska State Activities Association as of January 1, 2019."

Senator M. Hansen filed the following amendment to LB217:
AM946
(Amendments to Standing Committee amendments, AM387)
1. On page 1, line 5, after "48-1114" insert "(1)"; in line 9, strike "(1)", show as stricken, and insert "(a)"; in line 11, strike "(2)", show as stricken, and insert "(b)"; in line 13, strike "(3)", show as stricken, and insert "(c)"; in lines 14 and 16 strike "(4)" and insert "(d)"; and after line 23 insert the following new subsection:
"(2) The changes made to this section by this legislative bill shall not be construed so as to impair or affect the obligation of any lawful contract in existence prior to the effective date of this act."

Senator Wayne filed the following amendment to LB356:
FA38
Amend AM731
On page 1, line 14, strike "Legislature" and insert "Constitution".

Senator Wayne filed the following amendment to LB524:
FA39
Amend AM332
On page 1 strike beginning with "or" on page 26 through the comma on line 27.

Senator Wayne filed the following amendment to LB270:
FA40
Amend ER53
On page 16, line 15 reinstate the stricken matter.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 64. Introduced by Scheer, 19.

WHEREAS, 2019 marks the 40th anniversary of the establishment of diplomatic relations between the United States of America and the People's Republic of China. As one of the most important bilateral relationships in
the world, the U.S.-China relationship has produced benefits to the people in both countries and the world; and

WHEREAS, The annual trade volume between the U.S. and China has remained above $500 billion in recent years, and reached $633 billion in 2018, a figure 253 times the volume from 1979; and

WHEREAS, China was the third largest export market for U.S. goods and services in 2017, which supported 1 million U.S. jobs. States across the U.S. have seen significant increases in exports of goods and services to China in the past decade. With a population of nearly 1.4 billion people and a middle-income group of 400 million people, China is an important trading partner for the U.S. at present and in the future; and

WHEREAS, Over 14,000 Americans and Chinese fly across the Pacific Ocean every day for educational exchanges, business opportunities, and tourism, which has deepened people-to-people ties; and

WHEREAS, U.S.-China subnational exchanges and cooperation have flourished since 1979, with 50 pairs of sister-states-provinces and 227 pairs of sister-cities established. Subnational mechanisms such as the China-U.S. Governors' Forum, the China-U.S. Sub-national Legislatures Cooperation Forum, and the U.S.-China Sister-Cities Conference have provided effective channels for both sides to engage in practical cooperation; and

WHEREAS, Nebraska's exports to China reached $480 million in 2017, and China has become Nebraska's fourth largest export market. Nebraska exports of goods and services to China increased by 92% and 454% respectively from 2008 to 2017. Over half of the beef exported to China from the U.S. is from Nebraska. The relationship with China has been mutually beneficial with great potential for future development; and

WHEREAS, Nebraska has two pairs of sister-state-province relations with the Chinese provinces of Guizhou and Shaanxi, which were established in 2004 and 2016 respectively. The sister relations have promoted long-term, mutually beneficial friendships between the two sides and also between our state and China.

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

1. That Nebraska celebrates our vibrant sister-state relationships with the Guizhou and Shaanxi provinces in China.
2. That the Legislature acknowledges the rich trade relationship between Nebraska and China.
3. That copies of this resolution be sent to the United States Secretary of State, Michael Pompeo, and Minister Xu Xueyuan of the Embassy of the People's Republic of China in Washington, D.C.

Laid over.
UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Halloran name added to LB15.
Senator Vargas name added to LB86.
Senator Vargas name added to LB252.
Senator Vargas name added to LB641.

WITHDRAW - Cointroducer(s)

Senator Lowe name withdrawn from LB15.

VISITOR(S)

Visitors to the Chamber were Galen Kuska from Exeter; Pastor Jim Killough from Omaha; Ari and Isabel Foote and Alicia Carranza from New York City; Maren Elnes from Omaha; students from Ashland-Greenwood Elementary School; students and teachers from King Elementary School, Omaha; and students, teachers, and sponsors from Perkins County, Grant.

ADJOURNMENT

At 11:58 a.m., on a motion by Senator Lathrop, the Legislature adjourned until 9:00 a.m., Tuesday, April 2, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
FIFTY-FIRST DAY - APRIL 2, 2019

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

FIFTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 2, 2019

PRAYER

The prayer was offered by Senator Williams.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Scheer presiding.

The roll was called and all members were present except Senators Cavanaugh, Friesen, McCollister, and Morfeld who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fiftieth day was approved.

COMMITTEE REPORT(S)

Agriculture

LEGISLATIVE BILL 657. Placed on General File with amendment. AM988 is available in the Bill Room.

(Signed) Steve Halloran, Chairperson

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 49, 50, 51, 52, 53, 54, 55, 56, and 58 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 49, 50, 51, 52, 53, 54, 55, 56, and 58.
MOTION(S) - Confirmation Report(s)

Senator Groene moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 1000:

Nebraska Educational Telecommunications Commission
- Greg Adams
- Patricia Kircher
- Paul Turman

Senator Wayne requested a division of the question on the confirmation report.

The Chair sustained the division of the question.

The first division is as follows:
Senator Groene moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 1000:

Nebraska Educational Telecommunications Commission
- Greg Adams

Voting in the affirmative, 41:
- Albrecht
- Chambers
- Halloran
- Linehan
- Vargas
- Arch
- Clements
- Hansen, B.
- Lowe
- Walz
- Blood
- Crawford
- Hilgers
- McCollister
- Wayne
- Bolz
- DeBoer
- Hilkemann
- Moser
- Williams
- Bostelman
- Dorn
- Howard
- Murman
- Wishart
- Brandt
- Friesen
- Hunt
- Quick
- Brewer
- Geist
- Kolowski
- Scheer
- Briese
- Gragert
- Kolterman
- Slama
- Cavanaugh
- Groene
- Lathrop
- Stinner

Voting in the negative, 0.

Present and not voting, 7:
- Erdman
- Hughes
- Lindstrom
- Pansing
- Brooks
- Hansen, M.
- La Grone
- McDonnell

Excused and not voting, 1:
- Morfeld

The appointment was confirmed with 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.
The second division is as follows:
Senator Groene moved the adoption of the Education Committee report for
the confirmation of the following appointment(s) found on page 1000:
Nebraska Educational Telecommunications Commission
Patricia Kircher

Voting in the affirmative, 40:

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Voting in the negative, 0.

Present and not voting, 9:

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The appointment was confirmed with 40 ayes, 0 nays, and 9 present and not
voting.

The third division is as follows:
Senator Groene moved the adoption of the Education Committee report for
the confirmation of the following appointment(s) found on page 1000:
Nebraska Educational Telecommunications Commission
Paul Turman

Voting in the affirmative, 38:

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Voting in the negative, 0.

Present and not voting, 11:
The appointment was confirmed with 38 ayes, 0 nays, and 11 present and not voting.

Senator Groene moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 1000:
   Board of Trustees of the Nebraska State Colleges
   John Chaney
   Robert Engles

Senator Wayne requested a division of the question on the confirmation report.

The Chair sustained the division of the question.

The first division is as follows:
Senator Groene moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 1000:
   Board of Trustees of the Nebraska State Colleges
   John Chaney

Voting in the affirmative, 41:

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

Voting in the negative, 0.

Present and not voting, 7:

Arch            Hansen, M.      Morfeld        Wishart
Gragert         Lindstrom       Pansing Brooks

Excused and not voting, 1:

Brandt
The appointment was confirmed with 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

The second division is as follows:
Senator Groene moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 1000:
- Board of Trustees of the Nebraska State Colleges
  - Robert Engles

Senator Wayne offered the following motion:
Recommit confirmation report of Robert Engles to Education Committee.

Senator Wayne moved for a call of the house. The motion prevailed with 21 ayes, 5 nays, and 23 not voting.

Senator Wayne requested a roll call vote, in reverse order, on the motion to recommit to committee.

Voting in the affirmative, 17:

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Voting in the negative, 28:

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Present and not voting, 3:

| Bostelman | Crawford | Hansen, M. |         |

Excused and not voting, 1:

| Linehan |         |         |         |

The Wayne motion to recommit the confirmation report to committee failed with 17 ayes, 28 nays, 3 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Pending.
LEGISLATIVE BILL 87. Placed on Select File with amendment.

ER62
1 1. On page 1, line 4, strike "change provisions relating to" and
2 insert "authorize"; strike line 6 and insert "the Job Training Cash Fund,
3 from the Site and Building Development"; and in line 7 after "Act" insert
4 "relating to opportunity zones as prescribed".

(Signed) Julie Slama, Chairperson

COMMITTEE REPORT(S)
Health and Human Services

LEGISLATIVE BILL 135. Placed on General File.

LEGISLATIVE BILL 347. Placed on General File.

LEGISLATIVE BILL 541. Placed on General File with amendment.

AM950
1 1. Insert the following new section:
2 Sec. 2. Each physician may inquire of a new patient who is at least
3 eighteen years of age and younger than forty-five years of age on the new
4 patient's intake form as to whether the patient is registered with the
5 bone marrow registry. If the patient states that the patient is not
6 registered with the bone marrow registry, the physician may provide
7 information developed and disseminated by the Department of Health and
8 Human Services regarding the bone marrow registry to the patient.
9 2. On page 2, line 14, after "(2)" insert "The department shall
10 provide information and educational materials to the public regarding
11 bone marrow donation. The department shall seek assistance from the
12 national marrow donor program to establish a system to distribute
13 materials, ensure that the materials are updated periodically, and fully
14 disclose the risks involved in donating bone marrow."
15 3. Renumber the remaining section accordingly.

(Signed) Sara Howard, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 65. Introduced by Kolterman, 24.

PURPOSE: The purpose of this study is to carry out section 13-2402 of the
Nebraska Revised Statutes, which requires the Nebraska Retirement
Systems Committee of the Legislature to monitor underfunded defined
benefit plans administered by political subdivisions. The study committee
shall conduct a public hearing for the presentation of reports by all political
subdivisions with underfunded defined benefit plans.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Nebraska Retirement Systems 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.


PURPOSE: The purpose of this study is to examine the public employees' retirement systems administered by the Public Employees Retirement Board, including the State Employees Retirement System, the County Employees Retirement System, the School Employees Retirement System, the Nebraska State Patrol Retirement System, and the Judges Retirement System. The study may also examine the retirement system administered under the Class V School Employees Retirement Act.

The study shall examine issues as they relate to the funding needs, benefits, contributions, and administration of each retirement system.

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

1. That the Nebraska Retirement Systems 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 67. Introduced by Walz, 15.

WHEREAS, the Fremont Archbishop Bergan High School girls' basketball team won the 2019 Class D-1 Girls State Basketball Championship; and

WHEREAS, the Fremont-Bergan Knights defeated the Dundy County-Stratton Tigers by a score of 36-27; and

WHEREAS, the Fremont-Bergan Knights girls' basketball team exemplified the life-long skills of teamwork, persistence, and dedication; and

WHEREAS, the outstanding coaching and dedication of the finest fans fueled the Knights all season long; and

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

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

1. That the Nebraska Retirement Systems 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.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Fremont Archbishop Bergan High School girls' basketball team on their outstanding season and on winning the 2019 Class D-1 Girls State Basketball Championship.

2. That a copy of this resolution be sent to the Fremont Archbishop Bergan High School girls' basketball team and Coach Nate Pribnow.

Laid over.

LEGISLATIVE RESOLUTION 68. Introduced by Walz, 15.

WHEREAS, the diagnosis known as post-traumatic stress disorder was initially formulated in 1980 by the American Psychiatric Association to more accurately assess and assist veterans who had endured severe combat stress in Vietnam; and

WHEREAS, combat stress is an invisible wound that has historically been unjustly portrayed as a mental illness caused by a preexisting flaw of character or ability, and that the word "disorder" carries a stigma that perpetuates this misconception; and

WHEREAS, electromagnetic brain imaging now shows previously invisible wounds, physical changes to the brain more accurately described as an injury than as a disorder; and

WHEREAS, referring to invisible wounds as a disorder can discourage the injured from seeking proper and timely medical treatment; and

WHEREAS, referring to such wounds as post-traumatic stress injury (PTSI) is less stigmatizing and viewed as more honorable, influencing those affected to seek treatment without fear of retribution or shame; and

WHEREAS, post-traumatic stress injury can occur following exposure to extremely traumatic events other than combat, such as, but not exclusive to, interpersonal violence, life-threatening accidents, and natural disasters; and

WHEREAS, all citizens suffering from post-traumatic stress injury deserve compassion and consideration, and those brave men and women of the United States Armed Forces who have endured these wounds in operational action especially deserve our respect and recognition; and

WHEREAS, timely and appropriate treatment of post-traumatic stress injury can diminish complications, avert further victimization, and reduce the number of related suicides.

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

1. That the Legislature recognizes June 2019 as Post-Traumatic Stress Injury Awareness Month in Nebraska, and June 27, 2019, as Post-Traumatic Stress Injury Awareness Day in Nebraska.

2. That the Legislature encourages the Department of Health and Human Services and the Department of Veterans' Affairs to continue working to educate victims and their families, as well as the general public, about the causes, symptoms, and treatment of post-traumatic stress injury.

Laid over.
LEGISLATIVE RESOLUTION 69. Introduced by Walz, 15.

WHEREAS, the Fremont High School boys bowling team won the 2018 Nebraska High School Bowling Federation Class A Boys State Tournament; and
WHEREAS, the Fremont team members, Cooper Phillips, Camden McKenzie, Cole Macaluso, Nate Stinemates, Garrett Hill, and Chris Emmons, showed remarkable skill, dedication, and perseverance in winning the state tournament; and
WHEREAS, the North Bend Central High School boys bowling team won the 2018 Nebraska High School Bowling Federation Class C Boys State Tournament; and
WHEREAS, the North Bend Central Tiger's Bowling Team exemplified outstanding teamwork and perseverance in winning the state tournament; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Fremont High School bowling team on winning the 2018 Nebraska High School Bowling Federation Class A Boys State Tournament.
2. That the Legislature congratulates the North Bend Central High School boys bowling team on winning the 2018 Nebraska High School Bowling Federation Class C Boys State Tournament.
3. That a copy of this resolution be sent to the Fremont High School boys bowling team and to the North Bend Central High School boys bowling team.

Laid over.

LEGISLATIVE RESOLUTION 70. Introduced by Walz, 15.

WHEREAS, the Fremont High School boys cross country team won the 2018 Class A Boys State Cross Country Championship; and
WHEREAS, the Fremont Tigers team members Jose Gonzalez, Wesley Ferguson, Ben Schulz, Owen Wagner, Reed Johannsen, and Ross McMahon exemplified outstanding team work and dedication; and
WHEREAS, the win represents the sixth state championship for the Tigers under the leadership of Coach McMahon; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates the Fremont High School boys cross country team on winning the 2018 Class A Boys State Cross Country Championship.

2. That a copy of this resolution be sent to Fremont High School and Coach McMahon.

Laid over.

LEGISLATIVE RESOLUTION 71. Introduced by Walz, 15.

WHEREAS, the Fremont Archbishop Bergan High School volleyball team won the 2018 Class D-1 State Volleyball Championship; and
WHEREAS, the Fremont-Bergan Knights defeated the Humphrey/Lindsay Holy Family Bulldogs in the championship with scores of 25-15, 25-18, and 25-14; and
WHEREAS, six different players recorded a kill in the championship match leading to the first state volleyball title for the Knights; and
WHEREAS, the outstanding coaching and dedication of the fans fueled the Knights all season long; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Archbishop Bergan High School volleyball team on an outstanding season and winning the 2018 Class D-1 State Volleyball Championship.

2. That a copy of this resolution be sent to the Fremont Archbishop Bergan High School volleyball team, Coach Wewel, and Coach Dieckmann.

Laid over.

LEGISLATIVE RESOLUTION 72. Introduced by McDonnell, 5.

WHEREAS, Nebraska has a rich history in agricultural based sports such as horse racing, rodeo, and equestrian sport; and
WHEREAS, equestrian events in the United States are sanctioned by the United States Equestrian Federation and the Federation Equestre Internationale (FEI); and
WHEREAS, the Omaha Equestrian Foundation hosts worldwide, national, and regional equestrian events including the Longines FEI World Cup Finals Jumping and Dressage 2017; and
WHEREAS, the Omaha Equestrian Foundation held the first annual International Omaha event in 2012; and
WHEREAS, in 2017 the Omaha Equestrian Foundation hosted Nebraska's first global championship, the FEI World Cup Finals. The finals brought over 52,000 people from 42 countries and all fifty states to Omaha. The economic impact to Nebraska was approximately $18,000,000 and included the booking of over 8,000 hotel room nights. The event brought 235
journalists from 14 different countries to Omaha, and the Finals were broadcast on the NBC television network. The publicity led to 1,124 media placements locally, regionally, nationally, and internationally, including media placements in Australia, Belgium, Brazil, Canada, Denmark, France, Germany, Ireland, Italy, Jordan, New Zealand, Poland, Portugal, Qatar, the United Kingdom, and Uruguay; and

WHEREAS, in 2018, International Omaha drew in over 20,000 fans from 35 states and four foreign countries, generating 1,800 hotel room nights. Half of all tickets were sold to out-of-state attendees, and over 3,200 school children experienced the event through the promoters School Field Trip Program. In addition, the television broadcast and live-stream of the event reached 49 states and 20 countries; and

WHEREAS, the annual International Omaha spurs economic development and has increased demand for professional horse services locally. Equestrian lessons are up markedly in the area and a number of horse training, veterinary, and care professionals have relocated to Nebraska which is developing into the "Horse Capitol of the Midwest"; and

WHEREAS, the 2019 International Omaha event will be hosted in Omaha at the CHI Health Center on April 4, 5, 6, and 7; and

WHEREAS, the Omaha Equestrian Foundation has bid to host the Longines FEI World Cup Finals Jumping and FEI World Cup Finals Dressage 2023. The FEI will vote in June 2019 to determine the host for the FEI World Cup Finals 2023.

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

1. That the Legislature recognizes the Omaha Equestrian Foundation as an important economic development organization and the Longines FEI World Cup Finals as the world's premier equestrian event.

2. That the Legislature supports the Omaha Equestrian Foundation's bid to host the Longines FEI World Cup Finals in 2023 and strongly encourages the Federation Equestre Internationale to select Nebraska to host the event.

3. That a copy of this resolution be sent to the Omaha Equestrian Foundation and the Federation Equestre Internationale.

Laid over.

LEGISLATIVE RESOLUTION 73. Introduced by Crawford, 45.

WHEREAS, Brent Apo-Hruska represented the United States of America at the 2019 Special Olympics World Games in Abu Dhabi, competing in Unified Golf; and

WHEREAS, Brent was supported by his Unified Golf partner and stepfather Johnny Moen, and his mother Diane Moen; and

WHEREAS, Brent won a gold medal in the Unified Golf competition; and

WHEREAS, Brent graduated from Bellevue East High School and has been involved in golf and bowling programs through Special Olympics Nebraska for 15 years; and
WHEREAS, Brent, along with swimmer Katie Philpot of Kearney, are the first Nebraska athletes to participate in the Special Olympics World Games in nearly twenty years; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the citizens 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 Brent Apo-Hruska and Johnny Moen on winning a gold medal at the Special Olympics World Games in Abu Dhabi.
2. That a copy of this resolution be sent to Brent Apo-Hruska.

Legislative Resolution 74. Introduced by Slama, 1.

WHEREAS, the Johnson-Brock High School boys' basketball team won the 2019 Class D-2 Boys State Basketball Championship; and
WHEREAS, the Johnson-Brock Eagles were seeded fifth going into the tournament; and
WHEREAS, the Johnson-Brock Eagles defeated Humphrey Saint Francis in the first round of the state tournament with a score of 67-57, defeated Falls City Sacred Heart in the second game by a score of 48-45, and defeated Osmond in the State Championship game with a score of 67-54; and
WHEREAS, the Johnson-Brock High School boys' basketball team showed sportsmanship and worked together as a team to accomplish this great achievement; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates the Johnson-Brock High School boys' basketball team and its coaches on winning the 2019 Class D-2 Boys State Basketball Championship.
2. That a copy of this resolution be sent to the Johnson-Brock High School boys' basketball team and Coach Lucus Dalinghaus.

Laid over.

Legislative Resolution 75. Introduced by Slama, 1.

WHEREAS, the Auburn High School boys' basketball team won the 2019 Class C-1 Boys State Basketball Championship; and
WHEREAS, the Auburn Bulldogs defeated Grand Island Central Catholic in the first round of the state tournament with a score of 44-42, defeated number two seeded Wahoo in the second game by a score of 59-46, and
defeated North Bend in the State Championship game with a score of 30-29; and

WHEREAS, the Auburn High School boys' basketball team showed sportsmanship and worked together as a team to accomplish this great achievement; and

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

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

1. That the Legislature congratulates the Auburn High School boys' basketball team and its coaches on winning the 2019 Class C-1 Boys State Basketball Championship.

2. That a copy of this resolution be sent to the Auburn High School boys' basketball team and Coach Jim Weeks.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Stinner filed the following amendment to LB481:
AM1125
1 1. Strike the original section and insert the following new section:
2 Section 1. For appropriations made for FY2019-20 and FY2020-21 to
3 Agency No. 25 — Department of Health and Human Services, Program 514,
4 pursuant to the requirement of 42 U.S.C. 300a-6, as it existed on January
5 1, 2018, that no funds disbursed under the Federal Title X Program are to
6 be used in programs where abortion is a method of family planning, none
7 of the funds disbursed under such program shall be paid or granted to an
8 organization that performs, assists with the performance of, provides
9 directive counseling in favor of, or refers for abortion. Referral for an
10 abortion is limited to the act of recommending a pregnant woman to
11 doctors, clinics, or other persons or entities for the purpose of
12 obtaining an abortion. Neutral, factual, nondirective information about
13 prenatal care and delivery, infant care, foster care, adoption, and
14 pregnancy termination or referral for an emergency situation in
15 accordance with subdivision (4) of section 28-326 shall not constitute a
16 referral for abortion. An otherwise qualified organization shall not be
17 disqualified from receipt of such funds because of its affiliation with
18 an organization that performs, assists with the performance of, provides
19 directive counseling in favor of, or refers for abortion, if the
20 affiliated organization is objectively independent of the qualified
21 organization. Objective independence includes, but is not limited to,
22 legal, physical, and financial separation between the affiliated
23 organization and the qualified organization.

Senator DeBoer filed the following amendment to LB130:
AM1107
1 1. Insert the following new section:
Sec. 10. On or before January 1, 2020, and on or before January 1 of each year thereafter, the department shall compile the results of the radon measurements performed in the past five years that were reported to the department pursuant to the rules and regulations adopted and promulgated by the department regarding the control of radiation and report such compilation electronically to the Clerk of the Legislature. Such report shall determine the average radon concentration in Nebraska by county and identify each county in which such average concentration exceeds two and seven-tenths picocuries per liter of air.

2. On page 5, line 11, strike "section 9" and insert "sections 9 and 10".

3. On page 6, line 23, before the stricken "(4)" insert "(3)" and reinstate the stricken matter beginning with the first "Department" through the semicolon; in line 24 strike "(3)" and insert "(4)"; and in line 30 strike "(4)" and insert "(5)".

4. On page 7, line 4, strike "(5)" and insert "(6)"; and in line 7 strike "(6)" and insert "(7)".

5. On page 10, line 22, strike "or (2)" and insert ", (2) the construction project is located in a county in which the average radon concentration is less than two and seven-tenths picocuries per liter of air as determined by the department pursuant to section 10 of this act, or (3)"

6. On page 11, line 3, strike "Department of Health and Human Services" and insert "department".

7. Renumber the remaining section accordingly.

COMMITTEE REPORT(S)
Health and Human Services

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

Dannette R. Smith - Chief Executive Officer, Department of Health and Human Services

Aye: 7 Arch, Cavanaugh, B. Hansen, Howard, Murman, Walz, Williams. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Sara Howard, Chairperson

VISITOR(S)

Visitors to the Chamber were students from St. Michael's Elementary School, Hastings; students and teachers from Bancroft Elementary School, Omaha; students from Wilber-Clatonia High School; and students from Lincoln Christian School.
RECESS

At 11:50 a.m., on a motion by Senator Friesen, 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 Bolz, DeBoer, Friesen, Howard, Lathrop, Linehan, Morfeld, Pansing Brooks, and Stinner who were excused until they arrive.

MOTION(S) - Confirmation Report(s)

Senator Groene renewed his motion, found in this day's Journal, to adopt the divided Education Committee report for the confirmation of the following appointment(s) found on page 1000:
- Board of Trustees of the Nebraska State Colleges
- Robert Engles

Voting in the affirmative, 28:
- Albrecht
- Arch
- Brandt
- Brewer
- Briese
- Clements
- DeBoer
- Dorn
- Erdman
- Friesen
- Gragert
- Groene
- Hansen, B.
- Hilkemann
- Kolterman
- La Grone
- Lowe
- McCollister
- McDonnell
- Moser
- Quick
- Slama
- Walz
- Williams

Voting in the negative, 3:
- Chambers
- Hansen, M.
- Hunt

Present and not voting, 13:
- Blood
- Bolz
- Bostelman
- Cavanaugh
- Crawford
- Geist
- Halloran
- Howard
- Kolowski
- Lindstrom
- Murman
- Vargas
- Wayne
- Stinner
- Wishart

Excused and not voting, 5:
- Hilgers
- Lathrop
- Linehan
- Morfeld
- Pansing Brooks

The appointment was confirmed with 28 ayes, 3 nays, 13 present and not voting, and 5 excused and not voting.
Senator Groene moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 1000:

Board of Educational Lands and Funds

Dwayne B. Probyn

Voting in the affirmative, 39:

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Voting in the negative, 0.

Present and not voting, 7:

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The appointment was confirmed with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

Senator M. Hansen moved the adoption of the Business and Labor Committee report for the confirmation of the following appointment(s) found on page 1014:

Boiler Safety Code Advisory Board

Steven Bley
Scott Hollman
Thomas Phipps

Voting in the affirmative, 37:

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Voting in the negative, 0.

Present and not voting, 9:

DeBoer  Friesen  Kolowski  McDonnell  Wishart
Erdman  Hilgers  Lindstrom  Pansing  Brooks

Excused and not voting, 3:

Lathrop  Linehan  Morfeld

The appointments were confirmed with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 76. Introduced by Williams, 36; Kolterman, 24; Stinner, 48.

WHEREAS, the Nebraska Enterprise Fund was founded in 1994 and certified by the United States Department of Treasury in 1998 as a Community Development Finance Institution; and
WHEREAS, the Nebraska Enterprise Fund envisions a vibrant Nebraska where micro and small businesses have opportunities to excel; and
WHEREAS, the Nebraska Enterprise Fund supports Nebraska's micro and small businesses by providing direct loans, training, programming, mentoring, consulting, and technical assistance; and
WHEREAS, the Nebraska Enterprise Fund seeks to provide services to over 158,000 micro and small businesses statewide; and
WHEREAS, over the past three years the Nebraska Enterprise Fund has provided $10.24 million in lending to underserved entrepreneurs, disbursed 246 business loans with 68 percent going to minority communities, impacted 1,505 jobs, provided 3,415 coaching sessions, and served 2,288 participants in training programs.

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

1. That the Legislature congratulates the Nebraska Enterprise Fund on its 25th anniversary.
2. That the Legislature appreciates the work of the Nebraska Enterprise Fund to grow Nebraska.
3. That a copy of this resolution be sent to the Nebraska Enterprise Fund.

Laid over.
SELECT FILE

LEGISLATIVE BILL 619. ER51, found on page 923, was adopted.

Senator Wayne withdrew his motion, MO43, found on page 1015, to bracket until June 1, 2019.

Senator Kolowski offered his amendment, AM957, found on page 997.

The Kolowski amendment was adopted with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 34. ER54, found on page 956, was adopted.

Senator Kolterman offered his amendment, AM915, found on page 948.

The Kolterman amendment was adopted with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 243. ER57, found on page 956, was adopted.

Senator Hughes offered his amendment, AM937, found on page 957.

The Hughes amendment was adopted with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

Senator Chambers offered the following amendment:

AM1142
1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 68-1017.02, Reissue Revised Statutes of Nebraska,
4 is amended to read:
5 68-1017.02 (1)(a) The Department of Health and Human Services shall
6 apply for and utilize to the maximum extent possible, within limits
7 established by the Legislature, any and all appropriate options available
8 to the state under the federal Supplemental Nutrition Assistance Program
9 and regulations adopted under such program to maximize the number of
10 Nebraska residents being served under such program within such limits.
11 The department shall seek to maximize federal funding for such program
12 and minimize the utilization of General Funds for such program and shall
13 employ the personnel necessary to determine the options available to the
14 state and issue the report to the Legislature required by subdivision (b)
15 of this subsection.
16 (b) The department shall submit electronically an annual report to
the Health and Human Services Committee of the Legislature by December 1
on efforts by the department to carry out the provisions of this
subsection. Such report shall provide the committee with all necessary
and appropriate information to enable the committee to conduct a
meaningful evaluation of such efforts. Such information shall include,
but not be limited to, a clear description of various options available
to the state under the federal Supplemental Nutrition Assistance Program,
the department's evaluation of and any action taken by the department
with respect to such options, the number of persons being served under
such program, and any and all costs and expenditures associated with such
program.
(c) The Health and Human Services Committee of the Legislature,
after receipt and evaluation of the report required in subdivision (b) of
this subsection, shall issue recommendations to the department on any
further action necessary by the department to meet the requirements of
this section.
(2)(a) The department shall develop a state outreach plan to promote
access by eligible persons to benefits of the Supplemental Nutrition
Assistance Program. The plan shall meet the criteria established by the
Food and Nutrition Service of the United States Department of Agriculture
for approval of state outreach plans. The Department of Health and Human
Services may apply for and accept gifts, grants, and donations to develop
and implement the state outreach plan.
(b) For purposes of developing and implementing the state outreach
plan, the department shall partner with one or more counties or nonprofit
organizations. If the department enters into a contract with a nonprofit
organization relating to the state outreach plan, the contract may
specify that the nonprofit organization is responsible for seeking
sufficient gifts, grants, or donations necessary for the development and
implementation of the state outreach plan and may additionally specify
that any costs to the department associated with the award and management
of the contract or the implementation or administration of the state
outreach plan shall be paid out of private or federal funds received for
development and implementation of the state outreach plan.
(c) The department shall submit the state outreach plan to the Food
and Nutrition Service of the United States Department of Agriculture for
approval on or before August 1, 2011, and shall request any federal
matching funds that may be available upon approval of the state outreach
plan. It is the intent of the Legislature that the State of Nebraska and
the Department of Health and Human Services use any additional public or
private funds to offset costs associated with increased caseload
resulting from the implementation of the state outreach plan.
(d) The department shall be exempt from implementing or
administering a state outreach plan under this subsection, but not from
developing such a plan, if it does not receive private or federal funds
sufficient to cover the department's costs associated with the
implementation and administration of the plan, including any costs
associated with increased caseload resulting from the implementation of
the plan.
LEGISLATIVE JOURNAL

On or before October 1, 2011, the department shall create a TANF-funded program or policy that, in compliance with federal law, establishes categorical eligibility for federal food assistance benefits pursuant to the Supplemental Nutrition Assistance Program to maximize the number of Nebraska residents being served under such program in a manner that does not increase the current gross income eligibility limit.

Such TANF-funded program or policy shall eliminate all asset limits for eligibility for federal food assistance benefits, except that the total of liquid assets which includes cash on hand and funds in personal checking and savings accounts, money market accounts, and share accounts shall not exceed twenty-five thousand dollars pursuant to the Supplemental Nutrition Assistance Program, as allowed under federal law and under 7 C.F.R. 273.2(j)(2).

This subsection becomes effective only if the department receives funds pursuant to federal participation that may be used to implement this subsection.

For purposes of this subsection:

(i) Federal law means the federal Food and Nutrition Act of 2008, 7 U.S.C. 2011 et seq., and regulations adopted under the act; and

(ii) TANF means the federal Temporary Assistance for Needy Families program established in 42 U.S.C. 601 et seq.

Within the limits specified in this subsection, the State of Nebraska opts out of the provision of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as such act existed on January 1, 2009, that eliminates eligibility for the Supplemental Nutrition Assistance Program for any person convicted of a felony involving the possession, use, or distribution of a controlled substance.

A person shall be ineligible for Supplemental Nutrition Assistance Program benefits under this subsection if he or she (i) has had three or more felony convictions for the possession or use of a controlled substance or (ii) has been convicted of a felony involving the sale or distribution of a controlled substance or the intent to sell or distribute a controlled substance. A person with three or more one or two felony convictions for the possession or use of a controlled substance shall only be eligible to receive Supplemental Nutrition Assistance Program benefits under this subsection if he or she is participating in or has completed a state-licensed or nationally accredited substance abuse treatment program since the date of conviction. The determination of such participation or completion shall be made by the treatment provider administering the program.

Original section 68-1017.02, Reissue Revised Statutes of Nebraska, is repealed.

On page 1, strike beginning with "soil" in line 1 through line 2 and all amendments thereto and insert "public assistance; to amend section 68-1017.02, Reissue Revised Statutes of Nebraska; to change provisions relating to eligibility for Supplemental Nutrition Assistance Program benefits as prescribed; and to repeal the original section.".

SENATOR WILLIAMS PRESIDING
Senator Gragert requested a ruling of the Chair on whether the Chambers amendment is germane to the bill.

The Chair ruled the Chambers amendment is not germane to the bill.

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

Senator Chambers moved for a call of the house. The motion prevailed with 26 ayes, 4 nays, and 19 not voting.

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

Voting in the affirmative, 0.

Voting in the negative, 39:

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<th>Pansing</th>
<th>Brooks</th>
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<td>Cavanaugh</td>
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</tbody>
</table>

Excused and not voting, 3:

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<tr>
<th>Groene</th>
<th>Linehan</th>
<th>Morfeld</th>
</tr>
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</table>

The Chambers motion to overrule the Chair failed with 0 ayes, 39 nays, 7 present and not voting, and 3 excused and not voting.

The Chair was sustained.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO44

Indefinitely postpone.

Senator Chambers moved for a call of the house. The motion prevailed with 20 ayes, 6 nays, and 23 not voting.
Senator Chambers requested a roll call vote on the motion to indefinitely postpone.

Voting in the affirmative, 0.

Voting in the negative, 40:

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

Present and not voting, 3:

Chambers  Kolowski  Pansin  Brooks

Excused and not voting, 6:

Crawford  Howard  McDonnell
Groene  Linehan  Morfeld

The Chambers motion to indefinitely postpone failed with 0 ayes, 40 nays, 3 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

**AMENDMENT(S) - Print in Journal**

Senator M. Hansen filed the following amendment to LB217:

AM1168

(Amendments to Standing Committee amendments, AM387)

1 1. On page 1, line 5, after "48-1114" insert "(1)"; in line 9, strike 
2 "(1)"; show as stricken, and insert "(a)"; in line 11, strike 
3 "(2)"; show as stricken, and insert "(b)"; in line 13, strike "(3)"; show 
4 as stricken, and insert "(c)"; in lines 14 and 16 strike "(4)" and insert 
5 "(d)"; in lines 16 and 18 strike "compensation" and insert "wages. 
6 benefits, or other compensation"; and after line 23 insert the following 
7 new subsections:
8 "(2) Nothing in subdivision (1)(d) of this section shall:
9 (a) Create an obligation for any employer or employee to disclose 
10 information regarding employee wages, benefits, or other compensation;
11 (b) Permit an employee, without the written consent of the employer,
to disclose proprietary information, which proprietary information does not include information regarding employee wages, benefits, or other compensation, trade secret information, or information that is otherwise subject to a legal privilege or protected by law;
(c) Permit an employee to disclose information regarding wages, benefits, or other compensation of other employees to a competitor of the employer;
(d) Permit an employee to disclose information regarding wages, benefits, or other compensation of other employees to a competitor of the employer;
(e) Permit an employee to discuss information regarding employee wages, benefits, or other compensation during working hours in violation of existing workplace policies or specific contractual obligations; or
(f) Permit an employee to disseminate information regarding employee wages, benefits, or other compensation to the general public in violation of existing workplace policies or specific contractual obligations.
(3) The changes made to this section by this legislative bill shall not be construed so as to impair or affect the obligation of any lawful contract in existence prior to the effective date of this act.'

Senator Chambers filed the following amendment to LB590:

AM1146
1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 68-1017.02, Reissue Revised Statutes of Nebraska,
4 is amended to read:
5 68-1017.02 (1)(a) The Department of Health and Human Services shall
6 apply for and utilize to the maximum extent possible, within limits
7 established by the Legislature, any and all appropriate options available
8 to the state under the federal Supplemental Nutrition Assistance Program
9 and regulations adopted under such program to maximize the number of
10 Nebraska residents being served under such program within such limits.
11 The department shall seek to maximize federal funding for such program
12 and minimize the utilization of General Funds for such program and shall
13 employ the personnel necessary to determine the options available to the
14 state and issue the report to the Legislature required by subdivision (b)
15 of this subsection.
16 (b) The department shall submit electronically an annual report to
17 the Health and Human Services Committee of the Legislature by December 1
18 on efforts by the department to carry out the provisions of this
19 subsection. Such report shall provide the committee with all necessary
20 and appropriate information to enable the committee to conduct a
21 meaningful evaluation of such efforts. Such information shall include,
22 but not be limited to, a clear description of various options available
23 to the state under the federal Supplemental Nutrition Assistance Program,
24 the department's evaluation of and any action taken by the department
25 with respect to such options, the number of persons being served under
26 such program, and any and all costs and expenditures associated with such
27 program.
1 (c) The Health and Human Services Committee of the Legislature,
after receipt and evaluation of the report required in subdivision (b) of this subsection, shall issue recommendations to the department on any further action necessary by the department to meet the requirements of this section.

(2)(a) The department shall develop a state outreach plan to promote access by eligible persons to benefits of the Supplemental Nutrition Assistance Program. The plan shall meet the criteria established by the Food and Nutrition Service of the United States Department of Agriculture for approval of state outreach plans. The Department of Health and Human Services may apply for and accept gifts, grants, and donations to develop and implement the state outreach plan.

(b) For purposes of developing and implementing the state outreach plan, the department shall partner with one or more counties or nonprofit organizations. If the department enters into a contract with a nonprofit organization relating to the state outreach plan, the contract may specify that the nonprofit organization is responsible for seeking sufficient gifts, grants, or donations necessary for the development and implementation of the state outreach plan and may additionally specify that any costs to the department associated with the award and management of the contract or the implementation or administration of the state outreach plan shall be paid out of private or federal funds received for development and implementation of the state outreach plan.

(c) The department shall submit the state outreach plan to the Food and Nutrition Service of the United States Department of Agriculture for approval on or before August 1, 2011, and shall request any federal matching funds that may be available upon approval of the state outreach plan. It is the intent of the Legislature that the State of Nebraska and the Department of Health and Human Services use any additional public or private funds to offset costs associated with increased caseload resulting from the implementation of the state outreach plan.

(d) The department shall be exempt from implementing or administering a state outreach plan under this subsection, but not from developing such a plan, if it does not receive private or federal funds sufficient to cover the department's costs associated with the implementation and administration of the plan, including any costs associated with increased caseload resulting from the implementation of the plan.

(3)(a)(i) On or before October 1, 2011, the department shall create a TANF-funded program or policy that, in compliance with federal law, establishes categorical eligibility for federal food assistance benefits pursuant to the Supplemental Nutrition Assistance Program to maximize the number of Nebraska residents being served under such program in a manner that does not increase the current gross income eligibility limit.

(ii) Such TANF-funded program or policy shall eliminate all asset limits for eligibility for federal food assistance benefits, except that the total of liquid assets which includes cash on hand and funds in personal checking and savings accounts, money market accounts, and share accounts shall not exceed twenty-five thousand dollars pursuant to the Supplemental Nutrition Assistance Program, as allowed under federal law.
20 and under 7 C.F.R. 273.2(j)(2).
21 (iii) This subsection becomes effective only if the department
22 receives funds pursuant to federal participation that may be used to
23 implement this subsection.
24 (b) For purposes of this subsection:
25 (i) Federal law means the federal Food and Nutrition Act of 2008, 7
26 U.S.C. 2011 et seq., and regulations adopted under the act; and
27 (ii) TANF means the federal Temporary Assistance for Needy Families
28 program established in 42 U.S.C. 601 et seq.
29 (4)(a) Within the limits specified in this subsection, the State of
30 Nebraska opts out of the provision of the federal Personal Responsibility
31 and Work Opportunity Reconciliation Act of 1996, as such act existed on
1 January 1, 2009, that eliminates eligibility for the Supplemental
2 Nutrition Assistance Program for any person convicted of a felony
3 involving the possession, use, or distribution of a controlled substance.
4 (b) A person shall be ineligible for Supplemental Nutrition
5 Assistance Program benefits under this subsection if he or she (i) has
6 had three or more felony convictions for the possession or use of a
7 controlled substance or (ii) has been convicted of a felony involving the
8 sale or distribution of a controlled substance or the intent to sell or
9 distribute a controlled substance. A person with three or more one or two
10 felony convictions for the possession or use of a controlled substance
11 shall only be eligible to receive Supplemental Nutrition Assistance
12 Program benefits under this subsection if he or she is participating in
13 or has completed a state-licensed or nationally accredited substance
14 abuse treatment program since the date of conviction. The determination
15 of such participation or completion shall be made by the treatment
16 provider administering the program.
17 Sec. 2. Original section 68-1017.02, Reissue Revised Statutes of
18 Nebraska, is repealed.
19 2. On page 1, strike beginning with "child" in line 1 through line 6
20 and all amendments thereto and insert "public assistance; to amend
21 section 68-1017.02, Reissue Revised Statutes of Nebraska; to change
22 provisions relating to eligibility for Supplemental Nutrition Assistance
23 Program benefits as prescribed; and to repeal the original section.”.

Senator Erdman filed the following amendment to LB512:
AM1119 is available in the Bill Room.

SELECT FILE

LEGISLATIVE BILL 243. Senator Chambers offered the following motion:
MO46
Reconsider the vote taken to indefinitely postpone.

Senator Chambers moved for a call of the house. The motion prevailed with
15 ayes, 9 nays, and 25 not voting.
Senator Chambers requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 1:
Chambers

Voting in the negative, 40:

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<tr>
<td>Cavanaugh</td>
<td>Halloran</td>
<td>La Grone</td>
<td>Quick</td>
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Present and not voting, 2:

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Excused and not voting, 6:

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<td>Groene</td>
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<td>Morfeld</td>
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The Chambers motion to reconsider failed with 1 aye, 40 nays, 2 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

**VISITOR(S)**

The Doctor of the Day was Dr. David Hoelting from Pender.

**ADJOURNMENT**

At 4:56 p.m., on a motion by Senator Albrecht, the Legislature adjourned until 9:00 a.m., Wednesday, April 3, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
The prayer was offered by Reverend Rebecca Sheridan, Bethel Lutheran Church, Omaha.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Lindstrom presiding.

The roll was called and all members were present except Senator Hilgers who was excused; and Senators DeBoer, Groene, Morfeld, Scheer, Vargas, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-first day was approved.

SELECT FILE

LEGISLATIVE BILL 243. Considered.

Senator Chambers offered the following motion:
MO47
Recommit to the Agriculture Committee.

PRESIDENT FOLEY PRESIDING

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

Senator Chambers requested a roll call vote on the motion to recommit to committee.

Voting in the affirmative, 0.

Voting in the negative, 46:
The Chambers motion to recommit to committee failed with 0 ayes, 46 nays, 1 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:
MO48
Reconsider the vote taken to recommit to committee.

Senator Gragert offered the following motion:
MO49
Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Gragert moved for a call of the house. The motion prevailed with 20 ayes, 1 nay, and 28 not voting.

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

Voting in the affirmative, 46:
Voting in the negative, 1:

Chambers

Excused and not voting, 2:

Hilgers Morfeld

The Gragert motion to invoke cloture prevailed with 46 ayes, 1 nay, and 2 excused and not voting.

Senator Chambers requested a roll call vote on the motion to reconsider the vote to recommit to committee.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 46:

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

Excused and not voting, 2:

Hilgers Morfeld

The Chambers motion to reconsider failed with 1 aye, 46 nays, and 2 excused and not voting.
Senator Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 46:

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<th>Albrecht</th>
<th>Crawford</th>
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<th>Linehan</th>
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Voting in the negative, 1:

Chambers

Excused and not voting, 2:

Hilgers Morfeld

Advanced to Enrollment and Review for Engrossment with 46 ayes, 1 nay, and 2 excused and not voting.

The Chair declared the call raised.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 34.** Placed on Final Reading.

**LEGISLATIVE BILL 619.** Placed on Final Reading.

(Signed) Julie Slama, Chairperson

**COMMITTEE REPORT(S)**

Education

**LEGISLATIVE BILL 547.** Placed on General File with amendment. AM749 is available in the Bill Room.

(Signed) Mike Groene, Chairperson

**SELECT FILE**

**LEGISLATIVE BILL 449.** ER47, found on page 788, was adopted.

Advanced to Enrollment and Review for Engrossment.
LEGISLATIVE BILL 590. ER48, found on page 830, was adopted.

Senator Chambers offered his amendment, AM1146, found on page 1041.

Senator Briese requested a ruling of the Chair on whether the Chambers amendment is germane to the bill.

The Chair ruled the Chambers amendment is not germane to the bill.

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

Senator Chambers moved for a call of the house. The motion prevailed with 14 ayes, 2 nays, and 33 not voting.

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

Voting in the affirmative, 1:

Chambers

Voting in the negative, 40:

Albrecht  DeBoer  Hansen, B.  Lindstrom  Scheer
Arch  Dorn  Hansen, M.  Lowe  Slama
Blood  Erdman  Hilkemann  McCollister  Stinner
Bostelman  Friesen  Howard  McDonnell  Vargas
Brandt  Geist  Hughes  Moser  Walz
Brewer  Gragert  Koltermann  Murman  Wayne
Briese  Groene  La Grone  Pansing Brooks  Williams
Clements  Halloran  Lathrop  Quick  Wishart

Present and not voting, 5:

Bolz  Cavanaugh  Crawford  Hunt  Kolowski

Excused and not voting, 3:

Hilgers  Linehan  Morfeld

The Chambers motion to overrule the Chair failed with 1 aye, 40 nays, 5 present and not voting, and 3 excused and not voting.

The Chair was sustained.

The Chair declared the call raised.
Senator Chambers offered the following motion:
MO50
Recommit to the Health and Human Services Committee.

SPEAKER SCHEER PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 13 ayes, 4 nays, and 32 not voting.

Senator Chambers requested a roll call vote on the motion to recommit to committee.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 44:

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

Excused and not voting, 4:

Groene  Hilgers  Morfeld  Williams

The Chambers motion to recommit to committee failed with 1 aye, 44 nays, and 4 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:
MO51
Indefinitely postpone.

Pending.
VISITOR(S)

Visitors to the Chamber were Senator McCollister's son, Dan McCollister, from Los Angeles, CA; members from Adult Leadership Dawson County; students, teachers, and sponsors from Bel Air Elementary School, Norfolk; students from Fort Calhoun Community Schools; members from the Nebraska Federated Women's Clubs from across the state; students and teachers from St. Robert Bellarmine Catholic School, Omaha; and advocates for Planned Parenthood of the Heartland.

RECESS

At 11:54 a.m., on a motion by Senator Quick, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Foley presiding.

ROLL CALL

The roll was called and all members were present except Senator Hilgers who was excused; and Senators Bolz, Cavanaugh, Dorn, Groene, Hunt, Morfeld, and Pansing Brooks who were excused until they arrive.

COMMITTEE REPORT(S)

Nebraska Retirement Systems

LEGISLATIVE BILL 31. Placed on General File with amendment. AM1169 is available in the Bill Room.

(Signed) Mark Koltermann, Chairperson

SELECT FILE

LEGISLATIVE BILL 590. Senator Chambers renewed his motion, MO51, found in this day's Journal, to indefinitely postpone.

Senator Chambers moved for a call of the house. The motion prevailed with 11 ayes, 7 nays, and 31 not voting.

Senator Chambers requested a roll call vote on the motion to indefinitely postpone.

Voting in the affirmative, 0.

Voting in the negative, 40:
The Chambers motion to indefinitely postpone failed with 0 ayes, 40 nays, 2 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO52
Reconsider the vote taken to indefinitely postpone.

Senator Chambers moved for a call of the house. The motion prevailed with 12 ayes, 5 nays, and 32 not voting.

Senator Chambers requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 37:

Albrecht Blood Bolz Bostelman Brandt Brewer Briese Clements Dorn Erdman Friesen Geist Graeter Halloran Hansen, B. Hansen, M. Hilkemann Howard Hughes Hunt Kolterman La Grone Lindstrom Lowe McCollister Moser Mose

Excused and not voting, 11:
The Chambers motion to reconsider failed with 1 aye, 37 nays, and 11 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:
MO53
Bracket until April 15, 2019.

SPEAKER SCHEER PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 7 ayes, 4 nays, and 38 not voting.

Senator Chambers requested a roll call vote on the motion to bracket.

Voting in the affirmative, 0.

Voting in the negative, 37:

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Present and not voting, 1:

Chambers

Excused and not voting, 11:

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The Chambers motion to bracket failed with 0 ayes, 37 nays, 1 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.
Senator Chambers offered the following motion:
MO55
Reconsider the vote taken to bracket.

Senator Briese offered the following motion:
MO54
Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Briese moved for a call of the house. The motion prevailed with 21 ayes, 1 nay, and 27 not voting.

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

Voting in the affirmative, 44:

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<td>Briese</td>
<td>Gragert</td>
<td>Kolterman</td>
<td>Murman</td>
<td>Wishart</td>
</tr>
<tr>
<td>Cavanaugh</td>
<td>Groene</td>
<td>La Grone</td>
<td>Pansing</td>
<td>Brooks</td>
</tr>
</tbody>
</table>

Voting in the negative, 1:

Chambers

Excused and not voting, 4:

<table>
<thead>
<tr>
<th>Hilgers</th>
<th>Hilkemann</th>
<th>McCollister</th>
<th>Stinner</th>
</tr>
</thead>
</table>

The Briese motion to invoke cloture prevailed with 44 ayes, 1 nay, and 4 excused and not voting.

Senator Chambers requested a roll call vote, in reverse order, on the motion to reconsider.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 44:
The Chambers motion to reconsider failed with 1 aye, 44 nays, and 4 excused and not voting.

Senator Chambers requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 44:

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

Voting in the negative, 1:

Chambers

Excused and not voting, 4:

Hilgers  Hilkemann  McCollister  Stinner

Advanced to Enrollment and Review for Engrossment with 44 ayes, 1 nay, and 4 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 217.** ER49, found on page 918, was adopted.

Senator M. Hansen withdrew his amendments, AM946 and AM1168, found on pages 1016 and 1040.
Senator M. Hansen offered the following amendment:

AM1184

(Amendments to Standing Committee amendments, AM387)

1 1. On page 1, line 5, after "48-1114" insert "(1)"; in line 9,
2 strike "(1)", show as stricken, and insert "(a)"; in line 11, strike
3 "(2)", show as stricken, and insert "(b)"; in line 13, strike "(3)", show
4 as stricken, and insert "(c)"; in lines 14 and 16 strike "(4)" and insert
5 "(d)"; in lines 16 and 18 strike "compensation" and insert "wages,
6 benefits, or other compensation"; and after line 23 insert the following
7 new subsections:
8 "(2) Nothing in this subsection or subdivision (1)(d) of this
9 section shall be contrary to applicable state or federal law or:
10 (a) Create an obligation for any employer or employee to disclose
11 information regarding employee wages, benefits, or other compensation;
12 (b) Permit an employee, without the written consent of the employer,
13 to disclose proprietary information, trade secret information, or
14 information that is otherwise subject to a legal privilege or protected
15 by law. For purposes of this subdivision, proprietary information does
16 not include information regarding employee wages, benefits, or other
17 compensation;
18 (c) Permit an employee to disclose information regarding wages,
19 benefits, or other compensation of other employees to a competitor of the
20 employer;
21 (d) Apply to employers which are exempt from the Nebraska Fair
22 Employment Practice Act under section 48-1102;
23 (e) Permit an employee to discuss information regarding employee
24 wages, benefits, or other compensation during working hours, as defined
25 in existing workplace policies, or in violation of specific contractual
26 obligations; or
27 (f) Permit an employee to disseminate information regarding employee
28 wages, benefits, or other compensation to the general public. For
29 purposes of this subdivision, general public does not include public
30 officials, judicial officers, legislators, trade associations, or other
31 reasonable third parties for the employee's mutual aid or protection.
32 (3) The changes made to this section by this legislative bill shall
33 not be construed so as to impair or affect the obligation of any lawful
34 contract in existence prior to the effective date of this act.
"

The M. Hansen amendment was adopted with 28 ayes, 0 nays, 10 present
and not voting, and 11 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 269. ER50, found on page 918, was adopted.

Senator Wayne withdrew his amendments, AM1100, AM1101, AM1102,
AM1103, and AM1104, found on pages 1015 and 1016.
Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 270.** ER53, found on page 918, was adopted.

Senator Wayne offered his amendment, FA36, found on page 1015.

Senator Wayne withdrew his amendment.

Senator Wayne withdrew his amendments, FA37 and FA40, found on pages 1015 and 1016.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 348.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 409.** Advanced to Enrollment and Review for Engrossment.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 243.** Placed on Final Reading.

**LEGISLATIVE BILL 449.** Placed on Final Reading.

(Signed) Julie Slama, Chairperson

**COMMITTEE REPORT(S)**

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 98.** Placed on General File with amendment.

AM1189

1 1. Insert the following new section:

2 Section 1. Section 18-2515, Reissue Revised Statutes of Nebraska, is amended to read:

4 18-2515 (1) Each petition presented for signature must be identical to the petition authorized for circulation by the city clerk pursuant to section 18-2512.

7 (2) Every petition shall contain the name and place of residence of not more than three persons as chief petitioners or sponsors of the measure. The chief petitioners or sponsors shall be qualified electors of the municipal subdivision potentially affected by the initiative or referendum proposal.

12 (3) Every petition shall contain the caption and the statement specified in subdivisions (1)(a) and (1)(c) of section 18-2513.

14 (4) When a special election is being requested, such fact shall be stated on every petition.
16.2. Renumber the remaining sections and correct the repealer accordingly.

(Signed) Tom Brewer, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 77. Introduced by Slama, 1.

WHEREAS, Sheriff Jim Gress, County Clerk Janene Bennett, Register of Deeds Janet Reed, and Judge John F. Steinheider recently retired from public service in Otoe County; and
WHEREAS, Otoe County Sheriff Jim Gress dedicated his life to keeping the residents of Otoe County safe and protected as the longest serving sheriff in Otoe County history; and
WHEREAS, Otoe County Clerk Janene Bennett served for numerous years to protect the integrity of elections; and
WHEREAS, Otoe County Register of Deeds Janet Reed was an exceptional public servant with nearly two decades of institutional knowledge; and
WHEREAS, Judge Steinheider served Nebraska courts for over 21 years, putting in countless hours of public service leading the Through the Eyes of the Child Initiative for the judicial district, facilitating cases, and training judges.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature expresses its appreciation to Jim Gress, Janene Bennett, Janet Reed, and Judge Steinheider for their service and dedication to southeast Nebraska.
2. That the Legislature congratulates Jim Gress, Janene Bennett, Janet Reed, and Judge Steinheider on their retirement.
3. That a copy of this resolution be sent to Jim Gress, Janene Bennett, Janet Reed, and Judge Steinheider.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 212. Title read. Considered.

Committee AM380, found on page 578, was offered.

Senator Chambers offered the following amendment to the committee amendment:

AM1139

(Amendments to Standing Committee amendments, AM380)

1. Strike the original sections and all amendments thereto and
2. insert the following new sections:
Section 1. Section 68-1017.02, Reissue Revised Statutes of Nebraska, is amended to read:

68-1017.02 (1)(a) The Department of Health and Human Services shall apply for and utilize to the maximum extent possible, within limits established by the Legislature, any and all appropriate options available to the state under the federal Supplemental Nutrition Assistance Program and regulations adopted under such program to maximize the number of Nebraska residents being served under such program within such limits. The department shall seek to maximize federal funding for such program and minimize the utilization of General Funds for such program and shall employ the personnel necessary to determine the options available to the state and issue the report to the Legislature required by subdivision (b) of this subsection.

(b) The department shall submit electronically an annual report to the Health and Human Services Committee of the Legislature by December 1 on efforts by the department to carry out the provisions of this subsection. Such report shall provide the committee with all necessary and appropriate information to enable the committee to conduct a meaningful evaluation of such efforts. Such information shall include, but not be limited to, a clear description of various options available to the state under the federal Supplemental Nutrition Assistance Program, the department's evaluation of and any action taken by the department with respect to such options, the number of persons being served under such program, and any and all costs and expenditures associated with such program.

(c) The Health and Human Services Committee of the Legislature, after receipt and evaluation of the report required in subdivision (b) of this subsection, shall issue recommendations to the department on any further action necessary by the department to meet the requirements of this section.

(2)(a) The department shall develop a state outreach plan to promote access by eligible persons to benefits of the Supplemental Nutrition Assistance Program. The plan shall meet the criteria established by the Food and Nutrition Service of the United States Department of Agriculture for approval of state outreach plans. The Department of Health and Human Services may apply for and accept gifts, grants, and donations to develop and implement the state outreach plan.

(b) For purposes of developing and implementing the state outreach plan, the department shall partner with one or more counties or nonprofit organizations. If the department enters into a contract with a nonprofit organization relating to the state outreach plan, the contract may specify that the nonprofit organization is responsible for seeking sufficient gifts, grants, or donations necessary for the development and implementation of the state outreach plan and may additionally specify that any costs to the department associated with the award and management of the contract or the implementation or administration of the state outreach plan shall be paid out of private or federal funds received for development and implementation of the state outreach plan.

(c) The department shall submit the state outreach plan to the Food
and Nutrition Service of the United States Department of Agriculture for approval on or before August 1, 2011, and shall request any federal matching funds that may be available upon approval of the state outreach plan. It is the intent of the Legislature that the State of Nebraska and the Department of Health and Human Services use any additional public or private funds to offset costs associated with increased caseload resulting from the implementation of the state outreach plan.

(d) The department shall be exempt from implementing or administering a state outreach plan under this subsection, but not from developing such a plan, if it does not receive private or federal funds sufficient to cover the department's costs associated with the implementation and administration of the plan, including any costs associated with increased caseload resulting from the implementation of the plan.

(3)(a)(i) On or before October 1, 2011, the department shall create a TANF-funded program or policy that, in compliance with federal law, establishes categorical eligibility for federal food assistance benefits pursuant to the Supplemental Nutrition Assistance Program to maximize the number of Nebraska residents being served under such program in a manner that does not increase the current gross income eligibility limit.

(ii) Such TANF-funded program or policy shall eliminate all asset limits for eligibility for federal food assistance benefits, except that the total of liquid assets which includes cash on hand and funds in personal checking and savings accounts, money market accounts, and share accounts shall not exceed twenty-five thousand dollars pursuant to the Supplemental Nutrition Assistance Program, as allowed under federal law and under 7 C.F.R. 273.2(j)(2).

(iii) This subsection becomes effective only if the department receives funds pursuant to federal participation that may be used to implement this subsection.

(b) For purposes of this subsection:

(i) Federal law means the federal Food and Nutrition Act of 2008, 7 U.S.C. 2011 et seq., and regulations adopted under the act; and

(ii) TANF means the federal Temporary Assistance for Needy Families program established in 42 U.S.C. 601 et seq.

(4)(a) Within the limits specified in this subsection, the State of Nebraska opts out of the provision of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as such act existed on January 1, 2009, that eliminates eligibility for the Supplemental Nutrition Assistance Program for any person convicted of a felony involving the possession, use, or distribution of a controlled substance.

(b) A person shall be ineligible for Supplemental Nutrition Assistance Program benefits under this subsection if he or she (i) has had three or more felony convictions for the possession or use of a controlled substance or (ii) has been convicted of a felony involving the sale or distribution of a controlled substance or the intent to sell or distribute a controlled substance. A person with three or more one or two felony convictions for the possession or use of a controlled substance shall only be eligible to receive Supplemental Nutrition Assistance
13 Program benefits under this subsection if he or she is participating in
14 or has completed a state-licensed or nationally accredited substance
15 abuse treatment program since the date of conviction. The determination
16 of such participation or completion shall be made by the treatment
17 provider administering the program.
18 Sec. 2. Original section 68-1017.02, Reissue Revised Statutes of
19 Nebraska, is repealed.
20 2. Insert the following new amendment:
21 2. On page 1, strike beginning with "the" in line 1 through line 3
22 and insert "public assistance; to amend section 68-1017.02, Reissue
23 Revised Statutes of Nebraska; to change provisions relating to
24 eligibility for Supplemental Nutrition Assistance Program benefits as
25 prescribed;".

The Chambers amendment lost with 1 aye, 27 nays, 14 present and not
voting, and 7 excused and not voting.

The committee amendment was adopted with 34 ayes, 0 nays, 7 present and
not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 7 present
and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 15.** Title read. Considered.

Committee AM410, found on page 808, was adopted with 39 ayes, 0 nays, 3
present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 3 present
and not voting, and 7 excused and not voting.

**AMENDMENT(S) - Print in Journal**

Senator Kolterman filed the following amendment to LB316:

AM1187

1 1. Insert the following new section:
2 Sec. 2. Since an emergency exists, this act takes effect when
3 passed and approved according to law.

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator Brewer name added to LB641.

**VISITOR(S)**

The Doctor of the Day was Dr. Kip Anderson from Columbus.
ADJOURNMENT

At 4:43 p.m., on a motion by Senator Kolterman, the Legislature adjourned until 9:00 a.m., Thursday, April 4, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
FIFTY-THIRD DAY - APRIL 4, 2019
LEGISLATIVE JOURNAL
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION
FIFTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 4, 2019

PRAYER

The prayer was offered by Pastor Johnny Walker, West First Chapel, McCook.

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 Blood, Cavanaugh, DeBoer, B. Hansen, M. Hansen, Hunt, Lindstrom, McCollister, Morfeld, Pansing Brooks, and Vargas who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-second day was approved.

AMENDMENT(S) - Print in Journal

Senator Clements filed the following amendment to LB334:
AM1185
(Amendments to Standing Committee amendments, AM801)
1 1. Insert the following new section:
2 Section 1. Section 13-1901, Reissue Revised Statutes of Nebraska, is
3 amended to read:
4 13-1901  (1) There are hereby created nine Nebraska planning and
5 development regions as follows:
6 (a) (1) Region 1 includes the counties of Sioux, Dawes, Sheridan,
7 Box Butte, Scotts Bluff, Morrill, Garden, Banner, Kimball, Cheyenne, and
8 Deuel;
9 (b) (2) Region 2 includes the counties of Cherry, Keya Paha, Boyd,
10 Brown, Rock, Holt, Blaine, Loup, Garfield, Wheeler, Custer, Valley,
11 Greeley, and Sherman;
12 (c) (3) Region 3 includes the counties of Grant, Hooker, Thomas,
13 Arthur, McPherson, Logan, Keith, Lincoln, Perkins, Dawson, Chase, Hayes,
14 Frontier, Gosper, Dundy, Hitchcock, Red Willow, and Furnas;
Region 4 includes the counties of Howard, Merrick, Buffalo, Hall, Hamilton, Phelps, Kearney, Adams, Clay, Harlan, Franklin, Webster, and Nuckolls;

Region 5 includes the counties of Knox, Cedar, Dixon, Antelope, Pierce, Wayne, Thurston, Boone, Madison, Stanton, Cuming, Burt, Platte, Colfax, Dodge, and Nance;

Region 6 includes the counties of Polk, Butler, Saunders, York, Seward, Cass, Fillmore, Saline, Otoe, Thayer, Jefferson, Gage, Johnson, Nemaha, Pawnee, and Richardson;

Region 7 includes the county of Lancaster;

Region 8 includes the counties of Washington, Douglas, and Sarpy, and Cass; and

Region 9 includes the county of Dakota.

In order to facilitate development of a process which will allow for future changes to the boundaries of the Nebraska planning and development regions, until July 1, 2020, a county, city, village, or development district shall not engage in negotiations to change the boundaries of the planning and development regions. This subsection does not prohibit negotiations relating to implementation of the changes to the boundaries made by this legislative bill.

2. Renumber the remaining sections and correct the repealer accordingly.

**GENERAL FILE**

**LEGISLATIVE RESOLUTION 14CA.** Senator Groene renewed his amendment, FA26, found on page 958 and considered on pages 982 and 983.

Senator Groene withdrew his amendment.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

**NOTICE OF COMMITTEE HEARING(S)**

Health and Human Services/Appropriations

Room 1510

Thursday, April 11, 2019 1:30 p.m.

Briefing of the Health and Human Services Committee and the Appropriations Committee on the plan for Medicaid Expansion

Note: Invited testimony only

(Signed) Sara Howard, Chairperson
RESOLUTION(S)

LEGISLATIVE RESOLUTION 78. Introduced by Briese, 41.

WHEREAS, Roger Goldfish recently retired from a career in public service that spanned forty years; and
WHEREAS, Roger began his first term on the Ord City Council in 1979 and ultimately served the city in that capacity for twelve years (1979-1982, 1987-1990, and 2007-2010); and
WHEREAS, Roger was then chosen to lead the City of Ord as its mayor beginning in 1991 through 2002 and then again from 2011 through 2018; and
WHEREAS, Roger also served on the board of adjustment, the Central Nebraska Community Services board of directors, and the Central Nebraska Community Action Partnership board of directors.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates Roger Goldfish on his retirement after 34 years of service to his community.
2. That a copy of this resolution be sent to Roger Goldfish.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 637. Title read. Considered.

Committee AM238, found on page 914, was adopted with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 472. Title read. Considered.

Senator Dorn offered his amendment, AM959, found on page 1005.

Senator Chambers offered the following amendment to the Dorn amendment:

AM1143

(Amendments to the Dorn amendments, AM959)

1. Strike the original sections and all amendments thereto and
2. insert the following new sections:
3. Section 1. Section 68-1017.02, Reissue Revised Statutes of Nebraska,
4. is amended to read:
5. 68-1017.02 (1)(a) The Department of Health and Human Services shall
apply for and utilize to the maximum extent possible, within limits established by the Legislature, any and all appropriate options available to the state under the federal Supplemental Nutrition Assistance Program and regulations adopted under such program to maximize the number of Nebraska residents being served under such program within such limits. The department shall seek to maximize federal funding for such program and minimize the utilization of General Funds for such program and shall employ the personnel necessary to determine the options available to the state and issue the report to the Legislature required by subdivision (b) of this subsection.

(b) The department shall submit electronically an annual report to the Health and Human Services Committee of the Legislature by December 1 on efforts by the department to carry out the provisions of this subsection. Such report shall provide the committee with all necessary and appropriate information to enable the committee to conduct a meaningful evaluation of such efforts. Such information shall include, but not be limited to, a clear description of various options available to the state under the federal Supplemental Nutrition Assistance Program, the department's evaluation of and any action taken by the department with respect to such options, the number of persons being served under such program, and any and all costs and expenditures associated with such program.

(c) The Health and Human Services Committee of the Legislature, after receipt and evaluation of the report required in subdivision (b) of this subsection, shall issue recommendations to the department on any further action necessary by the department to meet the requirements of this section.

(2)(a) The department shall develop a state outreach plan to promote access by eligible persons to benefits of the Supplemental Nutrition Assistance Program. The plan shall meet the criteria established by the Food and Nutrition Service of the United States Department of Agriculture for approval of state outreach plans. The Department of Health and Human Services may apply for and accept gifts, grants, and donations to develop and implement the state outreach plan.

(b) For purposes of developing and implementing the state outreach plan, the department shall partner with one or more counties or nonprofit organizations. If the department enters into a contract with a nonprofit organization relating to the state outreach plan, the contract may specify that the nonprofit organization is responsible for seeking sufficient gifts, grants, or donations necessary for the development and implementation of the state outreach plan and may additionally specify that any costs to the department associated with the award and management of the contract or the implementation or administration of the state outreach plan shall be paid out of private or federal funds received for development and implementation of the state outreach plan.

(c) The department shall submit the state outreach plan to the Food and Nutrition Service of the United States Department of Agriculture for approval on or before August 1, 2011, and shall request any federal matching funds that may be available upon approval of the state outreach plan.
It is the intent of the Legislature that the State of Nebraska and
the Department of Health and Human Services use any additional public or
private funds to offset costs associated with increased caseload
resulting from the implementation of the state outreach plan.
(d) The department shall be exempt from implementing or
administering a state outreach plan under this subsection, but not from
developing such a plan, if it does not receive private or federal funds
sufficient to cover the department's costs associated with the
implementation and administration of the plan, including any costs
associated with increased caseload resulting from the implementation of
the plan.
(3)(a)(i) On or before October 1, 2011, the department shall create
a TANF-funded program or policy that, in compliance with federal law,
establishes categorical eligibility for federal food assistance benefits
pursuant to the Supplemental Nutrition Assistance Program to maximize the
number of Nebraska residents being served under such program in a manner
that does not increase the current gross income eligibility limit.
(ii) Such TANF-funded program or policy shall eliminate all asset
limits for eligibility for federal food assistance benefits, except that
the total of liquid assets which includes cash on hand and funds in
personal checking and savings accounts, money market accounts, and share
accounts shall not exceed twenty-five thousand dollars pursuant to the
Supplemental Nutrition Assistance Program, as allowed under federal law
and under 7 C.F.R. 273.2(j)(2).
(iii) This subsection becomes effective only if the department
receives funds pursuant to federal participation that may be used to
implement this subsection.
(b) For purposes of this subsection:
(i) Federal law means the federal Food and Nutrition Act of 2008, 7
U.S.C. 2011 et seq., and regulations adopted under the act; and
(ii) TANF means the federal Temporary Assistance for Needy Families
program established in 42 U.S.C. 601 et seq.
(4)(a) Within the limits specified in this subsection, the State of
Nebraska opts out of the provision of the federal Personal Responsibility
and Work Opportunity Reconciliation Act of 1996, as such act existed on
January 1, 2009, that eliminates eligibility for the Supplemental
Nutrition Assistance Program for any person convicted of a felony
involving the possession, use, or distribution of a controlled substance.
(b) A person shall be ineligible for Supplemental Nutrition
Assistance Program benefits under this subsection if he or she (i) has
had three or more felony convictions for the possession or use of a
controlled substance or (ii) has been convicted of a felony involving the
sale or distribution of a controlled substance or the intent to sell or
distribute a controlled substance. A person with three or more one or two
felony convictions for the possession or use of a controlled substance
shall only be eligible to receive Supplemental Nutrition Assistance
Program benefits under this subsection if he or she is participating in
or has completed a state-licensed or nationally accredited substance
abuse treatment program since the date of conviction. The determination
16 of such participation or completion shall be made by the treatment
17 provider administering the program.
18 Sec. 2. Original section 68-1017.02, Reissue Revised Statutes of
19 Nebraska, is repealed.
20 2. Insert the following new amendment:
21 2. On page 1, strike beginning with "revenue" in line 1 through line
22 5 and insert "public assistance; to amend section 68-1017.02, Reissue
23 Revised Statutes of Nebraska; to change provisions relating to
24 eligibility for Supplemental Nutrition Assistance Program benefits as
25 prescribed; and to repeal the original section.".

Senator Chambers withdrew his amendment.

Senator Dorn moved for a call of the house. The motion prevailed with 27
ayes, 3 nays, and 19 not voting.

The Dorn amendment was adopted with 47 ayes, 0 nays, and 2 present and
not voting.

The Chair declared the call raised.

Senator Dorn offered the following amendment:
AM1193
1 1. On page 2, strike beginning with "at" in line 7 through "vote" in
2 line 8 and insert "the affirmative vote of at least a two-thirds majority
3 of all elected members".

The Dorn amendment was adopted with 45 ayes, 0 nays, and 4 present and
not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 1 nay, and 8
present and not voting.

LEGISLATIVE BILL 268. Title read. Considered.

Pending.

AMENDMENT(S) - Print in Journal

Senator Lindstrom filed the following amendment to LB218:
AM1137
   (Amendments to Standing Committee amendments, AM536)
1 1. On page 1, line 11; and page 3, lines 19 and 20, strike "or the
2 public power industry as defined in section 70-601".
3 2. On page 3, lines 22 and 23, strike "or the public power
4 industry".
UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Pansing Brooks name added to LB62.

VISITOR(S)

Visitors to the Chamber were students from Immanuel Lutheran School, Columbus; Miles Poppleton and Jayger Haag from Plattsmouth; students from St. Gerald Catholic School, Ralston; students from Tekamah-Herman Schools; delegates from One World Leadership Center and their interpreter from the Ukraine; and FFA students and sponsors from Morrill and Mitchell.

RECESS

At 11:46 a.m., on a motion by Senator Slama, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Foley presiding.

ROLL CALL

The roll was called and all members were present except Senators B. Hansen, La Grone, and Lowe who were excused; and Senators Bolz, Chambers, Groene, and Wayne who were excused until they arrive.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 59, 60, 61, and 62 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 59, 60, 61, and 62.

GENERAL FILE

LEGISLATIVE BILL 268. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.
LEGISLATIVE BILL 352. Title read. Considered.

Committee AM761, found on page 887, was offered.

Senator Morfeld offered his amendment, AM955, found on page 991, to the committee amendment.

The Morfeld amendment was adopted with 43 ayes, 0 nays, 2 present and not voting, and 4 excused and not voting.

The committee amendment, as amended, was adopted with 41 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 483. Title read. Considered.

Senator Erdman offered his amendment, AM973, found on page 1004.

SPEAKER SCHEER PRESIDING
SENATOR HILGERS PRESIDING

Pending.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 217. Placed on Final Reading.
ST13
The following changes, required to be reported for publication in the Journal, have been made:
   1. In the E & R amendments, ER49, on page 1, line 4, "compensation" has been struck and "wages, benefits, or other compensation" inserted.

LEGISLATIVE BILL 269. Placed on Final Reading.
LEGISLATIVE BILL 590. Placed on Final Reading.

(Signed) Julie Slama, Chairperson

AMENDMENT(S) - Print in Journal

Senator Howard filed the following amendment to LB570:
AM1205
(Amendments to Standing Committee amendments, AM470)
1 1. Insert the following new section:
2 Section 1. Section 71-7611, Reissue Revised Statutes of Nebraska, is
amended to read:

71-7611 (1) The Nebraska Health Care Cash Fund is created. The State Treasurer shall transfer (a) sixty million three hundred thousand dollars on or before July 15, 2014, (b) sixty million three hundred fifty thousand dollars on or before July 15, 2015, (c) sixty million three hundred fifty thousand dollars on or before July 15, 2016, (d) sixty million seven hundred thousand dollars on or before July 15, 2017, (e) five hundred thousand dollars on or before May 15, 2018, (f) sixty-one million six hundred thousand dollars on or before July 15, 2018, (g) sixty-one million four hundred fifty thousand dollars on or before July 15, 2019, and (h) sixty million four hundred fifty thousand dollars on or before every July 15 thereafter from the Nebraska Medicaid Intergovernmental Trust Fund and the Nebraska Tobacco Settlement Trust Fund to the Nebraska Health Care Cash Fund, except that such amount shall be reduced by the amount of the unobligated balance in the Nebraska Health Care Cash Fund at the time the transfer is made. The state investment officer shall advise the State Treasurer on the amounts to be transferred first from the Nebraska Medicaid Intergovernmental Trust Fund until the fund balance is depleted and from the Nebraska Tobacco Settlement Trust Fund thereafter in order to sustain such transfers in perpetuity. The state investment officer shall report electronically to the Legislature on or before October 1 of every even-numbered year on the sustainability of such transfers. The Nebraska Health Care Cash Fund shall also include money received pursuant to section 77-2602. Except as otherwise provided by law, no more than the amounts specified in this subsection may be appropriated or transferred from the Nebraska Health Care Cash Fund in any fiscal year.

The State Treasurer shall transfer ten million dollars from the Nebraska Medicaid Intergovernmental Trust Fund to the General Fund on June 28, 2018, and June 28, 2019.

It is the intent of the Legislature that no additional programs are funded through the Nebraska Health Care Cash Fund until funding for all programs with an appropriation from the fund during FY2012-13 are restored to their FY2012-13 levels.

(2) Any money in the Nebraska Health Care Cash Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(3) The University of Nebraska and postsecondary educational institutions having colleges of medicine in Nebraska and their affiliated research hospitals in Nebraska, as a condition of receiving any funds appropriated or transferred from the Nebraska Health Care Cash Fund, shall not discriminate against any person on the basis of sexual orientation.

The State Treasurer shall transfer fifty thousand dollars on or before July 15, 2016, from the Nebraska Health Care Cash Fund to the Board of Regents of the University of Nebraska for the University of Nebraska Medical Center. It is the intent of the Legislature that these funds be used by the College of Public Health for workforce training.
26 (5) It is the intent of the Legislature that the cost of the staff
27 and operating costs necessary to carry out the changes made by Laws 2018,
28 LB439, and not covered by fees or federal funds shall be funded from the
30 2. Renumber the remaining sections and correct the repealer
31 accordingly.

Senator Howard filed the following amendment to LB570A:
AM1206
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Laws 2018, LB944, section 15, is amended to read:
4 Sec. 15. AGENCY NO. 3 — LEGISLATIVE COUNCIL
5 Program No. 122 - Legislative Services
6     FY2017-18    FY2018-19
7 GENERAL FUND 9,510,388   9,645,982
8 CASH FUND    75,000    75,000
9 FEDERAL FUND est. 39,270    39,270
10 PROGRAM TOTAL 9,624,658  9,760,252
11 SALARY LIMIT  7,116,064   7,168,457
12 There is included in the appropriation to this program for FY2017-18
13 $75,000 Cash Funds and for FY2018-19 $75,000 Cash Funds from the Nebraska
14 Health Care Cash Fund for the purpose of ongoing health-related research
15 and public policy development by the Health and Human Services Committee
16 of the Legislature. Such funds may be used for, but shall not be limited
17 to, hiring temporary legal research assistance, consulting and research
18 contracts, reimbursement for necessary and appropriate expenses incurred
19 in connection with such research and policy development, and actual and
20 necessary travel reimbursement for task forces and committees established
21 to conduct health policy work.
22 The unexpended General Fund appropriation balance existing on June
23 30, 2017, is hereby reappropriated.
24 The unexpended and unobligated balance in the Nebraska Health Care
25 Cash Fund appropriation shall be reduced by $142,199 on or before June
26 15, 2019.
27 Sec. 2. There is hereby appropriated (1) $18,600 from the Nebraska
28 Health Care Cash Fund for FY2018-19, (2) $43,570 from the Nebraska Health
29 Care Cash Fund for FY2019-20, and (3) $43,570 from the Nebraska Health
30 Services, for Program 33, to aid in carrying out the provisions of
31 Legislative Bill 570, One Hundred Sixth Legislature, First Session, 2019.
32 No expenditures for permanent and temporary salaries and per diems
33 for state employees shall be made from funds appropriated in this
34 section.
35 Sec. 3. There is hereby appropriated (1) $18,600 from federal funds
36 for FY2018-19, (2) $43,570 from federal funds for FY2019-20, and (3)
37 $43,570 from federal funds for FY2020-21 to the Department of Health and
38 Human Services, for Program 33, to aid in carrying out the provisions of
39 Legislative Bill 570, One Hundred Sixth Legislature, First Session, 2019.
No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 4. It is the intent of the Legislature to appropriate $36,459 from the Nebraska Health Care Cash Fund for FY2021-22 to the Department of Health and Human Services, for Program 33.

Sec. 5. Original Laws 2018, LB944, section 15, is repealed.

Sec. 6. Since an emergency exists, this act takes effect when passed and approved according to law.

Senator Walz filed the following amendment to LB570:

AM970

(Amendments to Standing Committee amendments, AM470)

1. On page 3, line 6, strike "June 30" and insert "November 1".

Senator Bostelman filed the following amendment to LB698:

AM911

(Amendments to Standing Committee amendments, AM554)

1. Strike amendment 1 and insert the following new amendment:

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

Section 1. Section 60-6,304, Revised Statutes Cumulative Supplement, 2018, is amended to read:

60-6,304 (1)(a) Except as provided in subsection (2) of this section for a vehicle that contained livestock, but still contains the manure or urine of such livestock, no vehicle shall be driven or moved on any highway unless the vehicle is so constructed or loaded as to prevent its contents from dropping, sifting, leaking, or otherwise escaping from the vehicle.

(b) Except as provided in subsection (2) of this section for a vehicle that contained livestock, but still contains the manure or urine of such livestock, no person shall transport any sand, gravel, rock less than two inches in diameter, or refuse in any vehicle on any hard-surfaced state highway if such material protrudes above the sides of that part of the vehicle in which it is being transported unless such material is enclosed or completely covered with canvas or similar covering.

(c) Except as provided in subsection (3) of this section for commercial motor vehicles and commercial trailers, no person shall drive or move a motor vehicle, trailer, or semitrailer upon any highway unless the cargo or contents carried by the motor vehicle, trailer, or semitrailer are properly distributed and adequately secured to prevent the falling of cargo or contents from the vehicle. The tailgate, doors, tarpaulins, and any other equipment used in the operation of the motor vehicle, trailer, or semitrailer in the distributing or securing of the cargo or contents carried by the motor vehicle, trailer, or semitrailer shall be secured to prevent cargo or contents falling from the vehicle. The means of securement to the motor vehicle, trailer, or semitrailer must be either tiedowns and tiedown assemblies of adequate strength or sides, sideboards, or stakes and a rear endgate, endboard, or
6 stakes strong enough and high enough to assure that cargo or contents will not fall from the vehicle.
7 (d) Any person who violates any provision of this subsection is guilty of a Class IV misdemeanor.
8 (2)(a) No person operating any vehicle that contained livestock, but still contains the manure or urine of livestock, on any highway located within the corporate limits of a city of the metropolitan class, shall spill manure or urine from the vehicle.
9 (b) Any person who violates this subsection is guilty of a Class IV misdemeanor and shall be assessed a minimum fine of at least two hundred fifty dollars.
10 (3)(a) No person shall drive or move a commercial motor vehicle or commercial trailer upon any highway unless the cargo or contents carried by the commercial motor vehicle or commercial trailer are properly distributed and adequately secured to prevent the falling of cargo or contents from the vehicle. The tailgate, doors, tarpaulins, and any other equipment used in the operation of the commercial motor vehicle or commercial trailer or in the distributing or securing of the cargo or contents carried by the commercial motor vehicle or commercial trailer shall be secured to prevent cargo or contents falling from the vehicle.
11 The structures, systems, parts, and components used to secure the cargo or contents shall be in proper working order with no damaged or weakened components that affect performance so as to cause the cargo or contents to fall from the commercial motor vehicle or commercial trailer. The means of securement to the commercial motor vehicle or commercial trailer shall be either tiedowns and tiedown assemblies of adequate strength or sides, sideboards, or stakes and a rear endgate, endboard, or stakes strong enough and high enough to ensure that cargo or contents will not fall from the commercial motor vehicle or commercial trailer.
12 (b)(i) Violation of this subsection is an infraction, and the person driving or moving a commercial motor vehicle or commercial trailer in violation of this subsection shall be fined two hundred dollars for the first offense and five hundred dollars for a second or subsequent offense.
13 (ii) In addition to the issuance of a citation to an operator under subdivision (b)(i) of this subsection, the Superintendent of Law Enforcement and Public Safety may assess the owner of the vehicle a civil penalty for each violation of this subsection of one thousand dollars. The superintendent shall issue an order imposing a penalty under this subdivision in the same manner as an order issued under section 75-369.04 and any rules and regulations adopted and promulgated under section 75-368 and any applicable federal rules and regulations.
14 (c) For purposes of this subsection:
15 (i) Commercial motor vehicle has the same meaning as in section 60-316; and
16 (ii) Commercial trailer has the same meaning as in section 60-317.
17 Sec. 2. Original section 60-6,304, Revised Statutes Cumulative Supplement, 2018, is repealed.
UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator M. Hansen name added to LB418.
Senator DeBoer name added to LB424.
Senator Morfeld name added to LB709.
Senator M. Hansen name added to LB709.
Senator Vargas name added to LB709.

VISITOR(S)

Visitors to the Chamber were students and teacher from Sutton Christian School; students from St. Joseph Catholic School, York; and FFA students, teacher, and sponsor from Banner County High School.

The Doctor of the Day was Dr. David Minnick from Broken Bow.

ADJOURNMENT

At 5:05 p.m., on a motion by Senator Vargas, the Legislature adjourned until 9:00 a.m., Friday, April 5, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
FIFTY-FOURTH DAY - APRIL 5, 2019

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

FIFTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, April 5, 2019

PRAYER

The prayer was offered by Pastor Melody Newman, First United Methodist Church, Imperial.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Hughes presiding.

The roll was called and all members were present except Senator Albrecht who was excused; and Senators Blood, Cavanaugh, Friesen, Morfeld, Pansing Brooks, Wayne, and Wishart who were excused until they arrive.

SPEAKER SCHEER PRESIDING

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-third day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of April 4, 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

American Communications Group, Inc.
American Heart Association
Danielson, Jeff
American Wind Energy Association
Feichtinger, Erin
Together Inc. of Metropolitan Omaha
Meradith, Steve
Windstream Communications (Withdrawn 04/04/2019)
Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:
http://www.nebraskalegislature.gov/agencies/view.php

RESOLUTION(S)

LEGISLATIVE RESOLUTION 79. Introduced by Gragert, 40.

WHEREAS, the Hartington-Newcastle High School speech team won the 2019 Class C-2 State Speech Championship; and
WHEREAS, the Hartington-Newcastle Wildcats earned their first place finish with a score of 162 points over the Tri-County Trojans and the Crofton Warriors who tied for second place with 64 points apiece; and
WHEREAS, under the direction of head coach A.J. Johnson, Hartington-Newcastle has won six state speech championships, two since becoming Hartington-Newcastle and four as Hartington High School; and
WHEREAS, the Hartington-Newcastle speech team placed second in five categories and earned eight medals at the state speech championship; and
WHEREAS, Bennet Sievers, Teagan Scoggan, Reece Morten, Parker Hopping, and Isaac Bruning won the team event in Oral Interpretation of Drama; and
WHEREAS, this victory marks the ninth time that the Hartington-Newcastle speech team has won the Oral Interpretation of Drama category; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates the Hartington-Newcastle speech team on winning the 2019 Class C-2 State Speech Championship.
2. That a copy of this resolution be sent to the Hartington-Newcastle High School speech team and Coach A.J. Johnson.

Laid over.

LEGISLATIVE RESOLUTION 80. Introduced by Gragert, 40.

WHEREAS, Justin Kinkaid of Laurel, a member of Troop 208, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and
WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Throughout their scouting experience, these young men have learned, been tested on, and been recognized for various scouting skills; and
WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 13 of which are in required areas, and complete an approved community service project; and

WHEREAS, for Justin's community service project he planned, organized, and managed the disassembly of a wooden playground structure and assembly of a new playground structure in the Coleridge Tractor Park; and

WHEREAS, Justin, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, including astronauts, leaders of government and industry, artists, scientists, and athletes.

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

1. That the Legislature congratulates Justin Kinkaid on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Justin Kinkaid.

Laid over.

MOTION(S) - Confirmation Report(s)

Senator Howard moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1032:

Chief Executive Officer, Department of Health and Human Services
Dannette R. Smith

Voting in the affirmative, 38:

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

Voting in the negative, 0.

Present and not voting, 3:

Erdman           Hansen, M.  Vargas

Excused and not voting, 8:

Albrecht       Cavanaugh   Morfeld    Wayne
Blood          Friesen     Pansing   Brooks Wishart

The appointment was confirmed with 38 ayes, 0 nays, 3 present and not
voting, and 8 excused and not voting.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 270.** Placed on Final Reading.
**LEGISLATIVE BILL 348.** Placed on Final Reading.
**LEGISLATIVE BILL 409.** Placed on Final Reading.

(Signed) Julie Slama, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 81.** Introduced by La Grone, 49.

WHEREAS, the Delta Tau Delta Fraternity is celebrating the 125th anniversary of its Beta Tau Chapter at the University of Nebraska-Lincoln; and

WHEREAS, the Delta Tau Delta Fraternity has served the state of Nebraska and its communities since 1894, with the Beta Tau Chapter considered the oldest chapter west of the Mississippi River; and

WHEREAS, the Delta Tau Delta Fraternity is a leader on the University of Nebraska-Lincoln campus, encouraging its members to live by the organization's values of truth, courage, faith, and power, and committing to living lives of excellence by serving their fellow man.

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

1. That the Legislature congratulates the Beta Tau Chapter of Delta Tau Delta for being a valuable part of the University of Nebraska-Lincoln's campus community for 125 years.

2. That a copy of this resolution be sent to the Beta Tau Chapter of Delta Tau Delta.

Laid over.

**LEGISLATIVE RESOLUTION 82.** Introduced by Hughes, 44.

WHEREAS, Nebraska's electricity is generated by power plants connected to a complex electrical grid consisting of over 6,000 miles of transmission and 100,000 miles of subtransmission and distribution lines that deliver energy to homes, businesses, hospitals, churches, and schools throughout our state; and

WHEREAS, the electrical grid must be maintained and operated twenty-four hours a day, seven days a week, and three hundred sixty-five days a year despite inclement weather including blizzards, thunderstorms, floods, and other hazards; and
WHEREAS, Nebraska's 1,350 lineworkers have demonstrated outstanding skill and dedication to their jobs working in hazardous conditions to build, maintain, and repair our electricity infrastructure; and

WHEREAS, the hardworking lineworkers of Nebraska who leave their families and risk their lives daily to ensure the reliable delivery of electricity to all citizens of the state are deserving of our respect, gratitude, and honor.

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

1. That the Legislature recognizes the significant contributions and efforts of Nebraska lineworkers who often work in challenging conditions to keep the lights on and expresses its appreciation to all of Nebraska's hardworking lineworkers.

2. That the Legislature recognizes April 8, 2019, as Lineworker Appreciation Day in Nebraska.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 512. Title read. Considered.

Committee AM423, found on page 607, was offered.

Senator Erdman withdrew his amendment, AM1119, found on page 1043.

Senator Erdman offered the following amendment to the committee amendment:
AM1217 is available in the Bill Room.

Senator Chambers offered the following motion:
MO56
Bracket until June 6, 2019.

SENATOR HUGHES PRESIDING

SPEAKER SCHEER PRESIDING

SENATOR HILGERS PRESIDING

Pending.

COMMITTEE REPORT(S)
Health and Human Services

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.
LEGISLATIVE BILL 312. Placed on General File with amendment. AM1134
1 1. On page 2, line 14, strike "The", show as stricken, and insert
2 "Except for periodontal scaling, root planing, and the administration of
3 local anesthesia and nitrous oxide, the"; strike beginning with the comma
4 in line 16 through the comma in line 17; in line 18 strike the comma and
5 reinstate "or"; and strike beginning with the comma in line 19 through
6 "services" in line 20.
7 2. On page 4, line 24, after the period insert "The department shall
8 annually evaluate the delivery of dental hygiene services in the state
9 and, on or before September 15 of each year beginning in 2020, provide a
10 report electronically to the Clerk of the Legislature regarding such
11 evaluation. The Health and Human Services Committee of the Legislature
12 shall hold a hearing at least once every three years to assess the
13 reports submitted pursuant to this subsection."; and in line 28 reinstate
14 the stricken matter.
15 3. On page 5, lines 1 through 4, strike the new matter and reinstate
16 the stricken matter.

LEGISLATIVE BILL 468. Placed on General File with amendment. AM1166
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 43-2201, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 43-2201 It is the intent of the Legislature to:
6 (1) Promote kinship care and lifelong connections through the
7 process of family finding when a child has been removed from the legal
8 custody of the child's parents;
9 (2) Prevent recurrence of abuse, neglect, exploitation, or other
10 maltreatment of children;
11 (3) Reduce the length of time children spend in foster care;
12 (4) Reduce multiple placements of children in foster care;
13 (5) Remain in compliance with the federal Fostering Connections to
14 Success and Increasing Adoptions Act of 2008, Public Law 110-351; and
15 (6) Provide a Create a pilot project for the process for locating
16 and engaging family members in the life of a child who is a ward of the
17 state or is participating in the bridge to independence program as
18 defined in section 43-4503, or both, and in need of permanency through a
lifelong network of support.

Sec. 2. Section 43-2203, Reissue Revised Statutes of Nebraska, is amended to read:

43-2203 The department, its contracted providers of family finding services, and family members of children involved in cases which are part of the family finding process pilot project created in section 43-2204 shall participate in family finding. Family finding is the process of engagement, searching, preparation, planning, decisionmaking, lifetime network creation, healing, and permanency in order to:

1. Search for and identify family members and engage them in planning and decisionmaking;
2. Gain commitments from family members to support a child through nurturing relationships and to support the parent or parents, when appropriate; and
3. Achieve a safe, permanent legal home or lifelong connection for the child, either through reunification or through permanent placement through legal guardianship or adoption.

Sec. 3. Section 43-2204, Reissue Revised Statutes of Nebraska, is amended to read:

43-2204 A family finding process pilot project is created to provide family finding services within at least two service areas. The department may contract with providers of family finding services or the case management lead agency pilot project authorized under section 68-1212 to carry out the family finding process services pilot project. A provider may contract within multiple service areas. Each contracting provider shall be trained in and implement the steps described in section 43-2203. The family finding services pilot project shall terminate on June 30, 2019.

Sec. 4. Section 43-2205, Reissue Revised Statutes of Nebraska, is amended to read:

43-2205 (1) Under the family finding process pilot project created under section 43-2204, the department shall refer a portion of all cases involving children who are wards of the state in foster care or participating in the bridge to independence program as defined in section 43-4503, or both, to providers of family finding services who or which shall (a) locate family members of the children, (b) engage and empower family members, and (c) create an individualized plan to achieve a safe, permanent legal home for the children when possible.

(2) The department shall provide administrative oversight of the contracts entered into pursuant to the family finding process pilot project created under section 43-2204.

(3) A child's departmental case manager, the child's foster parents, and the provider of family finding services shall collaborate together to maximize success throughout the family finding process.

(4) The department shall carry out the requirements of the Interstate Compact for the Placement of Children when achieving out-of-state placement of a ward of the court, including prompt submission of required paperwork to ensure that the family finding process moves forward in a timely manner.
10 Sec. 5. Section 43-2209, Reissue Revised Statutes of Nebraska, is amended to read:
12 43-2209 The department may adopt and promulgate rules and regulations to carry out sections 43-2201 to 43-2207.
14 Sec. 6. Section 68-901, Revised Statutes Supplement, 2017, as amended by section 1, Initiative Law 2018, No. 427, is amended to read:
16 68-901 Sections 68-901 to 68-991, and section 2 of this act, are repealed.
18 Sec. 7. Until July 1, 2021, the department shall not add long-term care services and supports to the Medicaid managed care program. For purposes of this section, long-term care services and supports includes services of a skilled nursing facility, a nursing facility, and an assisted-living facility and home and community-based services.
20 Sec. 8. Original sections 43-2201, 43-2203, 43-2204, 43-2205, and 43-2209, Reissue Revised Statutes of Nebraska, and section 68-901, Revised Statutes Supplement, 2017, as amended by section 1, Initiative Law 2018, No. 427, are repealed.
22 Sec. 9. The following sections are outright repealed: Sections 43-2206 and 43-2208, Reissue Revised Statutes of Nebraska.

(Signed) Sara Howard, Chairperson

AMENDMENT(S) - Print in Journal

Senator Hughes filed the following amendment to LB227:

AM1209

(Amendments to Standing Committee amendments, AM746)

1. Strike amendment 1 and insert the following new amendment:
2. 1. Strike the original sections and insert the following new sections:
3. Section 1. Section 2-4403, Reissue Revised Statutes of Nebraska, is amended to read:
4. 2-4403 A farm or farm operation or a public grain warehouse or public grain warehouse operation shall not be found to be a public or private nuisance if:
5. (1) The farm or farm operation or public grain warehouse or public grain warehouse operation existed before a change in the land use or occupancy of land in and about the locality of such farm or farm operation or public grain warehouse or public grain warehouse operation and before such change in land use or occupancy of land the farm or farm operation or public grain warehouse or public grain warehouse operation would not have been a nuisance;
6. (2) The farm or farm operation or public grain warehouse or public grain warehouse operation employs reasonable techniques to mitigate negative effects on the property of others, including, but not limited to, reasonable techniques to keep dust, noise, insects, and odors at a minimum;
7. (3) The farm or farm operation or public grain warehouse or public grain warehouse operation
grain warehouse operation is in compliance with applicable laws and regulations, including any zoning regulations of a local governing body;
and
(4) There has not been a significant change in the farm or farm operation or public grain warehouse or public grain warehouse operation. For purposes of this subdivision, a significant change in a farm or farm operation or public grain warehouse or public grain warehouse operation does not include:
(a) The conversion from one type of farm or farm operation or public grain warehouse or public grain warehouse operation to another type of farm or farm operation or public grain warehouse or public grain warehouse operation;
(b) A change in ownership or size of the farm or farm operation or public grain warehouse or public grain warehouse operation;
(c) The enrollment, reduction, or cessation of participation in a government program by the farm or farm operation or public grain warehouse or public grain warehouse operation; or
(d) Adoption of new technology by the farm or farm operation or public grain warehouse or public grain warehouse operation.

Sec. 2. Original section 2-4403, Reissue Revised Statutes of Nebraska, is repealed.

Senator Hughes filed the following amendment to LB227:
AM1201
(Amendments to Standing Committee amendments, AM746)
1. On page 2, line 4, strike "ownership or size" and insert "size or ownership".

Senator Kolterman filed the following amendment to LB720:
AM1198 is available in the Bill Room.

COMMITTEE REPORT(S)
Natural Resources

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

John M. Hoggatt - Nebraska Game and Parks Commission
Aye: 8 Albrecht, Bostelman, Geist, Gragert, Halloran, Hughes, Moser, Quick. Nay: 0. Absent: 0. Present and not voting: 0.

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

Frank Reida - Nebraska Power Review Board
Aye: 8 Albrecht, Bostelman, Geist, Gragert, Halloran, Hughes, Moser, Quick. Nay: 0. Absent: 0. Present and not voting: 0.

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

Robert E. Allen - Nebraska Game and Parks Commission

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

(Signed) Dan Hughes, Chairperson

COMMITTEE REPORT(S)
Natural Resources

LEGISLATIVE BILL 126. Placed on General File with amendment. AM757
1 1. On page 4, line 11, strike "upto" and insert "up to"; in line 12
2 strike "during the seven days" and insert "on the Tuesday, Wednesday, and
3 Thursday"; strike beginning with "if" in line 14 through "permit" in line
4 18; strike lines 23 through 30; and in line 31 strike "(c)" and insert
5 "(b)", and strike "shall" and insert "may".

LEGISLATIVE BILL 700. Placed on General File with amendment. AM1098
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 66-911.01, Reissue Revised Statutes of Nebraska,
4 is amended to read:
5 66-911.01 An instrument creating a land right or an option to secure
6 a land right in real property or the vertical space above real property
7 for a solar agreement or a wind agreement shall be created in writing,
8 and the instrument, or an abstract, shall be filed, duly recorded, and
9 indexed in the office of the register of deeds of the county in which the
10 real property subject to the instrument is located. The instrument shall
11 include, but the contents are not limited to:
12 (1) The names of the parties;
13 (2) A legal description of the real property involved;
14 (3) The nature of the interest created;
15 (4) The consideration paid for the transfer;
16 (5) A description of the improvements the developer intends to make
17 on the real property, including, but not limited to: Roads; transmission
18 lines; substations; wind turbines; and meteorological towers;
19 (6) A description of any decommissioning security or local
20 requirements related to decommissioning or requirements of section 5 of
21 this act; and
22 (7) The terms or conditions, if any, under which the interest may be
An abstract under this section need not include the items described in subsections (4) through (7) of this section.

Sec. 2. Section 70-1014.02, Reissue Revised Statutes of Nebraska, is amended to read:

70-1014.02 (1)(a) A privately developed renewable energy generation facility that meets the requirements of this section is exempt from sections 70-1012 to 70-1014.01 if no less than thirty days prior to the commencement of construction the owner of the facility:

(i) Notifies the board in writing of its intent to commence construction of a privately developed renewable energy generation facility;

(ii) Certifies to the board that the facility will meet the requirements for a privately developed renewable energy generation facility;

(iii) Certifies to the board that the private electric supplier will comply with any decommissioning requirements adopted by the local governmental entities having jurisdiction over the privately developed renewable energy generation facility and with the requirements of section 5 of this act and (B) except as otherwise provided in subdivision (b) of this subsection, submit a decommissioning plan to the board obligating the private electric supplier to bear all costs of decommissioning the privately developed renewable energy generation facility and requiring that the private electric supplier post a security bond or other instrument, no later than the tenth year following commercial operation, securing the costs of decommissioning the facility and providing a copy of the bond or instrument to the board;

(iv) Certifies to the board that the private electric supplier has entered into or prior to commencing construction will enter into a joint transmission development agreement pursuant to subdivision (c) of this subsection with the electric supplier owning the transmission facilities of sixty thousand volts or greater to which the privately developed renewable energy generation facility will interconnect; and

(v) Certifies to the board that the private electric supplier has consulted with the Game and Parks Commission to identify potential measures to avoid, minimize, and mitigate impacts to species identified under subsection (1) or (2) of section 37-806 during the project planning and design phases, if possible, but in no event later than the commencement of construction.

(b) The board may bring an action in the name of the Stateler, for failure to comply with subdivision (a)(iii)(B) of this subsection. Subdivision (a)(iii)(B) of this subsection does not apply if a local government entity with the authority to create requirements for decommissioning has enacted decommissioning requirements for the applicable jurisdiction.

(c) The joint transmission development agreement shall address construction, ownership, operation, and maintenance of such additions or upgrades to the transmission facilities as required for the privately developed renewable energy generation facility. The joint transmission development agreement shall be negotiated and executed contemporaneously.
with the generator interconnection agreement or other directives of the
applicable regional transmission organization with jurisdiction over the
addition or upgrade of transmission, upon terms consistent with prudent
electric utility practices for the interconnection of renewable
generation facilities, the electric supplier's reasonable transmission
interconnection requirements, and applicable transmission design and
construction standards. The electric supplier shall have the right to
purchase and own transmission facilities as set forth in the joint
transmission development agreement. The private electric supplier of the
privately developed renewable energy generation facility shall have the
right to construct any necessary facilities or improvements set forth in
the joint transmission development agreement pursuant to the standards
set forth in the agreement at the private electric supplier's cost.

(2) Within ten days after receipt of a written notice complying with
subsection (1) of this section, the executive director of the board shall
issue a written acknowledgment that the privately developed renewable
generation facility is exempt from sections 70-1012 to 70-1014.01.

(3) The exemption allowed under this section for a privately
developed renewable energy generation facility shall extend to and exempt
all private electric suppliers owning any interest in the facility,
including any successor private electric supplier which subsequently
acquires any interest in the facility.

(4) No property owned, used, or operated as part of a privately
developed renewable energy generation facility shall be subject to
eminent domain by a consumer-owned electric supplier operating in the
State of Nebraska. Nothing in this section shall be construed to grant
the power of eminent domain to a private electric supplier or limit the
rights of any entity to acquire any public, municipal, or utility right-of-
way across property owned, used, or operated as part of a privately
developed renewable energy generation facility as long as the right-of-
way does not prevent the operation of or access to the privately
developed renewable energy generation facility.

(5) Only a consumer-owned electric supplier operating in the State
of Nebraska may exercise eminent domain authority to acquire the land
rights necessary for the construction of transmission lines and related
facilities. The exercise of eminent domain to provide needed transmission
lines and related facilities for a privately developed renewable energy
generation facility is a public use.

(6) Nothing in this section shall be construed to authorize a
private electric supplier to sell or deliver electricity at retail in
Nebraska.

(7) Nothing in this section shall be construed to limit the
authority of or require a consumer-owned electric supplier operating in
the State of Nebraska to enter into a joint agreement with a private
electric supplier to develop, construct, and jointly own a privately
developed renewable energy generation facility.

Sec. 3. Section 76-3001, Reissue Revised Statutes of Nebraska, is
amended to read:

76-3001 For purposes of sections 76-3001 to 76-3004 and section 5 of
this act:
3 (1) Decommissioning security means a security instrument that is posted or given by a wind developer to a municipality or other governmental entity to ensure sufficient funding is available for removal of a wind energy conversion system and reclamation at the end of the useful life of such a system; and
8 (2) Wind agreement means a right, whether or not stated in the form of a restriction, easement, covenant, or condition, in any deed, wind easement, wind option, or lease or lease option securing land for the study or production of wind-generated energy or any other instrument executed by or on behalf of any owner of land or air space for the purpose of allowing another party to study the potential for, or to develop, a wind energy conversion system as defined in section 66-909.02 on the land or in the air space.
16 Sec. 4. Section 76-3003, Reissue Revised Statutes of Nebraska, is amended to read:
18 76-3003 A wind agreement shall comply with section 66-911.01 and section 5 of this act.
20 Sec. 5. (1) It is the policy of the state that the landscapes of Nebraska be restored to predevelopment condition when wind turbines built to generate electricity for commercial purposes are decommissioned in order to ensure the full benefits of future uses.
24 (2) Every landowner who is a party to a wind agreement shall be provided with information from the wind turbine owner who is a party to the same wind agreement detailing the materials and equipment that will be removed from, and that will remain on, the landowner's property when a wind turbine is decommissioned.
29 (3) Every wind agreement executed on or after January 1, 2020, for the installation of wind turbines to be used to generate electricity for commercial purposes in Nebraska shall provide for the removal of foundation material and equipment below grade upon decommissioning, except for a wind turbine which is used for repowering within twenty-four months after it would have been decommissioned. Any void left from the removal of foundation material and equipment shall be restored to the condition of the land prior to the installation of the wind turbine or to an improved condition otherwise agreed to between the wind turbine owner and the landowner who are parties to the wind agreement.
34 (4) For purposes of this section:
9 (a) Foundation material and equipment includes, but is not limited to, anchor bolts, rebar, conduits, and concrete; and
11 (b) Repowering means a process by which a wind turbine that would otherwise be decommissioned is fully or partially refurbished, upgraded, or replaced for the purpose of generating electricity.
14 (5) Nothing in this section prevents a political subdivision from enacting standards that meet or exceed the requirements of this section.
16 Sec. 6. Original sections 66-911.01, 70-1014.02, 76-3001, and 76-3003, Reissue Revised Statutes of Nebraska, are repealed.

(Signed) Dan Hughes, Chairperson
LEGISLATIVE BILL 512. The Chambers motion, MO56, found in this day's Journal, to bracket until June 6, 2019, was renewed.

Senator Chambers moved for a call of the house. The motion prevailed with 18 ayes, 5 nays, and 26 not voting.

Senator Chambers requested a roll call vote on the motion to bracket.

Voting in the affirmative, 0.

Voting in the negative, 42:

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

Present and not voting, 1:

- Chambers

Excused and not voting, 6:

- Albrecht
- Brewer
- Morfeld
- Arch
- Hughes
- Scheer

The Chambers motion to bracket failed with 0 ayes, 42 nays, 1 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO57
Reconsider the vote taken to bracket.

Pending.
COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 212. Placed on Select File with amendment.
ER63
1 1. On page 1, strike beginning with "the" in line 1 through line 4
2 and insert "government; to amend sections 23-906 and 77-1601.02, Reissue
3 Revised Statutes of Nebraska, and sections 13-519, 13-520, and 84-1411,
4 Revised Statutes Cumulative Supplement, 2018; to change provisions
5 relating to budget limitations and procedures, hearing notices for county
6 budgets under the County Budget Act of 1937, hearing notices for property
7 tax requests, and requirements for holding meetings by videoconference
8 and telephone conference under the Open Meetings Act; and to repeal the
9 original sections."

LEGISLATIVE BILL 15. Placed on Select File.

LEGISLATIVE RESOLUTION 14CA. Placed on Select File.

LEGISLATIVE BILL 637. Placed on Select File with amendment.
ER64
1 1. On page 1, line 6, strike "and" and after "sections" insert ";
2 and to declare an emergency".

(Signed) Julie Slama, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Slama name added to LB227.
Senator Wishart name added to LB611.
Senator Quick name added to LB641.

VISITOR(S)

Visitors to the Chamber were Joe Trader from Bennington; students and
sponsor from Creighton's Schlegel Center for Service and Justice, Omaha;
FFA students from Randolph High School; students from Crawford Public
Schools; students from Faith Lutheran School, Lincoln; students and
sponsors from Winnebago Public Schools; Rene and Craig Mahood from
Glenwood, IA; students, teacher, and sponsors from Golden Plains School,
Madrid; students, teacher, and sponsors from St. John Lutheran School,
Battle Creek; and students from Field Club Elementary School, Omaha.

The Doctor of the Day was Dr. Jayashree Paknikar from Omaha.
ADJOURNMENT

At 12:23 p.m., on a motion by Speaker Scheer, the Legislature adjourned until 9:00 a.m., Monday, April 8, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
The prayer was offered by Pastor Jeff Peters, Christ the King Community Church, Ponca.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Scheer presiding.

The roll was called and all members were present except Senator Stinner who was excused; and Senators Hunt, McCollister, Morfeld, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-fourth day was approved.

GENERAL FILE

LEGISLATIVE BILL 556. Title read. Considered.

Committee AM383, found on page 792, was adopted with 44 ayes, 0 nays, 1 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 44 ayes, 0 nays, 1 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 556A. Title read. Considered.

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, 2 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 570. Title read. Considered.

Committee AM470, found on page 792, was offered.
Senator Howard offered her amendment, AM1205, found on page 1070, to the committee amendment.

The Howard amendment was adopted with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

Senator Walz offered her amendment, AM970, found on page 1073, to the committee amendment.

The Walz 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 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 570A. Title read. Considered.

Senator Howard offered her amendment, AM1206, found on page 1072.

The Howard amendment was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

AMENDMENT(S) - Print in Journal

Senator Lathrop filed the following amendment to LB538:

AM229

(Amendments to Standing Committee amendments, AM900)


2. On page 4, line 16, strike "(1) The department" and insert "(1)"

3. (a) The Tax Commissioner or his or her agents or employees, at the direction of the Tax Commissioner, or any peace officer of this state;"

4. and after "seize" insert "without a warrant"; in line 24 after the period insert paragraphing and "(b)"; in line 26 strike "(a)" and insert "(i)"; in line 27 strike "(b)" and insert "(ii)"; and after line 28 insert the following new subdivision:

5. "(c) This section does not apply to any device (i) used in any bingo, lottery by the sale of pickle cards, or other lottery, raffle, or gift enterprise conducted in accordance with the Nebraska Bingo Act, Nebraska County and City Lottery Act, Nebraska Lottery and Raffle Act, Nebraska Pickle Card Lottery Act, Nebraska Small Lottery and Raffle Act, State Lottery Act, or section 9-701, (ii) used for a prize contest as defined in section 28-1101, or (iii) specifically authorized by the laws of this state."
17 3. On page 5, line 6, strike "seventy-five" and insert "two hundred fifty".
18 4. On page 7, line 9, after "skill" insert "and not a game of chance"; and in line 31 strike "occupation tax described in section 77-3004" and insert "application fee of two hundred fifty dollars".
19 5. On page 8, line 5, strike "payment of the occupation tax or"; after line 7 insert the following new subsection:
20 "(9) The owner or operator of a cash device shall pay an annual renewal fee of two hundred fifty dollars to the department for each device in operation in Nebraska. The renewal process shall be as prescribed by rules and regulations adopted and promulgated by the department. In addition to any other requirements under the Mechanical Amusement Device Tax Act and such rules and regulations, after an initial decal is issued, no renewal decal shall be issued for a cash device until the annual renewal fee for such device has been paid."; in line 8 strike "(9)" and insert "(10)"; and in lines 8 and 11 after "application" insert "or renewal".
21 6. On page 10, line 9, strike the new matter and reinstate the stricken matter.
22 7. Renumber the remaining sections and correct the repealer accordingly.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 472. Placed on Select File with amendment. ER66 is available in the Bill Room.

LEGISLATIVE BILL 268. Placed on Select File.

LEGISLATIVE BILL 352. Placed on Select File with amendment. ER65
1 1. On page 1, line 3, strike "to state intent;"; and strike 2 beginning with the second "to" in line 5 through the second semicolon in line 6.

(Signed) Julie Slama, Chairperson

BILL ON FIRST READING
The following bill was read for the first time by title:

LEGISLATIVE BILL 31A. Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 31, One Hundred Sixth Legislature, First Session, 2019.
GENERAL FILE

LEGISLATIVE BILL 445. Title read. Considered.
Committee AM520, found on page 705, was offered.
Senator McDonnell offered his amendment, AM641, found on page 775, to the committee amendment.
The McDonnell 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 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.
Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 222. Title read. Considered.
Committee AM424, found on page 570, was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.
Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 180. Title read. Considered.
Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 23. Title read. Considered.

SENATOR WILLIAMS PRESIDING
Committee AM795, found on page 928, was adopted with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.
Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 227. Title read. Considered.
Committee AM746, found on page 937, was offered.
Senator Hughes offered his amendment, AM1209, found on page 1084, to the committee amendment.
Pending.
UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Friesen name added to LB641.

VISITOR(S)

Visitors to the Chamber were members of the Nebraska Power Association; students and teacher from Meridian School, Daykin; students from Wilber-Clatonia Public Schools; students from Fredstrom Elementary School, Lincoln; and a group from the Cedars Pioneers Center.

RECESS

At 11:55 a.m., on a motion by Senator Hilkemann, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Foley presiding.

ROLL CALL

The roll was called and all members were present except Senator Stinner who was excused; and Senators Dorn, B. Hansen, Lindstrom, and Pansing Brooks who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 227. The Hughes amendment, AM1209, found on page 1084 and considered in this day's Journal, to the committee amendment, was renewed.

Senator Chambers offered the following motion:

MO58
Recommit to the Agriculture Committee.

Senator Chambers moved for a call of the house. The motion prevailed with 18 ayes, 6 nays, and 25 not voting.

Senator Chambers requested a roll call vote, in reverse order, on the motion to recommit to committee.

Voting in the affirmative, 8:

Chambers  Howard  Kolowski  McCollister
DeBoer  Hunt  Lathrop  Wishart
Voting in the negative, 28:

Albrecht  Clements  Gragert  La Grone  Murman
Arch  Crawford  Halloran  Lindstrom  Scheer
Bostelman  Dorn  Hansen, B.  Linehan  Slama
Brandt  Erdman  Hilgers  Lowe  Williams
Brewer  Friesen  Hughes  McDonnell
Briese  Geist  Kolterman  Moser

Present and not voting, 10:

Blood  Cavanaugh  Hilkemann  Quick  Walz
Bolz  Hansen, M.  Morfeld  Vargas  Wayne

Excused and not voting, 3:

Groene  Pansing  Brooks  Stinner

The Chambers motion to recommit to committee failed with 8 ayes, 28 nays, 10 present and not voting, and 3 excused and not voting.

Pending.

The Chair declared the call raised.

**LEGISLATIVE BILL 177.** Title read. Considered.

Committee AM713, found on page 889, was offered.

**SPEAKER SCHEER PRESIDING**

The committee amendment was adopted with 26 ayes, 9 nays, 10 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 9 nays, 8 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 252.** Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 304.** Title read. Considered.

Committee AM990, found on page 1001, was adopted with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 6 present
and not voting, and 2 excused and not voting.

COMMITTEE REPORT(S)
Health and Human Services

LEGISLATIVE BILL 244. Placed on General File with amendment.
AM1214
1 1. Insert the following new section:
2 Sec. 16. Since an emergency exists, this act takes effect when
3 passed and approved according to law.
4 2. On page 3, line 6, after "sign" insert "placed on the outside of
5 the establishment which includes the establishment's license number".
6 3. On page 6, line 25, after "diseases" insert ", other than the
7 practice of massage in mobile massage therapy establishments. The
8 department may, if it deems necessary, adopt and promulgate rules and
9 regulations related to mobile massage therapy establishments".

LEGISLATIVE BILL 460. Placed on General File with amendment.
AM1211
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 68-1206, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 68-1206 (1) The Department of Health and Human Services shall
6 administer the program of social services in this state. The department
7 may contract with other social agencies for the purchase of social
8 services at rates not to exceed those prevailing in the state or the cost
9 at which the department could provide those services. The statutory
10 maximum payments for the separate program of aid to dependent children
11 shall apply only to public assistance grants and shall not apply to
12 payments for social services. As part of the provision of social services
13 authorized by section 68-1202, the department shall participate in the
14 federal child care assistance program under 42 U.S.C. 618, as such
15 section existed on January 1, 2013, and provide child care assistance to
16 families with incomes up to one hundred twenty-five percent of the
17 federal poverty level for FY2013-14 and one hundred thirty percent of the
18 federal poverty level for FY2014-15 and each fiscal year thereafter.
19 (2) As part of the provision of social services authorized by this
20 section and section 68-1202, the department shall participate in the
21 federal Child Care Subsidy program. In determining ongoing eligibility
22 for this program, ten percent of a household's gross earned income shall
23 be disregarded after twelve continuous months on the program and at each
24 subsequent redetermination. In determining ongoing eligibility, if a family's income exceeds one hundred thirty percent of
25 the federal poverty level, the family shall continue to receive
26 transitional child care assistance through the remainder of the family's
27 eligibility period or for up to twenty-four consecutive months or until
28 the family's income exceeds one hundred eighty-five percent of the
29 state median income for a family of the same size as reported by the

United States Bureau of the Census, whichever occurs first. When the family's eligibility period ends, the family shall continue to be eligible for transitional child care assistance if the family's income is below one hundred eighty-five percent of the federal poverty level. The family shall receive transitional child care assistance through the remainder of the transitional eligibility period or until the family's income exceeds eighty-five percent of the state median income for a family of the same size as reported by the United States Bureau of the Census, whichever occurs first. If a family's income falls to one hundred thirty percent of the federal poverty level or below, the twenty-four month time limit in this subsection shall cease to apply until the family becomes eligible for transitional child care assistance. The amount of such child care assistance shall be based on a cost-shared plan between the recipient family and the state and shall be based on a sliding-scale methodology. A recipient family may be required to contribute a percentage of such family's gross income for child care that is no more than the cost-sharing rates in the transitional child care assistance program as of January 1, 2015, for those no longer eligible for cash assistance as provided in section 68-1724. Initial program eligibility standards shall not be impacted by the provisions of this subsection.

In determining the rate or rates to be paid by the department for child care as defined in section 43-2605, the department shall adopt a fixed-rate schedule for the state or a fixed-rate schedule for an area of the state applicable to each child care program category of provider as defined in section 71-1910 which may claim reimbursement for services provided by the federal Child Care Subsidy program, except that the department shall not pay a rate higher than that charged by an individual provider to that provider's private clients. The schedule may provide separate rates for care for infants, for children with special needs, including disabilities or technological dependence, or for other individual categories of children. The schedule may also provide tiered rates based upon a quality scale rating of step three or higher under the Step Up to Quality Child Care Act. The schedule shall be effective on October 1 of every year and shall be revised annually by the department.

Sec. 2. Section 68-1724, Reissue Revised Statutes of Nebraska, is amended to read:

Cash assistance shall be provided for a period or periods of time not to exceed a total of sixty months for recipient families with children subject to the following:

(a) If the state fails to meet the specific terms of the self-sufficiency contract developed under section 68-1719, the sixty-month time limit established in this section shall be extended;

(b) The sixty-month time period for cash assistance shall begin within the first month of eligibility;

(c) When no longer eligible to receive cash assistance, assistance shall be available to reimburse work-related child care expenses even if the recipient family has not achieved economic self-sufficiency. The amount of such assistance shall be based on a cost-shared plan between
the recipient family and the state which shall provide assistance up to
one hundred eighty-five percent of the federal poverty level for up to
twenty-four months. A recipient family may be required to contribute up
to twenty percent of such family's gross income for child care. It is the
intent of the Legislature that transitional health care coverage be made
available on a sliding-scale basis to individuals and families with
incomes up to one hundred eighty-five percent of the federal poverty
level if other health care coverage is not available; and
(d) The self-sufficiency contract shall be revised and cash
assistance extended when there is no job available for adult members of
the recipient family. It is the intent of the Legislature that available
job shall mean a job which results in an income of at least equal to the
amount of cash assistance that would have been available if receiving
assistance minus unearned income available to the recipient family.
The department shall develop policy guidelines to allow for cash
assistance to persons who have received the maximum cash assistance
provided by this section and who face extreme hardship without additional
assistance. For purposes of this section, extreme hardship means a
recipient family does not have adequate cash resources to meet the costs
of the basic needs of food, clothing, and housing without continuing
assistance or the child or children are at risk of losing care by and
residence with their parent or parents.
(2) Cash assistance conditions under the Welfare Reform Act shall be
as follows:
(a) Adults in recipient families shall mean individuals at least
nineteen years of age living with and related to a child eighteen years
of age or younger and shall include parents, siblings, uncles, aunts,
cousins, or grandparents, whether the relationship is biological,
adoptive, or step;
(b) The payment standard shall be based upon family size;
(c) The adults in the recipient family shall ensure that the minor
children regularly attend school. Education is a valuable personal
resource. The cash assistance provided to the recipient family may be
reduced when the parent or parents have failed to take reasonable action
to encourage the minor children of the recipient family ages sixteen and
under to regularly attend school. No reduction of assistance shall be
such as may result in extreme hardship. It is the intent of the
Legislature that a process be developed to insure communication between
the case manager, the parent or parents, and the school to address issues
relating to school attendance;
(d) Two-parent families which would otherwise be eligible under
section 43-504 or a federally approved waiver shall receive cash
assistance under this section;
(e) For minor parents, the assistance payment shall be based on the
minor parent's income. If the minor parent lives with at least one
parent, the family's income shall be considered in determining
eligibility and cash assistance payment levels for the minor parent. If
the minor parent lives independently, support shall be pursued from the
parents of the minor parent. If the absent parent of the minor's child is
9 a minor, support from his or her parents shall be pursued. Support from 10 parents as allowed under this subdivision shall not be pursued when the 11 family income is less than three hundred percent of the federal poverty 12 guidelines; and 13 (f) For adults who are not biological or adoptive parents or 14 stepparents of the child or children in the family, if assistance is 15 requested for the entire family, including the adults, a self-sufficiency 16 contract shall be entered into as provided in section 68-1719. If 17 assistance is requested for only the child or children in such a family, 18 such children shall be eligible after consideration of the family's 19 income and if (i) the family cooperates in pursuing child support and 20 (ii) the minor children of the family regularly attend school.

Sec. 3. Section 71-1912, Reissue Revised Statutes of Nebraska, is 22 amended to read:

71-1912 (1) Before issuance of a license, the department shall 24 investigate or cause an investigation to be made, when it deems 25 necessary, to determine if the applicant or person in charge of the 26 program meets or is capable of meeting the physical well-being, safety, 27 and protection standards and the other rules and regulations of the 28 department adopted and promulgated under the Child Care Licensing Act.

29 The department may investigate the character of applicants and licensees, 30 any member of the applicant's or licensee's household, and the staff and 31 employees of programs by making a national criminal history record 32 information check. The department may at any time inspect or cause an 33 inspection to be made of any place where a program is operating to 34 determine if such program is being properly conducted.

(2) All inspections by the department shall be unannounced except 36 for initial licensure visits and consultation visits. Initial licensure 37 visits are announced visits necessary for a provisional license to be 38 issued to a family child care home I, family child care home II, child 39 care center, or school-age-only or preschool program. Consultation visits 40 are announced visits made at the request of a licensee for the purpose of 41 consulting with a department specialist on ways of improving the program.

(3) An unannounced inspection of any place where a program is 43 operating shall be conducted by the department or the city, village, or 44 county pursuant to subsection (2) of section 71-1914 at least annually 45 for a program licensed to provide child care for fewer than thirty 46 children and at least twice every year for a program licensed to provide 47 child care for thirty or more children.

(4) Whenever an inspection is made, the findings shall be recorded 49 in a report designated by the department. The public shall have access to 50 the results of these inspections upon a written or oral request to the 51 department. The request must include the name and address of the program.

Additional unannounced inspections shall be performed as often as is 55 necessary for the efficient and effective enforcement of the Child Care 56 Licensing Act.

(a) A person applying for a license as a child care provider or a 58 licensed child care provider under the Child Care Licensing Act shall 59 submit a request for a national criminal history record information check
27 for each child care staff member, including a prospective child care
28 staff member of the child care provider, at the applicant's or licensee's
29 expense, as set forth in this section. Beginning on September 1, 2019, a
30 prospective child care staff member shall submit to a national criminal
31 history record information check (i) prior to employment, except as
1 otherwise permitted under 45 C.F.R. 98.43, as such regulation existed on
2 January 1, 2019, or (ii) prior to residing in a family child care home. A
3 child care staff member who was employed by a child care provider prior
4 to September 1, 2019, or who resided in a family child care home prior to
5 September 1, 2019, shall submit to a national criminal history record
6 information check by September 1, 2021, unless the child care staff
7 member ceases to be a child care staff member prior to such date.
8 (b) A child care staff member shall be required to undergo a
9 national criminal history record information check not less than once
10 during each five-year period. A child care staff member shall submit a
11 complete set of his or her fingerprints to the Nebraska State Patrol. The
12 Nebraska State Patrol shall transmit a copy of the child care staff
13 member's fingerprints to the Federal Bureau of Investigation for a
14 national criminal history record information check. The national criminal
15 history record information check shall include information concerning
16 child care staff members from federal repositories of such information
17 and repositories of such information in other states, if authorized by
18 federal law for use by the Nebraska State Patrol. The Nebraska State
19 Patrol shall issue a report to the department that includes the
20 information collected from the national criminal history record
21 information check concerning child care staff members. A child care staff
22 member being screened shall pay the actual cost of the fingerprinting and
23 national criminal history record information check. The department and
24 the Nebraska State Patrol may adopt and promulgate rules and regulations
25 concerning the costs associated with the fingerprinting and the national
26 criminal history record information check. The department may adopt and
27 promulgate rules and regulations implementing national criminal history
28 record information check requirements for child care providers and child
29 care staff members.
30 (c) A child care staff member shall also submit to the following
31 background checks at his or her expense:
1 (i) A search of the National Crime Information Center's National Sex
2 Offender Registry; and
3 (ii) A search of the following registries, repositories, or data
4 bases in the state where the child care provider is located or where the
5 child care staff member resides and each state where the child care
6 provider was located or where the child care staff member resided during
7 the preceding five years:
8 (A) State criminal registries or repositories;
9 (B) State sex offender registries or repositories; and
10 (C) State-based child abuse and neglect registries and data bases.
11 (d) Any individual shall be ineligible for employment by a child
12 care provider if such individual:
13 (i) Refuses to consent to the national criminal history record
information check described in this subsection; 
(ii) Knowingly makes a materially false statement in connection with 
the national criminal history record information check; 
(iii) Is registered, or required to be registered, on a state sex 
offender registry or repository or the National Sex Offender Registry; or 
(iv) Has been convicted of a crime of violence, a crime of moral 
turpitude, or a crime of dishonesty. 
(e) The department may adopt and promulgate rules and regulations 
prohibiting the employment of any child care staff member with one or 
more criminal convictions as the department deems necessary to protect 
the health and safety of children receiving child care. 
(f) A child care provider shall be ineligible for a license under 
the Child Care Licensing Act and shall be ineligible to participate in 
the child care subsidy program if the provider employs a child care staff 
member who is ineligible for employment under subdivisions (d) or (e) of 
this subsection. 
(g) National criminal history record information subject to federal 
confidentiality requirements may only be used for purposes of granting a 
child care license or approving a child care provider for participation 
in the child care subsidy program. 
(h) For purposes of this subsection: 
(i) Child care provider means a child care program other than a 
family child care home; and 
(ii) Child care staff member means an individual who is not related 
to all of the children for whom child care services are provided and: 
(A) Who is employed by a child care provider for compensation, 
including contract employees or self-employed individuals; 
(B) Whose activities involve the care or supervision of children for 
(a child care provider or unsupervised access to children who are cared 
for or supervised by a child care provider; or 
(C) Who is residing in a family child care home and who is eighteen 
years of age or older. 
Sec. 4. Section 71-1924, Reissue Revised Statutes of Nebraska, is 
amended to read: 
Sec. 4. Section 71-1924 to 71-1951 and section 5 of this act shall 
be known and may be cited as the Children's Residential Facilities and 
Placing Licensure Act. 
Sec. 5. (1) Any individual eighteen years of age or older working in 
a residential child-caring agency shall be required to undergo a national 
criminal history record information check not less than once during each 
five-year period that he or she is working in such an agency. The 
individual shall submit a complete set of his or her fingerprints to the 
Nebraska State Patrol. The Nebraska State Patrol shall transmit a copy of 
the individual's fingerprints to the Federal Bureau of Investigation for 
a national criminal history record information check. The national 
criminal history record information check shall include information 
concerning the individual from federal repositories of such information 
and repositories of such information in other states, if authorized by 
federal law for use by the Nebraska State Patrol. The Nebraska State
Patrol shall issue a report to the department that includes the information collected from the national criminal history record information check concerning the individual. The individual being screened shall pay the actual cost of the fingerprinting and national criminal history record information check, except that the department may pay all or part of the cost if funding becomes available. The department and the Nebraska State Patrol may adopt and promulgate rules and regulations concerning the costs associated with the fingerprinting and the national criminal history record information check. The department may adopt and promulgate rules and regulations implementing national criminal history record information check requirements for residential child-caring agencies.

(2) An individual eighteen years of age or older working in a residential child-caring agency shall also submit to the following background checks:

(a) A search of the National Crime Information Center's National Sex Offender Registry; and

(b) A search of the following registries, repositories, or data bases in the state where the individual resides and each state where the individual resided during the preceding five years:

(i) State criminal registries or repositories;

(ii) State sex offender registries or repositories; and

(iii) State-based child abuse and neglect registries and data bases.

Sec. 6. Sections 1, 2, 3, and 7 of this act become operative three calendar months after the adjournment of this legislative session. The other sections of this act become operative on their effective date.

Sec. 7. Original sections 68-1206, 68-1724, and 71-1912, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 8. Original section 71-1924, Reissue Revised Statutes of Nebraska, is repealed.

Sec. 9. Since an emergency exists, this act takes effect when passed and approved according to law.

LEGISLATIVE BILL 540. Placed on General File with amendment.

AMENDMENT(S) - Print in Journal

Senator Linehan filed the following amendment to LB334:

AM1182

1. On page 2, line 23, reinstate the stricken matter beginning with (4) through the comma, after the comma insert "2025", and reinstate the period.

(Signed) Sara Howard, Chairperson

1. Strike section 7 and insert the following new section:

2. Sec. 6. Section 81-829.33, Reissue Revised Statutes of Nebraska, is amended to read:
The Governor's Emergency Cash Fund is created. The fund shall consist of federal reimbursements received by the state for eligible state administrative costs incurred by the Nebraska Emergency Management Agency for administering federal emergency disaster declarations and revenue from all other nonfederal government sources. Except as provided in section 90-270, the fund shall be used to pay eligible costs related to state emergency disaster declarations. The fund shall be administered by the State Administrator of the Nebraska Emergency Management Agency. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. It is the intent of the Legislature that (1) the four million dollars saved due to the elimination of funding for the Angel Investment Tax Credit Act be used to increase the appropriation to the Governor's Emergency Cash Fund by four million dollars for fiscal year 2020-21 and each fiscal year thereafter and (2) the one hundred thousand dollars saved due to the reduction in tax credits authorized under the Angel Investment Tax Credit Act for calendar year 2019 be used to increase the appropriation to the Department of Revenue by one hundred thousand dollars for fiscal year 2019-20 to offset the costs incurred by the Department of Revenue to implement this legislative bill.

2. Renumber the remaining sections and correct the repealer accordingly.

Senator Friesen filed the following amendment to LB356:
AM1167 is available in the Bill Room.

Senator Kolterman filed the following amendment to LB31:
AM1247
(Amendments to Standing Committee amendments, AM1169)
1 1. On page 3, strike beginning with "(1)" in line 30 through line 31.
2 2. On page 4, strike beginning with "specified" in line 1 through line 3.
3 "(2)" in line 6; in line 16 strike "any such" and insert "each"; and in line 17 strike "the Class V School Employees Retirement Management Study Fund" and insert "such Class V school employees retirement system".

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Wayne name added to LB605.

VISITOR(S)

Visitors to the Chamber were professors from Pakistan participating in a UNO and US Department of State cultural exchange; students from
Washington Elementary School, Omaha; and students and sponsors from Future Career and Community Leaders of America from across the state.

**ADJOURNMENT**

At 4:44 p.m., on a motion by Senator Howard, the Legislature adjourned until 9:00 a.m., Tuesday, April 9, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
The prayer was offered by Pastor Dan Wiese, Mt. Calvary Lutheran Church, Holdrege.

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 Bolz, Cavanaugh, B. Hansen, Hunt, Morfeld, Pansing Brooks, Vargas, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-fifth day was approved.

AMENDMENT(S) - Print in Journal

Senator Pansing Brooks filed the following amendment to LB138:
AM1226
(Amendments to Standing Committee amendments, AM783)
1 1. Insert the following new sections:
2 Section 1. (1) The Legislature finds and declares that:
3 (a) Nebraska is a welcoming state for veterans and their families;
4 and
5 (b) Nebraska is committed to workforce development initiatives that
6 help attract and retain veterans and their families.
7 (2) It is the intent of the Legislature to:
8 (a) Increase efforts to create public awareness among veterans and
9 their families about the benefits of living and working in Nebraska,
10 including special initiatives enacted to make Nebraska a veteran-friendly
11 state; and
12 (b) Develop new initiatives to better connect veterans to Nebraska's
13 job market and the workforce development needs of employers,
14 (3) The position of veterans' program coordinator shall be
maintained by the Department of Labor. The coordinator shall be a veteran and a full-time employee of the Department of Labor and shall:
(a) Seek advice and input from the Commission on Military and Veteran Affairs related to veterans' workforce development issues;
(b) Be a nonvoting, ex officio member of the Commission on Military and Veteran Affairs; and
(c) Submit an annual progress report to the Commission on Military and Veteran Affairs.

(4) The Department of Labor shall provide the necessary staff to assist the veterans' program coordinator in carrying out the purposes of this section.

(5) The Department of Veterans' Affairs shall:
(a) Develop a web site, in collaboration with the Department of Labor, with a job-search tool specific to veterans; and
(b) Research best practices and web sites specific to veterans from other states.

Sec. 2. Section 55-601, Revised Statutes Cumulative Supplement, 2018, is amended to read:
(1) The Commission on Military and Veteran Affairs is created. The commission shall consist of the following voting members:
(a) The Director of Economic Development;
(b) The Adjutant General or his or her designee;
(c) The Director of Veterans' Affairs; and
(d) Three residents of the State of Nebraska, one from each congressional district. At least one of the three residents shall have current or prior military experience and at least one shall have a background in business.

(2) The commission shall have the following nonvoting, ex officio members:
(a) The veterans' program coordinator of the Department of Labor;
(b) The chair of the State Committee of Employer Support of the Guard and Reserve;
(c) The commander of the 55th Wing of the Air Combat Command or his or her designee;
(d) The commander of the United States Strategic Command or his or her designee; and
(e) The commander of the 557th Weather Wing of the United States Air Force or his or her designee.

(3) The members of the commission described in subdivision (1)(d) of this section shall be appointed by the Governor. The Governor shall designate the initial terms of the members described in subdivision (1) of this section so that one member serves for a term of two years, one member serves for a term of three years, and one member serves for a term of four years. Succeeding appointments shall be for terms of four years and shall be made in the same manner as the original appointments. The terms of the members shall begin on October 1 of the year in which they are appointed unless appointed to fill a vacancy. Appointments to fill a vacancy, occurring other than by the expiration of a term of office, shall be made for the unexpired term of the member whose office
7 is vacated.
8 2. Renumber the remaining sections and correct internal references
9 and the repealer accordingly.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 64, 67, 68, 69, 70, 71, 72, 73, 74, 75, and
76 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the
President signed the following: LRs 64, 67, 68, 69, 70, 71, 72, 73, 74, 75,
and 76.

GENERAL FILE

LEGISLATIVE BILL 512. Senator Chambers renewed his motion, MO57,
found on page 1090, to reconsider the vote taken to bracket.

Senator Chambers moved for a call of the house. The motion prevailed with
19 ayes, 4 nays, and 26 not voting.

Senator Chambers requested a roll call vote, in reverse order, on the motion
to reconsider.

Voting in the affirmative, 1:

  Chambers

Voting in the negative, 39:

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

Present and not voting, 3:

  Hunt    Kolowski  Walz

Excused and not voting, 6:

  Bolz    DeBoer  Morfeld
  Cavanaugh  Geist    Vargas
The Chambers motion to reconsider failed with 1 aye, 39 nays, 3 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:
MO59
Recommit to the Revenue Committee.

Senator Chambers withdrew his motion to recommit to committee.

The Erdman amendment, AM1217, found on page 1081, to the committee amendment, was renewed.

Senator Chambers requested a record vote on the Erdman amendment.

Voting in the affirmative, 41:

Albrecht  DeBoer  Hansen, M.  Lowe  Stinner
Arch  Dorn  Hilgers  McCollister  Vargas
Blood  Erdman  Hilkemann  McDonnell  Walz
Bostelman  Friesen  Howard  Morfeld  Williams
Brandt  Geist  Hughes  Moser  Wishart
Briese  Gragert  Hunt  Murman
Cavanaugh  Groene  Kolterman  Pansing  Brooks
Clements  Halloran  Lathrop  Quick
Crawford  Hansen, B.  Linehan  Slama

Voting in the negative, 0.

Present and not voting, 5:

Chambers  Kolowski  La Grone  Lindstrom  Wayne

Excused and not voting, 3:

Bolz  Brewer  Scheer

The Erdman amendment was adopted with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

Committee AM423, found on page 607 and considered on page 1081, as amended, was renewed.

Senator Chambers requested a record vote on the committee amendment, as amended.

Voting in the affirmative, 41:
The committee amendment, as amended, was adopted with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

Senator Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 42:

Voting in the negative, 0.

Present and not voting, 5:

Excused and not voting, 3:

Bolz Brewer Wishart

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 5 present
and not voting, and 2 excused and not voting.

**COMMITTEE REPORT(S)**

**Enrollment and Review**

**LEGISLATIVE BILL 556.** Placed on Select File with amendment.

ER67

1. On page 1, strike beginning with "the" in line 1 through line 7 and insert "prescription drugs; to amend section 71-2454, Reissue Revised Statutes of Nebraska, and sections 28-473, 28-474, and 38-101, Revised Statutes Cumulative Supplement, 2018; to transfer provisions to the Uniform Credentialing Act; to change duties for practitioners related to certain prescriptions; to exempt certain prescriptions from requirements; to change provisions relating to the prescription drug monitoring program; to define and redefine terms; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to declare an emergency."

**LEGISLATIVE BILL 556A.** Placed on Select File.

**LEGISLATIVE BILL 570.** Placed on Select File with amendment.

ER69

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Section 71-7611, Reissue Revised Statutes of Nebraska, is amended to read:

71-7611 (1) The Nebraska Health Care Cash Fund is created. The State Treasurer shall transfer (a) sixty million three hundred thousand dollars on or before July 15, 2014, (b) sixty million three hundred fifty thousand dollars on or before July 15, 2015, (c) sixty million three hundred fifty thousand dollars on or before July 15, 2016, (d) sixty million seven hundred thousand dollars on or before July 15, 2017, (e) five hundred thousand dollars on or before May 15, 2018, (f) sixty-one million six hundred thousand dollars on or before July 15, 2018, (g) sixty-one million four hundred fifty thousand dollars on or before July 15, 2019, and (h) sixty million four hundred fifty thousand dollars on or before every July 15 thereafter from the Nebraska Medicaid Intergovernmental Trust Fund and the Nebraska Tobacco Settlement Trust Fund to the Nebraska Health Care Cash Fund, except that such amount shall be reduced by the amount of the unobligated balance in the Nebraska Health Care Cash Fund at the time the transfer is made. The state investment officer shall advise the State Treasurer on the amounts to be transferred first from the Nebraska Medicaid Intergovernmental Trust Fund until the fund balance is depleted and from the Nebraska Tobacco Settlement Trust Fund thereafter in order to sustain such transfers in perpetuity. The state investment officer shall report electronically to the Legislature on or before October 1 of every even-numbered year on the sustainability of such transfers. The Nebraska Health Care Cash Fund shall also include money received pursuant to section 77-2602. Except as
otherwise provided by law, no more than the amounts specified in this
subsection may be appropriated or transferred from the Nebraska Health
Care Cash Fund in any fiscal year.
4 The State Treasurer shall transfer ten million dollars from the
Nebraska Medicaid Intergovernmental Trust Fund to the General Fund on
June 28, 2018, and June 28, 2019.
7 It is the intent of the Legislature that no additional programs are
funded through the Nebraska Health Care Cash Fund until funding for all
programs with an appropriation from the fund during FY2012-13 are
restored to their FY2012-13 levels.
(2) Any money in the Nebraska Health Care Cash Fund available for
investment shall be invested by the state investment officer pursuant to
the Nebraska Capital Expansion Act and the Nebraska State Funds
Investment Act.
(3) The University of Nebraska and postsecondary educational
institutions having colleges of medicine in Nebraska and their affiliated
research hospitals in Nebraska, as a condition of receiving any funds
appropriated or transferred from the Nebraska Health Care Cash Fund,
shall not discriminate against any person on the basis of sexual
orientation.
(4) The State Treasurer shall transfer fifty thousand dollars on or
before July 15, 2016, from the Nebraska Health Care Cash Fund to the
Board of Regents of the University of Nebraska for the University of
Nebraska Medical Center. It is the intent of the Legislature that these
funds be used by the College of Public Health for workforce training.
(5) It is the intent of the Legislature that the cost of the staff
and operating costs necessary to carry out the changes made by Laws 2018,
LB439, and not covered by fees or federal funds shall be funded from the
Sec. 2. Section 81-6,121, Revised Statutes Cumulative Supplement,
181-6,121, is amended to read:
1 The Legislature finds and declares that:
2 (1) In 1999 the United States Supreme Court held in the case of
3 Olmstead v. L.C., 527 U.S. 581, that unjustified segregation of persons
with disabilities constitutes discrimination in violation of Title II of
the federal Americans with Disabilities Act of 1990. The court held that
public entities must provide community-based services to persons with
disabilities when (a) such services are appropriate, (b) the affected
persons do not oppose community-based services, and (c) community-based
services can be reasonably accommodated, taking into account the
resources available to the public entity and the needs of others who are
receiving disability services from the entity. The court stated that
institutional placement of persons who can handle and benefit from
community-based services perpetuates unwarranted assumptions that persons
so isolated are incapable or unworthy of participating in community life,
and that confinement in an institution severely diminishes the everyday
life activities of individuals, including family relations, social
contacts, work options, economic independence, educational advancement,
and cultural enrichment;
19 (2) Many Nebraskans with disabilities live in institutional
20 placements and settings where they are segregated and isolated with
21 diminished opportunities to participate in community life; and
22 (3) The United States Supreme Court further stated in the Olmstead
decision that development of (a) a comprehensive, effective working plan
24 for providing services to qualified persons with disabilities in the most
25 integrated community-based settings and (b) a waiting list that moves at
26 a reasonable pace could be important ways for a state to demonstrate its
27 commitment to achieving compliance with the federal Americans with
29 Sec. 3. Section 81-6,122, Revised Statutes Cumulative Supplement,
30 2018, is amended to read:
31 81-6,122 (1) The Department of Health and Human Services, the
1 Governor's Policy Research Office, the Department of Correctional
2 Services, the Department of Economic Development, the Department of
3 Labor, the Department of Transportation, the State Department of
4 Education, and the office of the state long-term care ombudsman shall
5 develop a comprehensive strategic plan for providing services to
6 qualified persons with disabilities in the most integrated community-
7 based settings pursuant to the Olmstead decision.
8 (2) The Director of Behavioral Health of the Division of Behavioral
9 Health of the Department of Health and Human Services, the Director of
10 Children and Family Services of the Division of Children and Family
11 Services of the Department of Health and Human Services, the Director of
12 Developmental Disabilities of the Division of Developmental Disabilities
13 of the Department of Health and Human Services, the Director of Medicaid
14 and Long-Term Care of the Division of Medicaid and Long-Term Care of the
15 Department of Health and Human Services, the Director of Public Health of
16 the Division of Public Health of the Department of Health and Human
17 Services, the Director of Correctional Services, the Director of Economic
18 Development, the Commissioner of Labor, the Director-State Engineer, the
19 Commissioner of Education, and the state long-term care ombudsman
20 department shall (a) convene as a team to:
21 (a) Develop the strategic plan described in subsection (1) of this
22 section;
23 (b) Appoint consisting of persons from each of the six divisions of
24 the department to assess components of the strategic plan which may be in
25 development; (b) consult with other state agencies that administer
26 programs serving persons with disabilities; (c) appoint and convene a
27 stakeholder advisory committee to assist in the review and development of
28 the strategic plan, such committee members to include a representative
29 from the State Advisory Committee on Mental Health Services, the Advisory
30 Committee on Developmental Disabilities, the Nebraska Statewide
31 Independent Living Council, the Nebraska Planning Council on
1 Developmental Disabilities, the Division of Rehabilitation Services in
2 the State Department of Education, the Commission for the Deaf and Hard
3 of Hearing, the Commission for the Blind and Visually Impaired, a housing
4 authority in a city of the first or second class and a housing authority
5 in a city of the primary or metropolitan class, the Assistive Technology
Partnership, the protection and advocacy system for Nebraska, an
assisted-living organization, the behavioral health regions, mental
health practitioners, developmental disability service providers, an
organization that advocates for persons with developmental disabilities,
an organization that advocates for persons with mental illness, an
organization that advocates for persons with brain injuries, and an area
department on aging, and including two persons with disabilities representing
self-advocacy organizations, and, at the department’s discretion, other
persons with expertise in programs serving persons with disabilities;
(c) Arrange (d) determine the need for consultation with an
independent consultant to assist with the continued analysis and
revision development of the strategic plan and determine whether the
benchmarks, deadlines, and timeframes are in substantial compliance with
the strategic plan;
(d) Provide continuing analysis of the strategic plan and a report
on the progress of the strategic plan and changes or revisions to the
Legislature by December 15, 2021, and every three years thereafter; and
(e) Provide a preliminary progress report to the Legislature
and the Governor by December 15, 2016, which includes, but is not limited
to, (i) the components of the strategic plan which may be in development
and (ii) the department’s recommendation on hiring a consultant; (f)
provide a second progress report to the Legislature and the Governor by
December 15, 2017; and (g) provide the completed strategic plan to the
Legislature and the Governor by December 15, 2018.
(3) The reports and completed plan shall be submitted electronically
31 to the Legislature.
1 Sec. 4. Original section 71-7611, Reissue Revised Statutes of
Nebraska, and sections 81-6,121 and 81-6,122, Revised Statutes Cumulative
Supplement, 2018, are repealed.
4 Sec. 5. Since an emergency exists, this act takes effect when
5 passed and approved according to law.
6 2. On page 1, strike beginning with "persons" in line 1 through line
7 7 and insert "public health and welfare; to amend section 71-7611,
8 Reissue Revised Statutes of Nebraska, and sections 81-6,121 and 81-6,122,
9 Revised Statutes Cumulative Supplement, 2018; to change transfers to the
10 Nebraska Health Care Cash Fund; to restate legislative intent; to change
11 provisions regarding the strategic plan for providing services to persons
12 with disabilities as prescribed; to provide powers and duties; to require
13 reports; to eliminate obsolete provisions; to repeal the original
14 sections; and to declare an emergency."

LEGISLATIVE BILL 570A. Placed on Select File with amendment.
ER70
1 1. On page 1, line 1, after the semicolon insert "to amend Laws
2 2018, LB944, section 15,;"; and in line 3 after the semicolon insert "to
3 reduce an appropriation as prescribed; to state intent; to repeal the
4 original section,".
LEGISLATIVE BILL 445. Placed on Select File with amendment.
ER68
1 1. On page 1, strike beginning with "of" in line 1 through
2 "collected" in line 4 and insert "and villages; to amend section 18-1208,
3 Reissue Revised Statutes of Nebraska; to require annual reports relating
4 to occupation taxes as prescribed".

LEGISLATIVE BILL 222. Placed on Select File.
LEGISLATIVE BILL 180. Placed on Select File.

(Signed) Julie Slama, Chairperson

AMENDMENT(S) - Print in Journal

Senator Howard filed the following amendment to LB570A:
AM1249
(Amendments to AM1206)
1 1. On page 1, line 25, strike "$142,199" and insert "$105,740".

GENERAL FILE

LEGISLATIVE BILL 334. Title read. Considered.

Committee AM801, found on page 974, was offered.

Senator Erdman withdrew his amendment, AM742, found on page 879.

Senator Clements offered his amendment, AM1185, found on page 1063, to
the committee amendment.

The Clements amendment was adopted with 39 ayes, 0 nays, 8 present and
not voting, and 2 excused and not voting.

Senator Linehan offered her amendment, AM1220, found on page 1105, to
the committee amendment.

Senator Linehan withdrew her amendment.

The committee amendment, as amended, was adopted with 40 ayes, 0 nays,
6 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 5 present
and not voting, and 3 excused and not voting.

VISITOR(S)

Visitors to the Chamber were students from St. John the Baptist Catholic
School, Plattsmouth; students from St. Patrick Catholic School, Lincoln; and
students from Birchcrest Elementary School, Bellevue.
RECESS
At 11:55 a.m., on a motion by Senator Lindstrom, the Legislature recessed until 1:30 p.m.

AFTER RECESS
The Legislature reconvened at 1:30 p.m., President Foley presiding.

ROLL CALL
The roll was called and all members were present except Senator Wayne who was excused; and Senators B. Hansen, M. Hansen, Howard, Hunt, Linehan, Morfeld, Pansing Brooks, and Vargas who were excused until they arrive.

COMMITTEE REPORT(S)
Government, Military and Veterans Affairs

LEGISLATIVE BILL 626. Placed on General File with amendment.
AM768
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. (1) The Legislature finds and declares that:
4 (a) Nebraska is a welcoming state for veterans and their families;
5 and
6 (b) Nebraska is committed to workforce development initiatives that
7 help attract and retain veterans and their families.
8 (2) It is the intent of the Legislature to:
9 (a) Increase efforts to create public awareness among veterans and
10 their families about the benefits of living and working in Nebraska,
11 including special initiatives enacted to make Nebraska a veteran-friendly
12 state; and
13 (b) Develop new initiatives to better connect veterans to Nebraska's
14 job market and the workforce development needs of employers.
15 (3) The position of veterans' program coordinator shall be
16 maintained by the Department of Labor. The coordinator shall be a veteran
17 and a full-time employee of the Department of Labor and shall:
18 (a) Seek advice and input from the Commission on Military and
19 Veteran Affairs related to veterans' workforce development issues;
20 (b) Be a nonvoting, ex officio member of the Commission on Military
21 and Veteran Affairs; and
22 (c) Submit an annual progress report to the Commission on Military
23 and Veteran Affairs.
24 (4) The Department of Labor shall provide the necessary staff to
25 assist the veterans' program coordinator in carrying out the purposes of
26 this section.
27 (5) The Department of Veterans' Affairs shall:
(a) Develop a web site, in collaboration with the Department of Labor, with a job-search tool specific to veterans; and
(b) Research best practices and web sites specific to veterans from other states.

Sec. 2. Section 55-601, Revised Statutes Cumulative Supplement, 2018, is amended to read:

55-601 (1) The Commission on Military and Veteran Affairs is created. The commission shall consist of the following voting members:
(a) The Director of Economic Development;
(b) The Adjutant General or his or her designee;
(c) The Director of Veterans’ Affairs; and
(d) Three residents of the State of Nebraska, one from each congressional district. At least one of the three residents shall have current or prior military experience and at least one shall have a background in business.
(2) The commission shall have the following nonvoting, ex officio members:
(a) The veterans' program coordinator of the Department of Labor;
(b) The chair of the State Committee of Employer Support of the Guard and Reserve;
(c) The commander of the 55th Wing of the Air Combat Command or his or her designee;
(d) The commander of the United States Strategic Command or his or her designee; and
(e) The commander of the 557th Weather Wing of the United States Air Force or his or her designee.
(3) The members of the commission described in subdivision (1)(d) of this section shall be appointed by the Governor. The Governor shall designate the initial terms of the members described in subdivision (1) of this section so that one member serves for a term of two years, one member serves for a term of three years, and one member serves for a term of four years. Succeeding appointments shall be for terms of four years and shall be made in the same manner as the original appointments. The terms of the members shall begin on October 1 of the year in which they are appointed unless appointed to fill a vacancy. Appointments to fill a vacancy, occurring other than by the expiration of a term of office, shall be made for the unexpired term of the member whose office is vacated.

Sec. 3. Original section 55-601, Revised Statutes Cumulative Supplement, 2018, is repealed.

(Signed) Tom Brewer, Chairperson

AMENDMENT(S) - Print in Journal

Senator Bolz filed the following amendment to LB600: AM1241 is available in the Bill Room.
FIFTY-SIXTH DAY - APRIL 9, 2019

GENERAL FILE

LEGISLATIVE BILL 334A. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 1 nay, 6 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 356. Title read. Considered.

Committee AM731, found on page 952, was offered.

The Wayne amendment, FA38, found on page 1016, was withdrawn.

Senator Friesen offered his amendment, AM1167, found on page 1106, to the committee amendment.

The Friesen amendment was adopted with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

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

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 6. Title read. Considered.

Committee AM381, found on page 629, 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 40 ayes, 0 nays, 4 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 524. Title read. Considered.

Senator Dorn offered his amendment, AM332, found on page 829.

The Wayne amendment, FA39, found on page 1016, to the Dorn amendment, was withdrawn.

The Dorn amendment 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 428. The Wayne motion, MO40, found on page 1006, to indefinitely postpone pursuant to Rule 6, Sec. 3(f), was withdrawn.

Title read. Considered.

Committee AM758, found on page 1009, was offered.

Senator M. Hansen offered the following amendment to the committee amendment:

FA41
Amend AM758
Strike Section 1 and Section 3.

The M. Hansen amendment was adopted with 37 ayes, 4 nays, 6 present and not voting, and 2 excused and not voting.

The committee amendment, as amended, was adopted with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 44 ayes, 0 nays, 4 present and not voting, and 1 excused and not voting.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 23. Placed on Select File.

(Signed) Julie Slama, Chairperson

AMENDMENT(S) - Print in Journal

Senator Lathrop filed the following amendment to LB538:

AM1267 is available in the Bill Room.

GENERAL FILE

LEGISLATIVE BILL 31. Title read. Considered.

Committee AM1169, found on page 1051, was offered.

Senator Kolterman offered his amendment, AM1247, found on page 1106, to the committee amendment.

SPEAKER SCHEER PRESIDING

The Kolterman amendment was adopted with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.
The committee amendment, as amended, was adopted with 43 ayes, 0 nays, 3 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 31A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 638.** Title read. Considered.

Committee AM800, found on page 974, was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 698.** Title read. Considered.

Committee AM554, found on page 824, was offered.

Senator Bostelman offered his amendment, AM911, found on page 1073, to the committee amendment.

The Bostelman amendment was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

The committee amendment, as amended, was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator M. Hansen name added to LB626.

**VISITOR(S)**

Visitors to the Chamber were students and teachers from Oak View Elementary School, Omaha; and students and teachers from Faith Christian School, Kearney.
ADJOURNMENT

At 4:31 p.m., on a motion by Senator Quick, the Legislature adjourned until 9:00 a.m., Wednesday, April 10, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
FIFTY-SEVENTH DAY - APRIL 10, 2019

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

FIFTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 10, 2019

PRAYER

The prayer was offered by Pastor William Ramage, Nebraska City Baptist Church.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Hughes presiding.

The roll was called and all members were present except Senators Friesen, Groene, M. Hansen, Linehan, Morfeld, and Stinner who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-sixth day was approved.

SPEAKER SCHEER PRESIDING

GENERAL FILE

LEGISLATIVE BILL 227. Senator Hughes renewed his amendment, AM1209, found on page 1084 and considered on pages 1096 and 1097, to the committee amendment.

Senator Hughes withdrew his amendment.

Senator Hughes withdrew his amendment, AM1201, found on page 1085.

Senator Hughes offered the following amendment to the committee amendment:

AM1274

(Amendments to Standing Committee amendments, AM746)

1 1. Strike amendment 1 and insert the following new amendment:
2 1. Strike the original sections and insert the following new
3 sections:
Section 1. Section 2-4401, Reissue Revised Statutes of Nebraska, is amended to read:

2-4401 Sections 2-4401 to 2-4404 and sections 3, 4, and 5 of this act shall be known and may be cited as the Nebraska Right to Farm Act.

Section 2. Section 2-4403, Reissue Revised Statutes of Nebraska, is amended to read:

A farm or farm operation or a public grain warehouse or public grain warehouse operation shall not be found to be a public or private nuisance if:

1. The farm or farm operation or public grain warehouse or public grain warehouse operation existed before a change in the land use or occupancy of land in and about the locality of such farm or farm operation or public grain warehouse or public grain warehouse operation and before such change in land use or occupancy of land the farm or farm operation or public grain warehouse or public grain warehouse operation would not have been a nuisance;

2. The farm or farm operation or public grain warehouse or public grain warehouse operation employs reasonable techniques to mitigate negative effects on the property of others, including, but not limited to, reasonable techniques to keep dust, noise, insects, and odors at a minimum; and

3. The farm or farm operation or public grain warehouse or public grain warehouse operation is in compliance with applicable laws and regulations, including any zoning regulations of a local governing body.

Section 3. A farm or farm operation or public grain warehouse or public grain warehouse operation shall not be found to be a public or private nuisance after two years following the established date of operation. For purposes of this section, established date of operation means the date on which a farm or farm operation or public grain warehouse or public grain warehouse operation commences operation, except that if the farm or farm operation or public grain warehouse or public grain warehouse operation undergoes any subsequent change, including any of the following, the date of such change shall be deemed the established date of operation for such change:

1. The conversion from one type of farm or farm operation or public grain warehouse or public grain warehouse operation to another type of farm or farm operation or public grain warehouse or public grain warehouse operation;

2. A change in ownership or size of the farm or farm operation or public grain warehouse or public grain warehouse operation;

3. The enrollment, reduction, or cessation of participation in a government program by the farm or farm operation or public grain warehouse or public grain warehouse operation; or

4. Adoption of new technology by the farm or farm operation or public grain warehouse or public grain warehouse operation.

Section 4. For a period of two years after the established date of operation as described in section 3 of this act, there is a rebuttable presumption that a farm or farm operation or public grain warehouse or public grain warehouse operation is not a public or private nuisance.
Sec. 5. Section 2-4404, Reissue Revised Statutes of Nebraska, is amended to read:

2-4404 The Nebraska Right to Farm Act Sections 2-4401 to 2-4404 shall not affect the application of state and federal statutes.

Sec. 6. Original sections 2-4401, 2-4403, and 2-4404, Reissue Revised Statutes of Nebraska, are repealed.

Senator Chambers offered the following motion:

MO60

Recommit to the Agriculture Committee.

Senator Chambers withdrew his motion to recommit to committee.

Senator Hughes withdrew his amendment, AM1274.

Senator Hughes offered the following amendment to the committee amendment:

AM1287

(Amendments to Standing Committee amendments, AM746)

1 1. Strike amendment 1 and insert the following new amendment:

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

4 Section 1. Section 2-4401, Reissue Revised Statutes of Nebraska, is amended to read:

6 2-4401 Sections 2-4401 to 2-4404 and sections 3 and 4 of this act shall be known and may be cited as the Nebraska Right to Farm Act.

8 Sec. 2. Section 2-4403, Reissue Revised Statutes of Nebraska, is amended to read:

10 2-4403 A farm or farm operation or a public grain warehouse or public grain warehouse operation shall not be found to be a public or private nuisance if:

13 (1) The farm or farm operation or public grain warehouse or public grain warehouse operation existed before a change in the land use or occupancy of land in and about the locality of such farm or farm operation or public grain warehouse or public grain warehouse operation and before such change in land use or occupancy of land the farm or farm operation or public grain warehouse or public grain warehouse operation would not have been a nuisance;

19 (2) The farm or farm operation or public grain warehouse or public grain warehouse operation employs reasonable techniques to mitigate negative effects on the property of others, including, but not limited to, reasonable techniques to keep dust, noise, insects, and odors at a minimum; and

25 (3) The farm or farm operation or public grain warehouse or public grain warehouse operation is in compliance with applicable laws and regulations, including any zoning regulations of a local governing body.

2 Sec. 3. A farm or farm operation or public grain warehouse or public grain warehouse operation shall not be found to be a public or private nuisance after two years following the established date of
operation, including as modified by any subsequent change as provided in
this section. For purposes of this section, established date of operation
means the date on which a farm or farm operation or public grain
warehouse or public grain warehouse operation commences operation, except
that if the farm or farm operation or public grain warehouse or public
grain warehouse operation undergoes any subsequent change, including any
of the following, the date of such change shall be deemed the established
date of operation for such change:
(1) The conversion from one type of farm or farm operation or public
grain warehouse or public grain warehouse operation to another type of
farm or farm operation or public grain warehouse or public grain
warehouse operation;
(2) A change in ownership or size of the farm or farm operation or
public grain warehouse or public grain warehouse operation;
(3) The enrollment, reduction, or cessation of participation in a
government program by the farm or farm operation or public grain
warehouse or public grain warehouse operation; or
(4) Adoption of new technology by the farm or farm operation or
public grain warehouse or public grain warehouse operation.
Sec. 4. Section 2-4404, Reissue Revised Statutes of Nebraska, is
amended to read:
2-4404 The Nebraska Right to Farm Act Sections 2-4401 to 2-4404
shall not affect the application of state and federal statutes.
Sec. 5. Original sections 2-4401, 2-4403, and 2-4404, Reissue
Revised Statutes of Nebraska, are repealed.

Pending.

VISITOR(S)

Visitors to the Chamber were students and Senator Quick's granddaughter,
Amaya Quick, from St. Pius X/St. Leo School, Omaha.

RECESS

At 11:38 a.m., on a motion by Senator Bostelman, the Legislature recessed
until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Foley presiding.

ROLL CALL

The roll was called and all members were present except Senators Bolz,
Dorn, Morfeld, and Pansing Brooks who were excused until they arrive.
COMMITTEE REPORT(S)
Executive Board

LEGISLATIVE BILL 330. Placed on General File with amendment. AM979 is available in the Bill Room.

(Signed) Mike Hilgers, Chairperson

LEGISLATIVE BILL 227. The Hughes amendment, AM1287, found in this day's Journal, to the committee amendment, was renewed.

Senator Hughes offered the following motion:
MO61
Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Hughes moved for a call of the house. The motion prevailed with 28 ayes, 4 nays, and 17 not voting.

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

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<tr>
<th>Voting in the affirmative, 34:</th>
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<tbody>
<tr>
<td>Albrecht</td>
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<td>Arch</td>
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<td>Blood</td>
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<td>Brewer</td>
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Voting in the negative, 11:

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<th>Howard</th>
<th>Lathrop</th>
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<tr>
<td>Chambers</td>
<td>Hunt</td>
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<td>Vargas</td>
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<td>Hansen, M.</td>
<td>Kolowski</td>
<td>Pansing</td>
<td>Brooks</td>
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Present and not voting, 2:

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<tr>
<td>Crawford</td>
<td>Wishart</td>
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Excused and not voting, 2:

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<tr>
<td>Bolz</td>
<td>Morfeld</td>
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The Hughes motion to invoke cloture prevailed with 34 ayes, 11 nays, 2 present and not voting, and 2 excused and not voting.
Senator Chambers requested a record vote on the Hughes amendment to the committee amendment.

Voting in the affirmative, 36:

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<tr>
<th>Albrecht</th>
<th>DeBoer</th>
<th>Hansen, B.</th>
<th>McCollister</th>
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<td>Clements</td>
<td>Halloran</td>
<td>Lowe</td>
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Voting in the negative, 2:

Chambers Hunt

Present and not voting, 9:

Cavanaugh Hansen, M. Kolowski Linehan Vargas
Crawford Howard Lathrop Quick

Excused and not voting, 2:

Bolz Morfeld

The Hughes amendment was adopted with 36 ayes, 2 nays, 9 present and not voting, and 2 excused and not voting.

The committee amendment, AM746, as amended, was adopted with 33 ayes, 4 nays, 10 present and not voting, and 2 excused and not voting.

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

Voting in the affirmative, 31:

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<th>Groene</th>
<th>La Grone</th>
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Voting in the negative, 7:

Chambers Hunt Pansing Brooks Wishart
Hansen, M. Lathrop Quick
Present and not voting, 9:

Cavanaugh  Howard    Linehan    Vargas    Wayne
Crawford    Kolowski  McCollister  Walz

Excused and not voting, 2:

Bolz     Morfeld

Advanced to Enrollment and Review Initial with 31 ayes, 7 nays, 9 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 177.** Placed on Select File.

**LEGISLATIVE BILL 252.** Placed on Select File with amendment.

ER71  
1 1. On page 1, line 1, strike "state lottery" and insert "State Lottery Act".

**LEGISLATIVE BILL 304.** Placed on Select File with amendment.

ER73  
1 1. On page 2, line 16, strike "deliver" and insert "delivery".
2 2. On page 1, strike lines 2 through 4 and insert "sections 81-2,239 3 and 81-2,245.01, Revised Statutes Cumulative Supplement, 2018; to exempt 4 certain operations from the definition of a food establishment as 5 prescribed; to require registration of certain operations; to harmonize 6 provisions; and to repeal the original sections.".

(Signed) Julie Slama, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 616.** Title read. Considered.

Committee AM442, found on page 572, was adopted with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

Senator Hilgers withdrew his amendment, AM203, found on page 459.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.
Senator Howard moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1081 and 1082:

- Stem Cell Research Advisory Committee
  Alysson R. Muotri

Voting in the affirmative, 37:

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Voting in the negative, 0.

Present and not voting, 11:

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Excused and not voting, 1:

- Morfeld

The appointment was confirmed with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

Senator Hughes moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 1085:

- Nebraska Power Review Board
  Frank Reida

Voting in the affirmative, 40:
Senator Hughes moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 1086:

Nebraska Game and Parks Commission
   Robert E. Allen

Voting in the affirmative, 36:

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<td>Clements</td>
<td>Hansen, B.</td>
<td>Lindstrom</td>
<td>Quick</td>
<td>Wishart</td>
</tr>
</tbody>
</table>

Voting in the negative, 0.

Present and not voting, 7:

Bolz Groene Hansen, M. Lathrop
Briese Halloran Hunt

Excused and not voting, 2:

Arch Morfeld

The appointment was confirmed with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

Voting in the affirmative, 36:

<table>
<thead>
<tr>
<th>Albrecht</th>
<th>Erdman</th>
<th>Kolowski</th>
<th>Moser</th>
<th>Walz</th>
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<tr>
<td>Blood</td>
<td>Geist</td>
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<td>Bostelman</td>
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<td>Brewer</td>
<td>Friesen</td>
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<td>Hansen, B.</td>
<td>Lindstrom</td>
<td>Quick</td>
<td>Wishart</td>
</tr>
</tbody>
</table>

Voting in the negative, 0.

Present and not voting, 12:

Bolz DeBoer Groene Hunt
Briese Friesen Hansen, M. Lathrop

Excused and not voting, 1:
The appointment was confirmed with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

Senator Hughes moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 1085:

Nebraska Game and Parks Commission
John M. Hoggatt

Voting in the affirmative, 38:

Albrecht  Crawford  Hilkemann  Lowe  Stinner
Blood  Dorn  Howard  McCollister  Vargas
Bolz  Erdman  Hughes  Moser  Walz
Bostelman  Geist  Hunt  Murman  Wayne
Brandt  Gragert  Kolowski  Pansing  Brooks  Williams
Brewer  Hansen, B.  Kolterman  Quick  Wishart
Chambers  Hansen, M.  La Grone  Scheer
Clements  Hilgers  Lindstrom  Slama

Voting in the negative, 0.

Present and not voting, 10:

Briese  DeBoer  Groene  Lathrop  McDonnell
Cavanaugh  Friesen  Halloran  Linehan  Morfeld

Excused and not voting, 1:

Arch

The appointment was confirmed with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 320. ER61, found on page 999, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 603. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 713. Advanced to Enrollment and Review for Engrossment.
LEGISLATIVE BILL 316. ER59, found on page 999, was adopted.

Senator Kolterman offered his amendment, AM1187, found on page 1061.

The Kolterman amendment was adopted with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE RESOLUTION 14CA. Senator Groene offered the following amendment:

AM1255

1 1. On page 1, line 23, after "if" insert ", due to a high rate of
2 unemployment combined with a high poverty rate as determined by law.".

The Groene amendment was adopted with 43 ayes, 0 nays, 5 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 390. ER58, found on page 999, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 472. ER66, found on page 1095, was adopted.

Senator Lowe offered the following amendment:

AM1223

(Amendments to E&R amendments, ER66)

1 1. On page 1, strike beginning with "upon" in line 9 through
2 "members" in line 11 and insert "by resolution"; and in line 16 after the
3 period insert "The power to impose a sales and use tax under this section
4 shall not be exercised unless and until the question has been submitted
5 at a primary, general, or special election held within the county which
6 would be subject to the tax and in which all registered voters are
7 entitled to vote on such question. The county board shall order the
8 submission of the question by submitting a certified copy of the
9 resolution proposing the tax to the election commissioner or county
10 clerk. If a majority of the votes cast upon the question are in favor of
11 the tax, the county board may impose the tax. If a majority of those
12 voting on the question are opposed to the tax, the county board shall not
13 impose the tax. Any election under this section shall be conducted in
14 accordance with the procedures provided in the Election Act.".

Senator Lowe moved for a call of the house. The motion prevailed with 27 ayes, 6 nays, and 16 not voting.
Senator Lowe requested a roll call vote on his amendment.

Voting in the affirmative, 9:

Bolz  Clements  Hansen, B.  La Grone  Slama
Bostelman  Geist  Hilgers  Lowe

Voting in the negative, 22:

Blood  DeBoer  Hilkemann  McCollister  Stinner
Brandt  Dorn  Hughes  Morfeld  Williams
Brewer  Friesen  Hunt  Murman
Cavanaugh  Gragert  Kolowski  Pansing Brooks
Chambers  Hansen, M.  Koltermann  Scheer

Present and not voting, 17:

Albrecht  Groene  Lindstrom  Quick  Wishart
Briese  Halloran  Linehan  Vargas
Crawford  Howard  McDonnell  Walz
Erdman  Lathrop  Moser  Wayne

Excused and not voting, 1:

Arch

The Lowe amendment lost with 9 ayes, 22 nays, 17 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 268.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 352.** ER65, found on page 1095, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 218.** ER60, found on page 999, was adopted.

Senator Lindstrom offered his amendment, AM1137, found on page 1068.

The Lindstrom amendment was adopted with 46 ayes, 0 nays, and 3 present and not voting.

Advanced to Enrollment and Review for Engrossment.
LEGISLATIVE BILL 59. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 514. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 87. ER62, found on page 1024, was adopted.
Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 212. ER63, found on page 1091, was adopted.
Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 15. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 637. ER64, found on page 1091, was adopted.
Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 585. Title read. Considered.

Committee AM953, found on page 982, was offered.

Senator Friesen offered the following amendment to the committee amendment:

AM1257

(Amendments to Standing Committee amendments, AM953)

1 1. Insert the following new amendment:
2 3. On page 4, line 19, strike "(1)"; and strike lines 28 through 30.

The Friesen amendment was adopted with 36 ayes, 0 nays, and 13 present and not voting.

The committee amendment, as amended, was adopted with 35 ayes, 0 nays, and 14 present and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, and 10 present and not voting.
LEGISLATIVE BILL 184. Placed on General File with amendment.
AM1252 is available in the Bill Room.

(Signed) Curt Friesen, Chairperson

AMENDMENT(S) - Print in Journal

Senator Lathrop filed the following amendment to LB538:
AM1278

(Amendments to Standing Committee amendments, AM900)
1 1. Strike amendment 1 and insert the following new amendment:
2 1. Strike the original sections and insert the following new
3 sections:
4 Section 1. Section 28-1107, Reissue Revised Statutes of Nebraska, is
5 amended to read:
6 28-1107 (1) A person commits the offense of possession of a gambling
7 device if he or she manufactures, sells, transports, places, possesses,
8 or conducts or negotiates any transaction affecting or designed to affect
9 ownership, custody, or use of any gambling device, knowing that it shall
10 be used in the advancement of unlawful gambling activity.
11 (2) The owner or operator of a retail establishment who is not a
12 manufacturer, distributor, or seller of mechanical amusement devices as
13 defined under the Mechanical Amusement Device Tax Act, shall have an
14 affirmative defense to possession of a gambling device described in
15 subsection (1) of this section if the device bears an unexpired
16 mechanical amusement decal as required by such act. However, such
17 affirmative defense may be overcome if the owner or operator had actual
18 knowledge that operation of the device constituted unlawful gambling
19 activity at any time such device was operated on the premises of the
20 retail establishment.
21 (2) This section shall not apply to any coin-operated mechanical
22 gaming device, computer gaming device, electronic gaming device, or video
23 gaming device which has the capability of awarding free games, which is
24 intended to be played and is in fact played for amusement only, and which
25 may allow the player the right to replay such gaming device at no
26 additional cost, which right to replay shall not be considered money or
1 property, except that such mechanical game (a) can be discharged of
2 accumulated free replays only by reactivating the game for one additional
3 play for each accumulated free replay and (b) makes no permanent record
4 directly or indirectly of free replays so awarded.
5 (3) Notwithstanding any other provisions of this section, any
6 mechanical game or device classified by the federal government as an
7 illegal gambling device and requiring a federal Gambling Device Tax Stamp
8 as required by the Internal Revenue Service in its administration of 26
9 U.S.C. 4461 and 4462, amended July 1, 1965, by Public Law 89-44, are
10 hereby declared to be illegal and excluded from the exemption granted in
11 this section.
Possession of a gambling device is a Class II misdemeanor.

Sec. 2. Section 77-3001, Reissue Revised Statutes of Nebraska, is amended to read:

For purposes of the Mechanical Amusement Device Tax Act, unless the context otherwise requires:

(1) Cash device means any mechanical amusement device capable of awarding (a) cash, (b) anything redeemable for cash, (c) gift cards, credit, or other instruments which have a value denominated by reference to an amount of currency, or (d) anything redeemable for anything described in subdivision (c) of this subdivision;

(2) Department means the Department of Revenue;

(3) Distributor means any person who sells, leases, or delivers possession or custody of a machine or mechanical device to operators thereof for a consideration either directly or indirectly received;

(4) Mechanical amusement device means any machine which, upon insertion of a coin, currency, credit card, or substitute into the machine, operates or may be operated or used for a game, contest, or amusement of any description, such as, by way of example, but not by way of limitation, pinball games, shuffleboard, bowling games, radio-ray rifle games, baseball, football, racing, boxing games, electronic video games of skill, and coin-operated pool tables. Mechanical amusement device also includes game and draw lotteries and coin-operated automatic musical devices. Mechanical amusement device does not mean vending machines which dispense tangible personal property, devices located in private homes for private use, pickle card dispensing devices which are required to be registered with the department pursuant to section 9-345.03, or devices which are mechanically constructed in a manner that would render their operation illegal under the laws of the State of Nebraska;

(5) Operator means any person who operates a place of business in which a machine or device owned by him or her is physically located or any person who places and who either directly or indirectly controls or manages any machine or device;

(6) Person means an individual, partnership, limited liability company, society, association, joint-stock company, corporation, estate, receiver, lessee, trustee, assignee, referee, or other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of individuals;

Mechanical amusement device means any machine which, upon insertion of a coin, currency, credit card, or substitute into the machine, operates or may be operated or used for a game, contest, or amusement of any description, such as, by way of example, but not by way of limitation, pinball games, shuffleboard, bowling games, radio-ray rifle games, baseball, football, racing, boxing games, and coin-operated pool tables. Mechanical amusement device also includes game and draw lotteries and coin-operated automatic musical devices. The term does not mean vending machines which dispense tangible personal property, devices located in private homes for private use, pickle card dispensing devices which are required to be registered with the Department of Revenue pursuant to section 9-345.03, or devices which are mechanically constructed in a manner that would render their operation illegal under the laws of the State of Nebraska.
constructed in a manner that would render their operation illegal under the laws of the State of Nebraska;
(3) Operator means any person who operates a place of business in which a machine or device owned by him or her is physically located or any person who places and who either directly or indirectly controls or manages any machine or device;
(4) Distributor means any person who sells, leases, or delivers possession or custody of a machine or mechanical device to operators thereof for a consideration either directly or indirectly received;
(7) Whenever in the act, the words machine or device are used, they refer to mechanical amusement device;
(8) Whenever in the act, the words electronic video games of skill, games of skill, or skill-based devices are used, they refer to mechanical amusement devices which produce an outcome predominantly caused by skill and not chance; and
Whenever in the act, the words machine, device, person, operator, or distributor are used, the words in the singular include the plural and in the plural include the singular.
Sec. 3. (1)(a) The Tax Commissioner or his or her agents or employees, at the direction of the Tax Commissioner, or any peace officer of this state may seize, without a warrant, any mechanical amusement device if there is cause to believe such device is not in compliance with the Mechanical Amusement Device Tax Act or any rules and regulations adopted and promulgated under the act or if the department determines the response to a request for information is materially deficient without good cause. In addition to seizure, any person placing in service or operating a device constituting a game of chance within this state shall be subject to a penalty of one thousand dollars for each day of such operation.
(b) For purposes of this subsection, a mechanical amusement device is subject to seizure and penalties as if it were a game of chance if:
(i) The mechanical amusement device is a cash device; and
(ii) The mechanical amusement device does not bear an unexpired decal as required under the Mechanical Amusement Device Tax Act.
(c) This section does not apply to any device (i) used in any bingo, lottery by the sale of pickle cards, or other lottery, raffle, or gift enterprise conducted in accordance with the Nebraska Bingo Act, Nebraska County and City Lottery Act, Nebraska Lottery and Raffle Act, Nebraska Pickle Card Lottery Act, Nebraska Small Lottery and Raffle Act, State Lottery Act, or section 9-701, (ii) used for a prize contest as defined in section 28-1101, or (iii) specifically authorized by the laws of this state.
(2) To receive a determination from the department that a cash device is in compliance with the Mechanical Amusement Device Tax Act and any rules and regulations adopted and promulgated under the act, a manufacturer or distributor of the device shall:
(a) Submit an application to the Tax Commissioner containing information regarding the device's location, software, Internet connectivity, and configuration as may be required by the Tax Commissioner.
19 (b) Submit an application fee of five hundred dollars;
20 (c) Provide a specimen of the proposed device;
21 (d) Provide all supporting evidence, including a report by an
22 independent testing authority preapproved by the Tax Commissioner, to the
23 Tax Commissioner indicating that, under all configurations, settings, and
24 modes of operation, operation of the device constitutes a game of skill
25 and not a game of chance and the use, operation, sale, or manufacture of
26 the device would not constitute a violation of section 28-1107; and
27 (e) Provide an affidavit from the distributor affirming that no
28 functional changes in hardware or software will be made to the approved
29 device without further approval from the Tax Commissioner.
30 (3) The Tax Commissioner shall issue a response in writing to the
31 applicant within forty-five days after the applicant has completed and
32 submitted all application requirements. The Tax Commissioner's response
33 shall state the reason for any denial or the reasons a determination
34 cannot be made.
35 (4)(a) A device shall not be considered a game of skill if one or
36 more of the following apply:
37 (i) The ability of any player to succeed at the game played on the
38 device is impacted by the number or ratio of prior wins to prior losses
39 of players playing such device;
40 (ii) The ability of the player to succeed at the game played on the
41 device is impacted by the ability of any person to set a specified win-
42 loss ratio for the device or by the device having a predetermined win-
43 loss percentage;
44 (iii) The outcome of the game played on the device can be controlled
45 by a source other than any player playing the device;
46 (iv) The success of any player is or may be determined by a chance
47 event which cannot be altered by player action;
48 (v) There is no possibility for the player to win every game played
49 on the device or there are unwinnable games or game modes on the device;
50 (vi) The ability of any player to succeed at the game played on the
51 device requires the exercise of skill that no reasonable player could
52 exercise; or
53 (vii) The primary determination of the prize amount is determined by
54 the presentation or generation of a particular puzzle or group of symbols
55 dealt to the player and the player does not have control over the puzzle
56 or group of symbols presented.
57 (b) For purposes of this subsection, reasonable player means a
58 player with an average level of intelligence, physical and mental skills,
59 reaction time, and dexterity.
60 (5) The department or any court considering whether a gambling
61 device is a game of skill may consider:
62 (a) The results of an analysis by any independent testing authority
63 preapproved by the Tax Commissioner to evaluate the reaction time
64 required for a player of a particular game on such device to perform the
65 tasks required by the game to win; or
66 (b) The results of an analysis by any independent testing authority
67 preapproved by the Tax Commissioner to evaluate factors set forth by the
68 Tax Commissioner, other than reaction time, required for the player of a
7 particular game on such device to perform the tasks required by the game
8 to win.
9 (6) Factors which are not sufficient indications of a skill-based
10 game include, but are not limited to:
11 (a) Whether a comprehensive list of prizes or outcomes is offered to
12 the player or whether all outcomes are drawn from a finite pool of
13 predetermined outcomes or starting positions;
14 (b) Whether a player can increase his or her chance of winning based
15 on knowledge of probabilities in general or the probabilities of any
16 particular prize or outcome in a game or on a device;
17 (c) Whether a player can simply choose not to play before committing
18 money or credits; or
19 (d) A game task consisting solely of moving a symbol up or down,
20 replacing one symbol with another, or any similar action, with or without
21 a timer.
22 (7) Upon approval of an application based on a determination that
23 the mechanical amusement device is a game of skill and not a game of
24 chance, the Tax Commissioner shall issue a mechanical amusement device
25 decal for the device as configured and as provided in subsection (8) of
26 this section. No mechanical amusement device decal shall be issued for
27 any cash device unless the department has determined that such device is
28 a game of skill and not a game of chance and that the manufacture, sale,
29 transport, placement, possession, or operation of such device does not
30 constitute a violation of section 28-1107. If the Tax Commissioner does
31 not approve the application for the device, the application shall be
32 denied and the operator shall have the opportunity for an administrative
33 hearing before the Tax Commissioner at which evidence may be presented on
34 the issue of whether the device is specifically authorized by law and is
35 not a gambling device as defined in section 28-1101. After such hearing,
36 the Tax Commissioner shall enter a final decision approving or denying
37 the application. The Tax Commissioner's final decision may be appealed,
38 and the appeal shall be in accordance with the Administrative Procedure
39 Act.
40 (8)(a) Upon approval of a specimen of a mechanical amusement device
41 as a game of skill under this section, the department may issue a
42 mechanical amusement device decal for each such device:
43 (i) If certified by the manufacturer to be functionally identical in
44 both hardware and software configurations to the specimen provided to the
45 department; and
46 (ii) If the application fee described in subdivision (2)(b) of this
47 section and the annual decal fee described in subdivision (b) of this
48 subsection have been paid.
49 (b) The owner or operator of a cash device shall pay an annual decal
50 fee of two hundred fifty dollars to the department for each device in
51 operation in Nebraska. The decal issued under this section shall be
52 distinct from other decals issued by the department for mechanical
53 amusement devices that are not required to be evaluated under this
54 section. Regardless of the issuance of a decal by the department, no
55 device shall be considered in compliance if it does not bear an unexpired
56 decal in a conspicuous place.
The application process described in this section shall not be construed to limit further investigation by the department or the issuance of further regulations to promote compliance after the application process is completed. At any point after a determination of skill by the department, the department may request from the manufacturer, distributor, or operator information about any device in operation in this state, including, but not limited to, information regarding currently operable source code, changes to software or hardware, and communications from or to the device over the Internet. A manufacturer, distributor, or operator that receives a request shall respond with all responsive information in its possession or control within fifteen business days.

Sec. 4. Section 77-3006, Reissue Revised Statutes of Nebraska, is amended to read:

77-3006 The administration of the Mechanical Amusement Device Tax Act provisions of sections 77-3001 to 77-3011 is hereby vested in the Tax Commissioner of the State of Nebraska subject to other provisions of law relating to the Tax Commissioner. The Tax Commissioner may prescribe, adopt and promulgate, and enforce rules and regulations relating to the administration and enforcement of the act the provisions of sections 77-3001 to 77-3011, and may delegate authority to his or her representatives to conduct hearings, or perform any other duties imposed under the act. The Tax Commissioner may adopt and promulgate rules and regulations necessary to carry out section 3 of this act provisions of sections 77-3001 to 77-3011.

Sec. 5. Section 77-3007, Reissue Revised Statutes of Nebraska, is amended to read:

77-3007 (1) The payment of the tax imposed by the Mechanical Amusement Device Tax Act provisions of sections 77-3001 to 77-3011 shall be evidenced by a separate decal for each device signifying payment of the tax, in a form prescribed by the Tax Commissioner.

(2) Every operator shall place such decal in a conspicuous place on each device to denote payment of the tax for each device for the current year.

Sec. 6. Section 77-3008, Reissue Revised Statutes of Nebraska, is amended to read:

77-3008 Nothing in the Mechanical Amusement Device Tax Act sections 77-3001 to 77-3011 shall be construed to limit, usurp, or repeal any power to tax granted to the political subdivisions and municipalities of the State of Nebraska by the laws and Constitution of the State of Nebraska.

Sec. 7. Section 77-3010, Reissue Revised Statutes of Nebraska, is amended to read:

77-3010 Prosecutions for any violations of the Mechanical Amusement Device Tax Act sections 77-3001 to 77-3011 shall be brought by the Attorney General or county attorney in the county in which the violation occurs. Any prosecution for the violation of any of the provisions of the act sections 77-3001 to 77-3011 shall be instituted within three years after the commission of the offense.

Sec. 8. Section 77-3011, Reissue Revised Statutes of Nebraska, is amended to read:...
amended to read:
15 Sections 77-3001 to 77-3011 and section 3 of this act shall be known and may be cited as the Mechanical Amusement Device Tax Act.
16 This act becomes operative on January 1, 2020.
17 Original sections 28-1107, 77-3001, 77-3006, 77-3007, 77-3008, 77-3010, and 77-3011, Reissue Revised Statutes of Nebraska, are repealed.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 83. Introduced by Hansen, B., 16.

WHEREAS, Bernard Chris Hunke, known in his community as someone always willing to help, died February 9, 2019, in rural West Point; and
WHEREAS, Bernie was born in West Point to Hilbert and Joan Hunke on November 15, 1965, attended Pebble Valley School, and graduated from West Point Central Catholic High School in 1984; and
WHEREAS, Bernie served in the United States Air Force from 1986 until his retirement in 2008; and
WHEREAS, Bernie returned to his home town of West Point after military retirement and served as the Cuming County Veterans Service Officer and Emergency Manager; and
WHEREAS, Bernie met his wife, Lisa Turner, while stationed at Little Rock Air Force base in Little Rock, Arkansas. The couple later had four daughters and five grandchildren; and
WHEREAS, Bernie was a member of St. Mary's Catholic Church in West Point, Knights of Columbus Council #2272, American Legion Post #70, Veterans of Foreign Wars Post #4912 of West Point, and Beemer American Legion Riders Post #159; and
WHEREAS, Bernie served for the last ten years on the West Point Volunteer Fire Department and was recently awarded 2018 Fireman of the Year; and
WHEREAS, Bernie volunteered for the last twelve years as caretaker of St. Boniface Cemetery where he has since been buried; and
WHEREAS, Bernie served as co-chair of the planning committee dedicated to the funding, development, and construction of American Veterans Park, a memorial designed to honor God, country, veterans, and their families. The park is located in West Point and was dedicated on Veterans Day 2018; and
WHEREAS, Bernie personified the Air Force values in all he did: Integrity First, Service before Self, and Excellence.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature honors Bernard Hunke for his dedication to State and Country.
2. That the Legislature extends its condolences to the family of Bernard Hunke.
3. That a copy of this resolution be sent to the family of Bernard Hunke.

Laid over.
VISITOR(S)

Visitors to the Chamber were students from Standing Bear Elementary School, Omaha; students and faculty from Chadron State College, Creighton University, the Grace Abbott School of Social Work at UNO, Nebraska Wesleyan University at Lincoln and Omaha, Union College, and the University of Nebraska at Kearney; and Aviv Ezra, the Consul General of Israel to the Midwest, and Alan Potash, the CEO of the Jewish Federation of Omaha.

ADJOURNMENT

At 4:38 p.m., on a motion by Senator Groene, the Legislature adjourned until 9:00 a.m., Thursday, April 11, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

FIFTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 11, 2019

PRAYER

The prayer was offered by Pastor Ken Miller, St. Paul Lutheran Church, Auburn.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Scheer presiding.

The roll was called and all members were present except Senators Bolz, DeBoer, B. Hansen, and Morfeld who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-seventh day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of April 10, 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
Nebraska State College System
Martin, George E.
Baird Holm LLP

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
RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 77 and 78 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 77 and 78.

MOTION(S) - Return LB34 to Select File

Senator Chambers moved to return LB34 to Select File for the following specific amendment: FA43
 Strike the enacting clause.

Senator Chambers withdrew his motion to return.

BILL ON FINAL READING
Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB34 with 41 ayes, 6 nays, 1 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 34. With Emergency Clause.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2320, 23-2321, 23-2331, 79-901, 79-927, 79-956, 79-971, 79-9,106, 84-1321.01, 84-1322, 84-1323, and 84-1331, Reissue Revised Statutes of Nebraska, and sections 23-2306, 23-2308.01, 23-2317, 23-2319.01, 79-902, 79-921, 79-934, 79-978.01, 79-9,100, 84-1307, 84-1309.02, 84-1319, and 84-1503, Revised Statutes Cumulative Supplement, 2018; to eliminate provisions relating to benefits payable after the filing of a grievance or appeal and change provisions relating to reemployment, reinstatement, repayment, and age eligibility regarding certain retirement system members under the County Employees Retirement Act and State Employees Retirement Act; to redefine creditable service for certain member employees, change a deadline for payment for restoration of relinquished creditable service, and change provisions relating to required forms of payment and service credit computation under the School Employees Retirement Act; to change provisions relating to a designated beneficiary determination under the Retirement System for Nebraska Counties, the School Employees Retirement System of the State of Nebraska, any school employees retirement system established under the Class V School Employees Retirement Act, and the State Employees Retirement System of the State of
Nebraska; to provide a duty for the Public Employees Retirement Board as prescribed; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?"

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Morfeld

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**MOTION(S) - Return LB243 to Select File**

Senator Chambers moved to return LB243 to Select File for the following specific amendment:

FA44

Strike the enacting clause.

Senator Chambers withdrew his motion to return.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 243**, With Emergency Clause.

A BILL FOR AN ACT relating to soil; to amend section 81-2,162.27, Revised Statutes Cumulative Supplement, 2018; to create the Healthy Soils Task Force; to provide powers and duties; to require a report; to provide for termination; to add a use for the Fertilizers and Soil Conditioners
Administrative Fund; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 43:

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

Voting in the negative, 0.

Present and not voting, 6:

Erdman Hansen, B. Hunt
Friesen Hilgers La Grone

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 449.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend sections 38-178, 38-180, and 38-2894, Reissue Revised Statutes of Nebraska, and section 38-1001, Revised Statutes Cumulative Supplement, 2018; to provide for disciplinary action for performing scleral tattooing and prohibit such practice as prescribed; to define a term; to provide for civil penalties; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 49:
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 619.**

A BILL FOR AN ACT relating to insurance; to prohibit denial of coverage for mental health services delivered in a school; to define terms; and to provide for applicability.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 49:

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.
LEGISLATIVE BILL 217.

A BILL FOR AN ACT relating to the Nebraska Fair Employment Practice Act; to amend section 48-1114, Reissue Revised Statutes of Nebraska; to prohibit discrimination against employees for communicating about employee wages, benefits, or other compensation as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?""

Voting in the affirmative, 46:

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

Voting in the negative, 1:

Albrecht

Present and not voting, 2:

Halloran  Lowe

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB269 with 39 ayes, 5 nays, and 5 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 269.

A BILL FOR AN ACT relating to operator's licenses; to amend section 43-287, Reissue Revised Statutes of Nebraska, and sections 60-498.01, 60-4,118.06, 60-4,120.02, 60-4,124, 60-4,125, and 60-4,126, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to
ignition interlock permits and school permits; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 49:

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Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 590.**

A BILL FOR AN ACT relating to the Quality Child Care Act; to amend section 43-2606, Revised Statutes Cumulative Supplement, 2018; to require the use of the Nebraska Early Childhood Professional Record System for documentation and verification of staff training; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB270 with 38 ayes, 6 nays, and 5 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 270.

A BILL FOR AN ACT relating to the Department of Motor Vehicles; to amend sections 37-1214, 37-1292, 60-3,162, 60-482, 60-4,146.01, and 60-4,155, Reissue Revised Statutes of Nebraska, and sections 37-1278, 37-1280, 37-1293, 60-119.01, 60-144, 60-149, 60-151, 60-171, 60-173, 60-174, 60-336.01, 60-386, 60-3,104.01, 60-3,122, 60-3,122.02, 60-3,122.04, 60-3,123, 60-3,124, 60-3,125, 60-3,126, 60-3,128, 60-3,187, 60-3,221, 60-3,224, 60-3,227, 60-3,231, 60-3,233, 60-3,235, 60-495, 60-4,118, 60-4,122, 60-4,182, 60-501, 60-628.01, and 60-6,209, Revised Statutes Cumulative Supplement, 2018; to authorize the update of electronic certificate of title records as prescribed; to change and eliminate provisions relating to applications for certificates of title, applications for registration, salvaged motorboats and vehicles, low-speed vehicles, improperly issued certificates of registration, towing of trailers, renewal of motor vehicle operators' licenses and state identification cards, commercial drivers' licenses, the point system for traffic violations, license revocations, and rules and regulations; to authorize temporary license stickers as prescribed; to define and redefine terms; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.
Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 49:

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Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 348.**

A BILL FOR AN ACT relating to the Building Construction Act; to amend sections 71-6403 and 71-6406, Reissue Revised Statutes of Nebraska; to adopt changes to the state building code; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 41:

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Voting in the negative, 6:
LEGISLATIVE BILL 409.

A BILL FOR AN ACT relating to the Health Care Facility Licensure Act; to amend section 71-439, Reissue Revised Statutes of Nebraska; to adopt design standards for health care facilities; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

Albrecht        Erdman        La Grone
Clements       Halloran       Lowe

Voting in the negative, 0.

Present and not voting, 1:

Groene

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 34, 243, 449, 619, 217, 269, 590, 270, 348, and 409.
LEGISLATIVE BILL 512. Placed on Select File with amendment.

ER76
1 1. On page 1, strike lines 2 through 17 and insert "3-150, 66-482,
2 66-4,143, 66-6,101, 66-712, 66-718, 66-739, 66-1521, 77-101, 77-202,03,
3 77-377,02, 77-702, 77-1239, 77-2716,01, 77-2734,01, 77-2761, 77-2773,
4 77-2776, 77-3506, 77-3508, 77-3519, 77-4111, and 77-6203, Reissue Revised
5 Statutes of Nebraska, and section 39-2215, Revised Statutes Cumulative
6 Supplement, 2018; to eliminate the Motor Fuel Tax Enforcement and
7 Collection Division of the Department of Revenue; to provide for
8 reassessment of destroyed or damaged property; to change and eliminate
9 provisions relating to a list of exempt real property, collection agency
10 fees, rules and regulations, reimbursement to political subdivisions,
11 personal exemptions, standard deductions, requirements for filing income
12 tax returns, notices of deficiency, and homestead exemptions; to
13 harmonize provisions; to provide operative dates; to repeal the original
14 sections; to outright repeal section 66-738, Reissue Revised Statutes of
15 Nebraska; and to declare an emergency.”.

LEGISLATIVE BILL 334. Placed on Select File with amendment.
ER72 is available in the Bill Room.

LEGISLATIVE BILL 334A. Placed on Select File.

LEGISLATIVE BILL 356. Placed on Select File with amendment.

ER75
1 1. In the Standing Committee amendments, AM1167:
2 a. On page 1, line 14, strike "23" and insert "24".
3 b. On page 11, line 28, strike beginning with "Beginning" through
4 "when", show as stricken, and insert "When".
5 c. On page 19, strike beginning with "Nebraska" in line 19 through
6 "Plates" in line 20 and insert "spirit plates".
7 d. On page 33, line 14, strike "15" and insert "24".
8 e. On page 38, line 13, strike "19" and insert "28".
9 f. On page 39, line 27, after "five" insert "percent".
10 2. On page 1, strike beginning with "motor" in line 1 through line 4
11 and insert "government; to amend sections 37-811 and 60-3,127, Reissue
12 Revised Statutes of Nebraska, and sections 60-301, 60-393, 60-395,
13 60-396, 60-3,100, 60-3,104, 60-3,104,01, 60-3,119, 60-3,122,03,
14 60-3,122,04, 60-3,128, 60-3,130,04, 60-3,226, 60-3,227, 60-3,230,
15 60-3,231, 60-3,232, 60-3,233, 60-3,234, and 60-3,235, Revised Statutes
16 Cumulative Supplement, 2018; to provide funding for the Wildlife
17 Conservation Fund; to change provisions relating to fee distribution, fee
18 amounts, and semitrailers under the Motor Vehicle Registration Act; to
19 provide powers and duties to the Department of Motor Vehicles regarding
20 discontinuance of certain license plates as prescribed; to provide for
21 Wildlife Conservation Plates, Prostate Cancer Awareness Plates, and
22 Sammy's Superheroes license plates; to eliminate obsolete provisions; to
23 harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 6. Placed on Select File with amendment.
ER74
1 1. On page 1, lines 3 and 4, strike "persons on active duty and
2 their dependents" and insert "college tuition purposes for spouses or
3 legal dependents of persons on active duty with the armed services as
4 prescribed".

LEGISLATIVE BILL 524. Placed on Select File.

(Signed) Julie Slama, Chairperson

COMMITTEE REPORT(S)

LEGISLATIVE BILL 303. Placed on General File.
LEGISLATIVE BILL 315. Placed on General File.

(Signed) Lou Ann Linehan, Chairperson

GENERAL FILE

LEGISLATIVE BILL 641. Title read. Considered.

SENATOR LINDSTROM PRESIDING

Committee AM724, found on page 946, 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 35 ayes, 0 nays, 12 present
and not voting, and 2 excused and not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 11, 2019, at 10:30 a.m. were the
following: LBs 34e, 243e, 449, 619, 217, 269, 590, 270, 348, and 409.

(Signed) Laura Gerkin
Clerk of the Legislature's Office
NOTICE OF COMMITTEE HEARING(S)
Revenue/Nebraska Retirement Systems/Education

Room 1510

Thursday, April 18, 2019 1:00 p.m.

LB289 (rehearing)

(Signed) Lou Ann Linehan, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 428. Placed on Select File with amendment.
ER77
1 1. In the Standing Committee amendments, AM758:
2 a. On page 8, line 19, strike "sections 48-628.13, 48-648.02, and
3 48-652" and insert "section 48-648.02"; and in line 20 strike "are" and
4 insert "is"; and
5 b. Renumber the remaining sections accordingly.
6 2. On page 1, strike beginning with "48-627" in line 2 through
7 "benefits" in line 3 and insert "48-648.02, Revised Statutes Cumulative
8 Supplement, 2018; to change provisions relating to the computation of
9 wages".

LEGISLATIVE BILL 31. Placed on Select File with amendment.
ER79
1 1. On page 1, strike beginning with "the" in line 3 through line 8
2 and insert "Class V school employees retirement systems established under
3 the Class V School Employees Retirement Act to the Public Employees
4 Retirement Board as prescribed; to require a report; to create a fund; to
5 provide duties for the Public Employees Retirement Board; to provide for
6 reimbursement for expenses incurred in completing such work plan; to
7 harmonize provisions; to provide for severability; to repeal the original
8 sections; and to declare an emergency.".

LEGISLATIVE BILL 31A. Placed on Select File.

LEGISLATIVE BILL 638. Placed on Select File with amendment.
ER78
1 1. On page 1, line 4, after "a" insert "qualified".

LEGISLATIVE BILL 698. Placed on Select File.

(Signed) Julie Slama, Chairperson
GENERAL FILE

LEGISLATIVE BILL 663. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 138. Title read. Considered.

Committee AM783, found on page 951, was offered.

Senator Blood offered her amendment, AM930, found on page 1015, to the committee amendment.

Pending.

COMMITTEE REPORT(S)

Revenue

LEGISLATIVE BILL 670. Placed on General File with amendment.

AM1112

1 1. On page 4, line 19, strike "and"; in line 25 after "care" insert 2 ".
3 (f) That the applicant will limit the maximum scholarship amount
4 awarded to any student to the cost of tuition and fees at the qualified
5 school such student attends; and
6 (g) That the applicant will limit scholarship amounts awarded to
7 students in a manner that assures that the average of the scholarship
8 amounts awarded per student does not exceed seventy-five percent of the
9 statewide average general fund operating expenditures per formula student
10 for the most recently available complete data year as such terms are
11 defined in section 79-1003".

(Signed) Lou Ann Linehan, Chairperson

AMENDMENT(S) - Print in Journal

Senator Brewer filed the following amendment to LB511:

AM1113

(Amendments to Standing Committee amendments, AM672)

1 1. On page 105, line 13, strike "Each" and insert "Except as
2 otherwise provided in subdivision (c) of this subsection, each"; and
3 after line 24 insert the following new subdivision:
4 "(c) Each request for any meal or incidental expense incurred during
5 travel status by a member of the Legislature shall be fully itemized,
6 including the amount, date, place, and essential character of the expense
7 incurred.".
UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Hunt name added to LB492.

VISITOR(S)

Visitors to the Chamber were David and Josh Stein from Omaha; students from Aldrich Elementary School, Millard; students and teachers from the Nebraska Civics Leadership Program at UNO; students from Fillmore Central Elementary School, Geneva; and students from Johnson County Central Public Schools, Cook.

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

ADJOURNMENT

At 11:53 a.m., on a motion by Senator Brandt, the Legislature adjourned until 9:00 a.m., Monday, April 15, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
FIFTY-NINTH DAY - APRIL 15, 2019

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

FIFTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, April 15, 2019

PRAYER

The prayer was offered by Reverend John Nelson Jr., Christ Lutheran Church, O'Neill.

ROLL CALL

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

The roll was called and all members were present except Senator Hughes who was excused; and Senators Bolz, Groene, M. Hansen, Howard, La Grone, Morfeld, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-eighth day was approved.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 79, 80, 81, and 82 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 79, 80, 81, and 82.

GENERAL FILE

LEGISLATIVE BILL 138. Senator Blood renewed her amendment, AM930, found on page 1015 and considered on page 1160, to the committee amendment.

Senator Blood moved for a call of the house. The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

Senator Blood requested a roll call vote, in reverse order, on her
amendment.

Voting in the affirmative, 35:

Arch  Chambers  Hansen, M.  Lindstrom  Scheer  
Blood  Crawford  Hilkemann  McCollister  Stinner  
Bolz  DeBoer  Howard  McDonnell  Vargas  
Bostelman  Dorn  Hunt  Morfeld  Walz  
Brandt  Geist  Kolowski  Moser  Wayne  
Brewer  Gragert  Koltermann  Pansing Brooks  Williams  
Cavanaugh  Hansen, B.  Lathrop  Quick  Wishart  

Voting in the negative, 6:

Briese  Erdman  Murman  
Clements  Friesen  Slama  

Present and not voting, 5:

Albrecht  Groene  Halloran  Hilgers  Linehan  

Excused and not voting, 3:

Hughes  La Grone  Lowe  

The Blood amendment was adopted with 35 ayes, 6 nays, 5 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Pansing Brooks offered her amendment, AM1226, found on page 1109, to the committee amendment.

The Pansing Brooks amendment was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Committee AM783, found on page 951 and considered on page 1160, as amended, was renewed.

The committee amendment, as amended, was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.
BILL ON FIRST READING

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

LEGISLATIVE BILL 670A. 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 670, One Hundred Sixth Legislature, First Session, 2019.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 227. Placed on Select File with amendment.
ER80
1 1. In the Hughes amendment, AM1287:
2 a. On page 1, line 6, strike "sections 3 and 4" and insert "section
3 3"; and
4 b. On page 2, line 26, reinstate the first stricken "2-4404".
5 2. On page 1, line 2, strike "2-4402 and 2-4403" and insert "2-4401,
6 2-4403, and 2-4404"; in lines 2 and 3 strike "to redefine terms;".

(Signed) Julie Slama, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 15. Placed on Final Reading.
LEGISLATIVE BILL 59. Placed on Final Reading.
LEGISLATIVE BILL 87. Placed on Final Reading.
LEGISLATIVE BILL 212. Placed on Final Reading.
LEGISLATIVE BILL 218. Placed on Final Reading.
LEGISLATIVE BILL 268. Placed on Final Reading.
LEGISLATIVE BILL 316. Placed on Final Reading.
LEGISLATIVE BILL 320. Placed on Final Reading.
LEGISLATIVE BILL 352. Placed on Final Reading.
LEGISLATIVE BILL 390. Placed on Final Reading.
LEGISLATIVE BILL 472. Placed on Final Reading.
LEGISLATIVE BILL 514. Placed on Final Reading.
LEGISLATIVE BILL 603. Placed on Final Reading.
LEGISLATIVE BILL 637. Placed on Final Reading.
LEGISLATIVE BILL 713. Placed on Final Reading.

LEGISLATIVE RESOLUTION 14CA. Placed on Final Reading.
ST14
The following changes, required to be reported for publication in the Journal, have been made:
1. On page 2, line 12, ", due to a high rate of unemployment combined with a high poverty rate as determined by law," has been inserted after "if".

(Signed) Julie Slama, Chairperson

GENERAL FILE

LEGISLATIVE BILL 538. Title read. Considered.
Committee AM900, found on page 966, was offered.

Senator Lathrop withdrew his amendments, AM1229 and AM1267, found on pages 1094 and 1122.

Senator Lathrop offered his amendment, AM1278, found on page 1138, to the committee amendment.

SPEAKER SCHEER PRESIDING

Pending.

MOTION(S) - Suspend Rules

Senator Linehan offered the following motion to LB289:
MO62
Suspend the rules, Rule 3, Sec. 14, to permit cancellation of the hearing scheduled for April 18, 2019.

The Linehan motion to suspend the rules prevailed with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

NOTICE OF COMMITTEE HEARING(S)
Revenue/Nebraska Retirement Systems/Education
Room 1510
Thursday, April 18, 2019 1:00 p.m.

LB289 (cancel)

(Signed) Lou Ann Linehan, Chairperson
GENERAL FILE

LEGISLATIVE BILL 538. The Lathrop amendment, AM1278, found on page 1138 and considered in this day's Journal, to the committee amendment, was renewed.

Pending.

COMMITTEE REPORT(S)

Business and Labor

LEGISLATIVE BILL 360. Placed on General File with amendment. AM976
1 1. On page 3, line 21, after the period insert "In making such
determination the court shall consider, among other things, whether a
consular officer's jurisdiction includes Nebraska and the responsiveness
of the consular officer to attempts made by an attorney representing the
employee to engage such consular officer in the proceedings."

LEGISLATIVE BILL 418. Placed on General File with amendment. AM1266 is available in the Bill Room.

(Signed) Matt Hansen, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Williams name added to LB605.
Senator Erdman name added to LB693.

VISITOR(S)

Visitors to the Chamber were students from Lincoln Elementary School, Hastings; members of the La Vista Mayor's Youth Leadership Council; students from Aurora Elementary School; students from Tara Heights Elementary School, Papillion; students from Our Redeemer Lutheran School, Staplehurst; and students from Falls City Public Schools.

RECESS

At 11:54 a.m., on a motion by Senator Wishart, the Legislature recessed until 1:30 p.m.
AFTER RECESS

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

SENATOR WILLIAMS PRESIDING

ROLL CALL

The roll was called and all members were present except Senator Hughes who was excused; and Senators Chambers, Groene, B. Hansen, M. Hansen, La Grone, Linehan, and Morfeld who were excused until they arrive.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 84. Introduced by Hansen, M., 26.

WHEREAS, occupational diseases and workplace injuries affect millions of Americans each year; and
WHEREAS, thousands of those workers suffer permanent disabilities as a result; and
WHEREAS, thousands more are killed each year in incidents occurring while on the job and from diseases related to unsafe working conditions; and
WHEREAS, concerned Americans are determined to prevent these tragedies through the following activities: Observing Workers Memorial Day on April 28, 2019, as a day to remember these victims of workplace injuries and disease; renewing efforts to seek stronger safety and health protections, better standards and enforcement, and fair and just compensation; and rededicating themselves to improving safety and health in every American workplace.

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

1. That the Legislature recognizes April 28, 2019, as Workers Memorial Day in Nebraska as a day of remembrance for workers who have been killed, injured, or disabled on the job.
2. That a copy of this resolution be sent to the AFL-CIO Safety and Health Department and the United Support and Memorial for Workplace Fatalities.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 538. The Lathrop amendment, AM1278, found on page 1138 and considered in this day’s Journal, to the committee amendment, was renewed.

The Lathrop amendment was adopted with 35 ayes, 2 nays, 4 present and not voting, and 8 excused and not voting.
The committee amendment, AM900, as amended, 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 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

**COMMITTEE REPORT(S)**

**Judiciary**

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

Robert W. Twiss - Board of Parole

Aye: 8 Brandt, Chambers, DeBoer, Lathrop, Morfeld, Pansing Brooks, Slama, Wayne. Nay: 0. Absent: 0. Present and not voting: 0.

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

Don Arp Jr. - Director, Nebraska Crime Commission


(Signed) Steve Lathrop, Chairperson

**COMMITTEE REPORT(S)**

**Judiciary**

**LEGISLATIVE BILL 308.** Placed on General File.
**LEGISLATIVE BILL 392.** Placed on General File.
**LEGISLATIVE BILL 643.** Placed on General File.

**LEGISLATIVE BILL 179.** Placed on General File with amendment.

AM736
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 25-1902, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 25-1902 (1) The following are final orders which may be vacated,
6 modified, or reversed:
7 (a) An order affecting a substantial right in an action, when such
8 order in effect determines the action and prevents a judgment;
9 (b) An order affecting a substantial right made during in a
10 special proceeding,
11 (c) An order affecting a substantial right made on or upon a summary application in an action after a judgment is entered; and is a final order which may be vacated, modified or reversed, as provided in this chapter.
12 (d) An order denying a motion for summary judgment when such motion is based on the assertion of sovereign immunity or the immunity of a government official.
13 (2) An order under subdivision (1)(d) of this section may be appealed pursuant to section 25-1912 within thirty days after the entry of such order or within thirty days after the entry of judgment.
14 Sec. 2. If any section in this act or any part of any section is declared invalid or unconstitutional, the declaration shall not affect the validity or constitutionality of the remaining portions.
15 Sec. 3. Original section 25-1902, Reissue Revised Statutes of Nebraska, is repealed.

LEGISLATIVE BILL 387. Placed on General File with amendment. AM404
1 1. On page 4, strike beginning with "approved" in line 1 through "court" in line 2.
2 2. On page 8, line 17, strike beginning with "and" through "record" and show as stricken; and strike beginning with "The" in line 27 through the period in line 29.
3 3. On page 11, strike beginning with "become" in line 1 through "county" in line 2, show as stricken, and insert "be entered upon the record of the court".
4 4. On page 22, strike beginning with "become" in line 26 through "commissioner" in line 27, show as stricken, and insert "be entered upon the record of the court".

LEGISLATIVE BILL 433. Placed on General File with amendment. AM981
1 1. Strike the original sections and insert the following new sections:
2 Section 1. Section 76-1416, Reissue Revised Statutes of Nebraska, is amended to read:
3 76-1416 (1) A landlord may not demand or receive security, however denominated, in an amount or value in excess of one month's periodic rent, except that a pet deposit not in excess of one-fourth of one month's periodic rent may be demanded or received when appropriate, but this subsection shall not be applicable to housing agencies organized or existing under the Nebraska Housing Agency Act.
4 (2) Upon termination of the tenancy, property or money held by the landlord as prepaid rent and security may be applied to the payment of rent and the amount of damages which the landlord has suffered by reason of the tenant's noncompliance with the rental agreement or section 76-1421. The balance, if any, and a written itemization shall be delivered or mailed to the tenant within fourteen days after the date of termination of the tenancy. If no mailing address or instructions are
provided by the tenant to the landlord, the landlord shall send, by
first-class mail, the balance of the security deposit to the tenant's
last-known mailing address demand and designation of the location where
payment may be made or mailed.

If the landlord fails to comply with subsection (2) of this
section, the tenant may recover, in addition to the property and money
due him or her, liquidated damages of one times the periodic rent, plus
costs and reasonable attorney's fees.

This section does not preclude the landlord or tenant from
recovering other damages to which he or she may be entitled under the
Uniform Residential Landlord and Tenant Act. However, a tenant shall not
be liable for damages directly related to the tenant's removal from the
premises by order of any governmental entity as a result of the premises
not being fit for habitation due to the negligence or neglect of the
landlord.

(5) The holder of the landlord's interest in the premises at the
time of the termination of the tenancy is bound by this section.

Sec. 2. Section 76-1431, Reissue Revised Statutes of Nebraska, is
amended to read:

(1) Except as provided in the Uniform Residential Landlord
and Tenant Act, if there is a noncompliance with section 76-1421
materially affecting health and safety or a material noncompliance by the
tenant with the rental agreement or any separate agreement, the landlord
can deliver a written notice to the tenant specifying the acts and
omissions constituting the breach and that the rental agreement will
terminate upon a date not less than thirty days after receipt of the
notice if the breach is not remedied in fourteen days, and the rental
agreement shall terminate as provided in the notice subject to the
following. If the breach is remediable by repairs or the payment of
damages or otherwise and the tenant adequately remedies the breach prior
to the date specified in the notice, the rental agreement will not
terminate. If substantially the same act or omission which constituted a
prior noncompliance of which notice was given recurs within six months,
the landlord may terminate the rental agreement upon at least fourteen
days' written notice specifying the breach and the date of termination of
the rental agreement.

(2) If rent is unpaid when due and the tenant fails to pay rent
within seven calendar days after written notice by the landlord of
nonpayment and his or her intention to terminate the rental agreement if
the rent is not paid within that period of time, the landlord may
terminate the rental agreement.

(3) Except as provided in the Uniform Residential Landlord and
Tenant Act, the landlord may recover damages and obtain injunctive relief
for any noncompliance by the tenant with the rental agreement or section
76-1421. If the tenant's noncompliance is willful, the landlord may
recover reasonable attorney's fees.

(4) Notwithstanding subsections (1) and (2) of this section or
sections 25-21.221, a landlord may, after five days' written notice of
termination of the rental agreement and without the right of the tenant
9 to cure the default, file suit and have judgment against any tenant or
10 occupant for recovery of possession of the premises if the tenant,
11 occupant, member of the tenant's household, guest, or other person who is
12 under the tenant's control or who is present upon the premises with the
13 tenant's consent, engages in any violent criminal activity on the
14 premises, the illegal sale of any controlled substance on the premises,
15 or any other activity that threatens the health or safety of other
16 tenants, the landlord, or the landlord's employees or agents. Such
17 activity shall include, but not be limited to, any of the following
18 activities of the tenant, occupant, member of the tenant's household,
19 guest, or other person who is under the tenant's control or who is
20 present upon the premises with the tenant's consent: (a) Physical assault
21 or the threat of physical assault; (b) illegal use of a firearm or other
22 weapon or the threat of illegal use of a firearm or other weapon; (c)
23 possession of a controlled substance if the tenant knew or should have
24 known of the possession, unless such controlled substance was obtained
25 directly from or pursuant to a medical order issued by a practitioner
26 legally authorized to prescribe while acting in the course of his or her
27 professional practice; or (d) any other activity or threatened activity
28 which would otherwise threaten the health or safety of any person or
29 involving threatened, imminent, or actual damage to the property.
30 (5) Subsection (4) of this section does not apply to a tenant if the
31 violent criminal activity, illegal sale of any controlled substance, or
32 other activity that threatens the health or safety of other tenants, the
33 landlord, or the landlord's employees or agents, as set forth in
34 subsection (4) of this section, is conducted by a person on the premises
35 other than the tenant and the tenant takes at least one of the following
36 measures against the person engaging in such activity:
37 (a) The tenant seeks a protective order, restraining order, or other
38 similar relief which would apply to the person conducting such activity;
39 or
40 (b) The tenant reports such activity to a law enforcement agency in
41 an effort to initiate a criminal action against the person conducting the
42 activity.
43 Sec. 3. Original sections 76-1416 and 76-1431, Reissue Revised
44 Statutes of Nebraska, are repealed.

LEGISLATIVE BILL 434. Placed on General File with amendment.
AM1317
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 76-1431, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 76-1431 (1) Except as provided in the Uniform Residential Landlord
6 and Tenant Act, if there is a noncompliance with section 76-1421
7 materially affecting health and safety or a material noncompliance by the
8 tenant with the rental agreement or any separate agreement, the landlord
9 may deliver a written notice to the tenant specifying the acts and
10 omissions constituting the breach and that the rental agreement will
terminate upon a date not less than thirty days after receipt of the
notice if the breach is not remedied in fourteen days, and the rental
termination shall terminate as provided in the notice subject to the
following. If the breach is remediable by repairs or the payment of
damages or otherwise and the tenant adequately remedies the breach prior
to the date specified in the notice, the rental agreement will not
terminate. If substantially the same act or omission which constituted a
prior noncompliance of which notice was given recurs within six months,
the landlord may terminate the rental agreement upon at least fourteen
days' written notice specifying the breach and the date of termination of
the rental agreement.

(2) If rent is unpaid when due and the tenant fails to pay rent
within seven calendar days after written notice by the landlord of
nonpayment and his or her intention to terminate the rental agreement if
the rent is not paid within that period of time, the landlord may
terminate the rental agreement.

(3) Except as provided in the Uniform Residential Landlord and
Tenant Act, the landlord may recover damages and obtain injunctive relief
for any noncompliance by the tenant with the rental agreement or section
76-1421. If the tenant's noncompliance is willful, the landlord may
recover reasonable attorney's fees.

(4) Notwithstanding subsections (1) and (2) of this section or
section 25-21.221, a landlord may, after five days' written notice of
termination of the rental agreement and without the right of the tenant
to cure the default, file suit and have judgment against any tenant or
occupant for recovery of possession of the premises if the tenant,
member of the tenant's household, guest, or other person who is
under the tenant's control or who is present upon the premises with the
consent of the tenant, engages in any violent criminal activity on the
premises, the illegal sale of any controlled substance on the premises,
or any other activity that threatens the health or safety of other
tenants, the landlord, or the landlord's employees or agents. Such
activity shall include, but not be limited to, any of the following
activities of the tenant, occupant, member of the tenant's household,
guest, or other person who is under the tenant's control or who is
present upon the premises with the tenant's consent: (a) Physical assault
or the threat of physical assault; (b) illegal use of a firearm or other
weapon or the threat of illegal use of a firearm or other weapon; (c)
possession of a controlled substance if the tenant knew or should have
known of the possession, unless such controlled substance was obtained
directly from or pursuant to a medical order issued by a practitioner
legally authorized to prescribe while acting in the course of his or her
professional practice; or (d) any other activity or threatened activity
which would otherwise threaten the health or safety of any person or
property.

(5) Subsection (4) of this section does not apply to a tenant if the
violent criminal activity, illegal sale of any controlled substance, or
other activity that threatens the health or safety of other tenants, the
landlord, or the landlord's employees or agents, as set forth in
subsection (4) of this section, is conducted by a person on the premises other than the tenant and the tenant takes at least one of the following measures against the person engaging in such activity:

(a) The tenant seeks a protective order, restraining order, or other similar relief which would apply to the person conducting such activity; or

(b) The tenant reports such activity to a law enforcement agency in an effort to initiate a criminal action against the person conducting the activity.

Sec. 2. Original section 76-1431, Reissue Revised Statutes of Nebraska, is repealed.

LEGISLATIVE BILL 478. Placed on General File with amendment. AM1216

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

Section 1. Section 27-412, Reissue Revised Statutes of Nebraska, is amended to read:

27-412 (1) The following evidence is not admissible in any civil or criminal proceeding involving alleged sexual misconduct except as provided in subsections (2) and (3) of this section:

(a) Evidence offered to prove that any victim engaged in other sexual behavior; and

(b) Evidence offered to prove any victim's sexual predisposition.

2 (2) (a) In a criminal case, the following evidence is admissible, if otherwise admissible under the Nebraska Evidence Rules:

(i) Evidence of specific instances of sexual behavior by the victim offered to prove that a person other than the accused was the source of semen, injury, or other physical evidence;

(ii) Evidence of specific instances of sexual behavior of the victim with respect to the accused offered by the accused to prove consent of the victim if it is first established to the court that such behavior is similar to the behavior involved in the case and tends to establish a pattern of behavior of the victim relevant to the issue of consent; and

(iii) Evidence, the exclusion of which would violate the constitutional rights of the accused.

(b) In a civil case, evidence offered to prove the sexual behavior or sexual predisposition of any victim is admissible if it is otherwise admissible under the Nebraska Evidence Rules and its probative value substantially outweighs the danger of harm to any victim and of unfair prejudice to any party. Evidence of a victim's reputation is admissible only if it has been placed in controversy by the victim.

3 (3) (a) A party intending to offer evidence under subsection (2) of this section shall:

(i) File a written motion at least fifteen days before trial specifically describing the evidence and stating the purpose for which it is offered unless the court, for good cause, requires a different time for filing or permits filing during trial; and

(ii) Serve the motion on all parties and notify the victim or, when
9 appropriate, the victim's guardian or representative.
10 (b) Before admitting evidence under this section, the court shall
11 conduct a hearing in camera outside the presence of any jury.
12 (4) Evidence of the victim's consent is not admissible in any civil
13 proceeding involving alleged:
14 (a) Sexual penetration when the actor is nineteen years of age or
15 older and the victim is less than sixteen years of age; or
16 (b) Sexual contact when the actor is nineteen years of age or older
17 and the victim is less than fifteen years of age.
18 Sec. 2. Original section 27-412, Reissue Revised Statutes of
19 Nebraska, is repealed.

LEGISLATIVE BILL 532. Placed on General File with amendment.
AM674 is available in the Bill Room.

LEGISLATIVE BILL 595. Placed on General File with amendment.
AM1164 is available in the Bill Room.

(Signed) Steve Lathrop, Chairperson

GENERAL FILE

LEGISLATIVE BILL 323. Title read. Considered.

Committee AM678, found on page 966, was adopted with 37 ayes, 0 nays,
10 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 7 present
and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 657. Title read. Considered.

Committee AM988, found on page 1019, was offered.

SPEAKER SCHEER PRESIDING

SENATOR WILLIAMS PRESIDING

Senator Lowe offered the following amendment to the committee
amendment:
FA45
Amend AM988
Change .3 percent to .2 percent in line 8 page 2.

Senator Lowe withdrew his amendment.
Senator Lowe offered the following amendment to the committee amendment:
FA46
Amend AM988
Cell phone be included in line 12 page 5.

SPEAKER SCHEER PRESIDING

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

Senator McCollister moved for a call of the house. The motion prevailed with 19 ayes, 8 nays, and 22 not voting.

The motion to cease debate prevailed with 25 ayes, 2 nays, and 22 not voting.

The Lowe amendment lost with 10 ayes, 27 nays, 9 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Lowe offered the following motion:
MO63
Recommit to the Agriculture Committee.

Senator Lowe withdrew his motion to recommit to committee.

The committee amendment, AM988, was adopted with 37 ayes, 4 nays, 3 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 4 nays, 3 present and not voting, and 5 excused and not voting.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 585. Placed on Select File with amendment. ER82
1 1. On page 1 strike lines 4 through 8 and insert "for grants; to harmonize provisions; to provide an operative date; and to repeal the original section."
4 2. On page 3, line 7, strike "project" and insert "agreement".

LEGISLATIVE BILL 641. Placed on Select File with amendment. ER83
1 1. On page 1, strike beginning with "the" in line 1 through 2 "sections" in line 6 and insert "telecommunications; to amend section 3 71-7611, Reissue Revised Statutes of Nebraska; to define a term; to
4 provide for an annual grant to a 211 Information and Referral Network; to 5 transfer funds from the Nebraska Health Care Cash Fund to the Public 6 Service Commission; and to repeal the original section".

**LEGISLATIVE BILL 663.** Placed on Select File.

(Signed) Julie Slama, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 85.** Introduced by McDonnell, 5.

WHEREAS, the 1998 Good Friday Agreement between the Irish Government and the British Government provides that the British Government should enact legislation defining rights supplementary to those in the European Convention on Human Rights to constitute a Bill of Rights for Northern Ireland; and

WHEREAS, the Martin McGuinness Principles were launched on April 10, 2018, by Irish-American leaders calling for equality, respect, truth, and self-determination for Northern Ireland.

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

1. That the Legislature recognizes Northern Ireland's desire that the British Government respect the Martin McGuinness Principles calling for equality, respect, truth, and self-determination for Northern Ireland.

Laid over.

**AMENDMENT(S) - Print in Journal**

Senator Crawford filed the following amendment to **LB237**: AM1319 is available in the Bill Room.

Senator Crawford filed the following amendment to **LB237A**: AM1320

1 1. On page 2, line 2, strike "Miscellaneous Receipts" and insert 2 "Enforcement".

Senator La Grone filed the following amendment to **LB470**: AM1096 is available in the Bill Room.

Senator Lathrop filed the following amendment to **LB227**: AM1330

(Amendments to AM1287)

1 1. On page 1, lines 21 and 23, strike "reasonable" and insert "state 2 of the art".
Senator Lathrop filed the following amendment to LB227:
AM1331
(Amendments to AM1287)
1 1. On page 1, line 23, after the fourth comma insert "vermin."

Senator Lathrop filed the following amendment to LB227:
AM1332
(Amendments to AM1287)
1 1. Strike section 3 and insert the following new section:
2 Sec. 3. (1) No suit shall be maintained against a farm or farm
3 operation or public grain warehouse or public grain warehouse operation
4 for public or private nuisance more than two years after the condition
5 which is the subject matter of the suit reaches a level of offense
6 sufficient to sustain a claim of nuisance.
7 (2) The limitation provided for in this section shall not apply to
8 any action brought to determine compliance with or to enforce a previous
9 order of a court related to the same claim of nuisance or to any claims
10 for additional damages or equitable relief available when a farm or farm
11 operation or public grain warehouse or public grain warehouse operation
12 fails to remediate a nuisance pursuant to such court order.

BILL ON FIRST READING

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

LEGISLATIVE BILL 571A. Introduced by Walz, 15.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to
aid in carrying out the provisions of Legislative Bill 571, One Hundred
Sixth Legislature, First Session, 2019.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator M. Hansen name added to LB657.

WITHDRAW - Cointroducer(s)

Senator B. Hansen name withdrawn from LB720.

VISITOR(S)

Visitors to the Chamber were students, teacher, and sponsors from Harvard
Public Schools; students from Shell Creek Elementary School and Platte
Center Elementary School, Columbus and Platte Center; students and
teacher from Bayard Public School; students and sponsor from Norfolk
High School; and students from Battle Creek Elementary School.
ADJOURNMENT

At 4:55 p.m., on a motion by Senator Gragert, the Legislature adjourned until 9:00 a.m., Tuesday, April 16, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
SIXTIETH DAY - APRIL 16, 2019

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

SIXTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 16, 2019

PRAYER

The prayer was offered by Pastor Rodney Hinrichs, missionary with Reaching the Unreached, Lincoln.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Scheer presiding.

The roll was called and all members were present except Senator Hughes who was excused; and Senators Groene, Linehan, Morfeld, Pansing Brooks, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-ninth day was approved.

GENERAL FILE

LEGISLATIVE BILL 693. Title read. Considered.

Senator Halloran offered his amendment, AM305, found on page 526.

Senator Hunt offered the following amendment to the Halloran amendment: AM1289

(Amendments to AM305)
1 1. On page 1, line 13, strike "or"; and in line 15 after
2 "manipulation" insert "; or
3 (c) To any provider of telecommunications services, broadband
4 services, or Internet services, as those terms are defined in section
5 86-593, if such provider is acting in a manner that is authorized or
6 required by federal law".

Senator Chambers moved for a call of the house. The motion prevailed with 21 ayes, 8 nays, and 20 not voting.
Senator Chambers requested a roll call vote on the Hunt amendment.

Voting in the affirmative, 29:

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Voting in the negative, 11:

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Present and not voting, 6:

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Excused and not voting, 3:

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The Hunt amendment was adopted with 29 ayes, 11 nays, 6 present and not voting, and 3 excused and not voting.

The Halloran amendment, as amended, was adopted with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 40:

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<td>Murman</td>
<td>Wishart</td>
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Voting in the negative, 1:
Chambers

Present and not voting, 5:
Cavanaugh    Lathrop    Lindstrom    Morfeld    Quick

Excused and not voting, 3:
Bolz    Hughes    Wayne

Advanced to Enrollment and Review Initial with 40 ayes, 1 nay, 5 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 237.** Title read. Considered.

Committee AM676, found on page 872, was offered.

Senator Crawford withdrew her amendment, AM943, found on page 976.

Senator Crawford offered her amendment, AM1319, found on page 1177, to the committee amendment.

The Crawford amendment was adopted with 33 ayes, 2 nays, 12 present and not voting, and 2 excused and not voting.

The committee amendment, as amended, was adopted with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

Senator Albrecht offered the following amendment:

**FA47**
On page 6, line 22 change seventy-five percent with "50% (fifty percent)"
and on page 6, line 23 change twenty-five percent with "50% (fifty percent)".

Pending.

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator Slama name added to LB693.
Senator Blood name added to LB693.

**VISITOR(S)**

Visitors to the Chamber were students from Pawnee City Elementary School; students from Pine Creek Elementary School, Bennington; students from Shelby-Rising City Public Schools; members of UNO's Young Southeast Asian Leaders Initiative from 11 different Southeast Asian
countries; students from Stoddard Elementary School, Beatrice; and students from Diller-Odell Elementary School.

RECESS

At 11:47 a.m., on a motion by Senator Walz, 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 and Hughes who were excused; and Senators Bolz, Briese, Clements, B. Hansen, Morfeld, and Stinner who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 237. Senator Albrecht renewed her amendment, FA47, found in this day's Journal.

SENATOR WILLIAMS PRESIDING

Senator Erdman moved for a call of the house. The motion prevailed with 24 ayes, 4 nays, and 21 not voting.

The Albrecht amendment lost with 21 ayes, 6 nays, 12 present and not voting, and 10 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 6 nays, 8 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 237A. Title read. Considered.

Senator Crawford offered her amendment, AM1320, found on page 1177.

The Crawford amendment was adopted with 26 ayes, 6 nays, 13 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 5 nays, 14 present and not voting, and 4 excused and not voting.
AMENDMENT(S) - Print in Journal

Senator Friesen filed the following amendment to LB356:

AM1325

(Amendments to AM1167)

1. On page 34, line 3; and page 36, line 22, after "tons" insert "or a commercial truck or truck-tractor with a gross weight of five tons or over".
2. On page 35, line 8, strike "other than the vehicle" and insert "or trailer other than the motor vehicle or trailer"; and in lines 9 and 11 strike "vehicle" and insert "motor vehicle or trailer".
3. On page 36, line 24, after the period insert "The license plates shall be issued upon payment of the license fee described in subsection (2) of this section.".
4. On page 36, line 30; and page 39, line 16, strike "them" and insert "such fees".
5. On page 37, lines 15, 21, and 24; and page 39, lines 1 and 2, strike "or trailer" and insert ", trailer, or semitrailer".
6. On page 38, after line 4, insert the following new subsection:

"(5) If the cost of manufacturing Prostate Cancer Awareness Plates at any time exceeds the amount charged for license plates pursuant to section 60-3,102, any money to be credited to the University of Nebraska Medical Center for the Nebraska Prostate Cancer Research Program shall instead be credited first to the Highway Trust Fund in an amount equal to the difference between the manufacturing costs of Prostate Cancer Awareness Plates and the amount charged pursuant to section 60-3,102 with respect to such plates and the remainder shall be credited to the University of Nebraska Medical Center for the Nebraska Prostate Cancer Research Program."

GENERAL FILE

LEGISLATIVE BILL 496. Title read. Considered.

Committee AM787, found on page 891, was adopted with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

Senator Wayne withdrew his amendment, AM750, found on page 873.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 138. Placed on Select File with amendment. ER86 is available in the Bill Room.

(Signed) Julie Slama, Chairperson
GENERAL FILE

LEGISLATIVE BILL 375. Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 610. Title read. Considered.

Committee AM917, found on page 982, was offered.

Senator Wishart offered the following amendment to the committee amendment:

AM1365  
(Amendments to Standing Committee amendments, AM917)

1. Insert the following new section:

Sec. 10. (1) Beginning January 1, 2022, there is hereby established the College Savings Plan Low-Income Matching Scholarship Program. The purpose of the program is to encourage contributions to accounts established under the Nebraska educational savings plan trust for the benefit of individuals with limited means. The State Treasurer shall implement and administer the program.

(2) A participant shall be eligible for the program if the beneficiary for whom contributions are made is part of a family whose household income for the most recently completed taxable year is not more than two hundred fifty percent of the federal poverty level.

(3) Applications for participation in the program shall be submitted to the State Treasurer on forms prescribed by the State Treasurer. If the requirements of subsection (2) of this section are met, the State Treasurer shall approve the application and notify the applicant of the approval. The State Treasurer may approve applications until the annual limit provided in subsection (7) of this section has been reached.

(4) Any participant who is approved for the program under subsection (3) of this section must resubmit an application each year thereafter and be reapproved in order to continue participation in the program.

(5) If a participant is approved for the program, any contribution made by such participant under the program shall be matched with scholarship funds provided by the State of Nebraska. The matching scholarship shall be equal to:

(a) One hundred percent of the participant's contribution if the beneficiary for whom the contribution is made is part of a family whose household income for the most recently completed taxable year is more than two hundred percent of the federal poverty level but not more than two hundred fifty percent of the federal poverty level, not to exceed one thousand dollars annually; or

(b) Two hundred percent of the participant's contribution if the beneficiary for whom the contribution is made is part of a family whose household income for the most recently completed taxable year is not more
than two hundred percent of the federal poverty level, not to exceed one thousand dollars annually.

(6) Between January 1 and January 31 of each year, the State Treasurer shall transfer from the General Fund to the College Savings Incentive Cash Fund the amount necessary to meet the matching obligations of this section for the preceding calendar year, minus the amount of any private contributions received pursuant to subsection (1) of section 8 of this act during the preceding calendar year. The State Treasurer shall then transfer from the College Savings Incentive Cash Fund to the College Savings Plan Program Fund the amount necessary to meet the matching obligations of this section for the preceding calendar year. Such amount shall be deposited into the appropriate accounts of the participants making contributions under the program.

(7) The State Treasurer may approve a total of two hundred fifty thousand dollars of scholarships each calendar year under the College Savings Plan Low-Income Matching Scholarship Program.

2. On page 1, line 10; page 6, line 17; page 10, line 26; page 11, line 31; page 12, line 30; page 13, line 18; page 14, lines 6 and 7; page 16, lines 1 and 26; and page 18, line 2, strike "and 9" and insert "to 10".

3. On page 11, line 14, strike "or", show as stricken, and insert an underscored comma; and in line 17 after "entity" insert ", or (c) a distribution from an account to pay the costs of attending kindergarten through grade twelve".

4. On page 18, line 12, after "act" insert "and to provide matching scholarships under the College Savings Plan Low-Income Matching Scholarship Program established in section 10 of this act. The State Treasurer shall accept contributions from any private individual or entity and shall credit all such contributions received to the College Savings Incentive Cash Fund for the purpose of providing an ongoing source of funding for the College Savings Plan Low-Income Matching Scholarship Program".

5. Renumber the remaining section accordingly.

Senator Wishart moved for a call of the house. The motion prevailed with 24 ayes, 3 nays, and 22 not voting.

The Wishart amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

The committee amendment, as amended, was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Senator Linehan withdrew her amendment, AM481, found on page 775.

Senator Lindstrom withdrew his amendment, AM701, found on page 813.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.
The Chair declared the call raised.

**LEGISLATIVE BILL 550.** Title read. Considered.

Committee AM530, found on page 946, was offered.

Senator Vargas offered the following amendment to the committee amendment:

AM1373

(Amendments to Standing Committee amendments, AM530)

1. On page 1, line 3, strike "any tax or fee related to" and insert "an occupation tax on"; in lines 5, 10, 14 and 15, 16, 17, and 18, strike "or fee"; and in line 18 after the period insert "This section applies to any occupation tax in existence on the effective date of this act and to any occupation tax which is set to begin on or after such date. For any occupation tax in existence on the effective date of this act, the municipality shall suspend collection of the tax until it has been approved by the voters in accordance with this section."

**SPEAKER SCHEER PRESIDING**

Senator Wayne offered the following motion:

MO65
Bracket until June 6, 2019.

Pending.

**AMENDMENT(S) - Print in Journal**

Senator Brewer filed the following amendment to LB155:

AM1380

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

Section 1. Section 70-1014.02, Reissue Revised Statutes of Nebraska, is amended to read:

70-1014.02 (1) The Legislature finds that:
(a) Nebraska has the authority as a sovereign state to protect its land, natural resources, and cultural resources for economic and aesthetic purposes for the benefit of its residents and future generations by regulation of energy generation projects;
(b) The unique terrain and ecology of the Nebraska Sandhills provide an irreplaceable habitat for millions of migratory birds and other wildlife every year and serve as the home to numerous ranchers and farmers;
(c) The grasslands of the Nebraska Sandhills and other natural resources in Nebraska will become increasingly valuable, both economically and strategically, as the demand for food and energy increases; and
(d) The Nebraska Sandhills are home to priceless archaeological sites of historical and cultural significance to American Indians.

(2)(a) (1)(a) A privately developed renewable energy generation facility that meets the requirements of this section is exempt from sections 70-1012 to 70-1014.01 if no less than thirty days prior to the commencement of construction the owner of the facility:

(i) Notifies the board in writing of its intent to commence construction of a privately developed renewable energy generation facility;

(ii) Certifies to the board that the facility will meet the requirements for a privately developed renewable energy generation facility;

(iii) Certifies to the board that the private electric supplier will comply with any decommissioning requirements adopted by the local governmental entities having jurisdiction over the privately developed renewable energy generation facility and (B) except as otherwise provided in subdivision (b) of this subsection, submit a decommissioning plan to the board obligating the private electric supplier to bear all costs of decommissioning the privately developed renewable energy generation facility and requiring that the private electric supplier post a security bond or other instrument, no later than the tenth year following commercial operation, securing the costs of decommissioning the facility and provide a copy of the bond or instrument to the board;

(iv) Certifies to the board that the private electric supplier has entered into or prior to commencing construction will enter into a joint transmission development agreement pursuant to subdivision (c) of this subsection with the electric supplier owning the transmission facilities of sixty thousand volts or greater to which the privately developed renewable energy generation facility will interconnect; and

(v) Certifies to the board that the private electric supplier has consulted with the Game and Parks Commission to identify potential measures to avoid, minimize, and mitigate impacts to species identified under subsection (1) or (2) of section 37-806 during the project planning and design phases, if possible, but in no event later than the commencement of construction.

(b) The board may bring an action in the name of the State of Nebraska for failure to comply with subdivision (a)(iii)(B) of this subsection. Subdivision (a)(iii)(B) of this subsection does not apply if a local government entity with the authority to create requirements for decommissioning has enacted decommissioning requirements for the applicable jurisdiction.

(c) The joint transmission development agreement shall address construction, ownership, operation, and maintenance of such additions or upgrades to the transmission facilities as required for the privately developed renewable energy generation facility. The joint transmission development agreement shall be negotiated and executed contemporaneously with the generator interconnection agreement or other directives of the applicable regional transmission organization with jurisdiction over the addition or upgrade of transmission, upon terms consistent with prudent
electric utility practices for the interconnection of renewable
generation facilities, the electric supplier's reasonable transmission
interconnection requirements, and applicable transmission design and
construction standards. The electric supplier shall have the right to
purchase and own transmission facilities as set forth in the joint
transmission development agreement. The private electric supplier of the
privately developed renewable energy generation facility shall have the
right to construct any necessary facilities or improvements set forth in
the joint transmission development agreement pursuant to the standards
set forth in the agreement at the private electric supplier's cost.
Within ten days after receipt of a written notice complying
with subsection (2) of this section, the executive director of the
board shall issue a written acknowledgment that the privately developed
transmission facility is exempt under sections 70-1012 to
70-1014.01.
The exemption allowed under this section for a privately
developed renewable energy generation facility shall extend to and exempt
all private electric suppliers owning any interest in the facility,
including any successor private electric supplier which subsequently
acquires any interest in the facility.
No property owned, used, or operated as part of a privately
developed renewable energy generation facility shall be subject to
eminent domain by a consumer-owned electric supplier operating in the
State of Nebraska. Nothing in this section shall be construed to grant
the power of eminent domain to a private electric supplier or limit the
rights of any entity to acquire any public, municipal, or utility right-of-
way across property owned, used, or operated as part of a privately
developed renewable energy generation facility as long as the right-of-
way does not prevent the operation of or access to the privately
developed renewable energy generation facility.
Only a consumer-owned electric supplier operating in the
State of Nebraska may exercise eminent domain authority to acquire the
land rights necessary for the construction of transmission lines and
related facilities. There is a rebuttable presumption that the exercise of eminent domain to provide needed transmission lines and
related facilities for a privately developed renewable energy generation
facility is a public use.
Nothing in this section shall be construed to authorize a
private electric supplier to sell or deliver electricity at retail in
Nebraska.
Nothing in this section shall be construed to limit the
authority of or require a consumer-owned electric supplier operating in
the State of Nebraska to enter into a joint agreement with a private
electric supplier to develop, construct, and jointly own a privately
developed renewable energy generation facility.
Sec. 2. Section 70-1015, Reissue Revised Statutes of Nebraska, is
amended to read:
If any supplier violates Chapter 70, article 10, by
commencing the construction or finalizing or attempting to
27 finalize the acquisition of any generation facilities, any transmission
28 lines, or any related facilities without first providing notice or
29 obtaining board approval, whichever is required, or (b) serving or
30 attempting to serve at retail any customers located in Nebraska or any
31 wholesale customers in violation of section 70-1002.02, such
1 construction, acquisition, or service of such customers shall be enjoined
2 in an action brought in the name of the State of Nebraska until such
3 supplier has complied with Chapter 70, article 10.

4 (2) If the executive director of the board determines that a private
5 electric supplier commenced construction of a privately developed
6 renewable energy generation facility less than thirty days prior to
7 providing the notice required in subdivision (2)(a) (1)(a) of section
8 70-1014.02, the executive director shall send notice via certified mail
9 to the private electric supplier, informing it of the determination that
10 the private electric supplier is in violation of such subdivision and is
11 subject to a fine in the amount of five hundred dollars. The private
12 electric supplier shall have twenty days from the date on which the
13 notice is received in which to submit the notice described in such
14 subdivision and to pay the fine. Within ten days after the private
15 electric supplier submits a notice compliant with the provisions of
16 subsection (2)(a) (1) of section 70-1014.02 and payment of the fine, the
17 executive director of the board shall issue the written acknowledgment
18 described in subsection (2)(2) of section 70-1014.02. If the private
19 electric supplier fails to submit a notice compliant with the provisions
20 of subsection (2)(a) (1) of section 70-1014.02 and pay the fine within
21 twenty days after the date on which the private electric supplier
22 receives the notice from the executive director of the board, the private
23 electric supplier shall immediately cease construction or operation of
24 the privately developed renewable energy generation facility.

25 (3) If the private electric supplier disputes that construction was
26 commenced less than thirty days prior to submitting the written notice
27 required by subdivision (2)(a) (1)(a) of section 70-1014.02, the private
28 electric supplier may request a hearing before the board. Such request
29 shall be submitted within twenty days after the private electric supplier
30 receives the notice sent by the executive director pursuant to subsection
31 (3)(2) of this section. If the private electric supplier does not accept
1 the certified mail sent pursuant to such subsection, the executive
2 director shall send a second notice to the private electric supplier by
3 first-class United States mail. The private electric supplier may submit
4 a request for hearing within twenty days after the date on which the
5 second notice was mailed.

6 (4) Upon receipt of a request for hearing, the board shall set a
7 hearing date. Such hearing shall be held within sixty days after such
8 receipt. The board shall provide to the private electric supplier written
9 notice of the hearing at least twenty days prior to the date of the
10 hearing. The board or its hearing officer may grant continuances upon
11 good cause shown or upon the request of the private electric supplier.
12 Timely filing of a request for hearing by a private electric supplier
13 shall stay any further enforcement under this section until the board
14 issues an order pursuant to subsection (6) of this section or the
15 request for hearing is withdrawn.
16 (5) The board shall issue a written decision within sixty days after
17 conclusion of the hearing. All costs of the hearing shall be paid by the
18 private electric supplier if (a) the board determines that the private
19 electric supplier commenced construction of the privately developed
20 renewable energy generation facility less than thirty days prior to
21 submitting the written notice required pursuant to subsection (2) of
22 section 70-1014.02 or (b) the private electric supplier withdraws its
23 request for hearing prior to the board issuing its decision.
24 (6) A private electric supplier which the board finds to be in
25 violation of the requirements of subsection (2) of section 70-1014.02
26 shall either (a) pay the fine described in this section and submit a
27 notice compliant with the provisions of subsection (2) of section
28 70-1014.02 or (b) immediately cease construction or operation of the
29 privately developed renewable energy generation facility.
30 Sec. 3. Original sections 70-1014.02 and 70-1015, Reissue Revised
31 Statutes of Nebraska, are repealed.

VISITOR(S)

Visitors to the Chamber were Speaker Scheer's niece, Anna Stech, and
great-nieces, Sophie and Abby Stech; Marlin Seeman and Eric Melcher,
Mayor and City Administrator of Aurora; students from Stoddard
Elementary School, Beatrice; and students from Cody Elementary School,
North Platte.

The Doctor of the Day was Dr. Chris Snyder from Omaha.

ADJOURNMENT

At 4:48 p.m., on a motion by Senator Dorn, the Legislature adjourned until
9:00 a.m., Wednesday, April 17, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
The prayer was offered by Pastor Matt Erikson, Mercy City Church, Lincoln.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Scheer presiding.

The roll was called and all members were present except Senators Bolz, B. Hansen, Lindstrom, Morfeld, Stinner, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixtieth day was approved.

GENERAL FILE

LEGISLATIVE BILL 550. Senator Wayne withdrew his motion, MO65, found on page 1188, to bracket until June 6, 2019.

Senator Vargas withdrew his amendment, AM1373, found on page 1188.

Committee AM530, found on page 946 and considered on page 1188, was renewed.

Senator Wayne offered the following amendment to the committee amendment:

AM1393

(Amendments to Standing Committee amendments, AM530)

1 1. Strike amendment 1 and insert the following new amendment:
2 1. Strike the original sections and insert the following new
3 section:
4 Section 1. No municipality shall adopt a new occupation tax on
5 wireless and prepaid wireless services or increase the rate of an
6 existing occupation tax on such services on or after the effective date
7 of this act unless and until the question of whether to adopt or increase
8 such tax has been submitted at a primary or general election held within
9 the municipality and in which all registered voters shall be entitled to
10 vote on such question. The officials of the municipality shall order the
11 submission of the question by submitting a certified copy of the
12 resolution proposing the tax or tax increase to the election commissioner
13 or county clerk by March 1 for a primary election or by September 1 for a
14 general election. The election shall be conducted in accordance with the
15 Election Act. If a majority of the votes cast upon such question are in
16 favor of such tax or tax increase, then the governing body of such
17 municipality shall be empowered to impose such tax or tax increase. If a
18 majority of those voting on the question are opposed to such tax or tax
19 increase, then the governing body of the municipality shall not impose
20 such tax or tax increase.

SENATOR WILLIAMS PRESIDING

Pending.

AMENDMENT(S) - Print in Journal

Senator Wayne filed the following amendment to LB85:
AM1377

(Amendments to Standing Committee amendments, AM66)
1 1. Strike amendment 1 and insert the following new amendment:
2 1. Strike the original sections and insert the following new
3 sections:
4 Section 1. The Legislature finds that the enforcement of local
5 building and construction codes is a matter of state concern,
6 particularly in larger cities which contain a large number of residential
7 rental properties. The state provides guidelines for the adoption of
8 local building and construction codes under the Building Construction Act
9 and regulates the landlord and tenant relationship through the Uniform
10 Residential Landlord and Tenant Act. Recognizing the need to safeguard
11 life, health, property, and the public welfare through the appropriate
12 enforcement of local building and construction codes, the Legislature
13 hereby declares the necessity of establishing minimum requirements for
14 cities of the metropolitan class to enforce such codes through a
15 proactive rental housing inspection program.
16 Sec. 2. For purposes of sections 1 to 7 of this act:
17 (1) City means any city of the metropolitan class;
18 (2) Housing agency has the same meaning as in section 71-1575; and
19 (3) Newly constructed residential rental property means (a) a
20 single-family or multi-unit residential rental property that was
21 constructed within the past five years or (b) a non-residential rental
22 property that was converted into multi-unit residential rental property
23 within the past five years. For purposes of this subdivision, a rental
24 property shall be considered constructed or converted on the date of
Sec. 3. Any city which enacts and administers a local building or construction code under section 71-6406 shall adopt a rental housing inspection program to enforce the relevant provisions of such local building or construction code for all residential rental property within the corporate limits of the city. The enforcement procedures for a rental housing inspection program adopted pursuant to this section shall be designed to improve housing conditions. The city shall make reasonable efforts to prevent unreasonable displacement of tenants from residential rental property when enforcing such program.

Sec. 4. (1) A rental housing inspection program adopted under section 3 of this act shall include:

(a)(i) A requirement that all residential rental property within the corporate limits of the city be registered with the city. Such registration shall include:

(A) The name, street address, telephone number, email address, and identification of the type of entity if applicable, of the owner of the residential rental property;

(B) If different than the owner of the residential rental property, the name, street address, telephone number, email address, and identification of the type of entity if applicable, of the local property manager of the residential rental property;

(C) If applicable, the name, street address, telephone number, and email address of any other alternate contact person acting on behalf of the owner of the residential rental property;

(D) The identity of the residential rental property, including parcel number, physical street address or addresses, and full mailing address or addresses if different than the physical street address or addresses;

(E) The number of separate rental dwelling units, if applicable, on the residential rental property; and

(F) Any such other information required by the city;

(ii) Registration information shall be made publicly available in both printed and electronic form; and

(iii) The city shall not charge a fee for such registration;

(b) A requirement that all residential rental property within the corporate limits of the city be inspected at least once within a four-year cycle, except as provided in section 5 of this act, and except for any such property that is:

(i) Newly constructed residential rental property;

(ii) Owned or managed by a housing agency;

(iii) Inspected or caused to be inspected by a housing agency to enforce housing quality standards required by the United States Department of Housing and Urban Development for properties rented under a voucher program or other rental assistance program under section 8 of the United States Housing Act of 1937; or

(iv) A qualified low-income building or buildings, as such term is defined in section 42 of the Internal Revenue Code of 1986, as amended;

(c) A supplemental system of inspections of residential rental
17 property upon receipt of any complaints;
18 (d) A procedure for owners of residential rental property to appeal
19 adverse decisions under the rental housing inspection program; and
20 (e) An educational component to educate owners of residential rental
21 property on issues related to rental property ownership, including, but
22 not limited to, their responsibilities under the rental housing
23 inspection program and a tenant's rights under the Uniform Residential
24 Landlord and Tenant Act.
25 (2)(a) The city shall comply with the requirements of subdivisions
26 (1)(a), (c), (d), and (e) of this section no later than one year
27 following the effective date of this act.
28 (b) For residential rental property which has had a code violation
29 within the three years prior to the effective date of this act that was
30 not remedied, the city shall comply with the requirements of subdivision
31 (1)(b) of this section no later than two years following the effective
1 date of this act.
2 (c) For residential rental property with three or more rental units
3 that has not had a code violation within the three years prior to the
4 effective date of this act that was not remedied, the city shall comply
5 with the requirements of subdivision (1)(b) of this section no later than
6 three years following the effective date of this act.
7 (d) For residential rental property with less than three rental
8 units that has not had a code violation within the three years prior to
9 the effective date of this act that was not remedied, the city shall
10 comply with the requirements of subdivision (1)(b) of this section no
11 later than four years following the effective date of this act.
12 Sec. 5. A rental housing inspection program adopted under section 3
13 of this act may include:
14 (1) A schedule of inspection fees for any inspections or
15 reinspections required in any residential rental property;
16 (2) A schedule of fines for failure to comply with local building
17 and construction code requirements, including fines and interest for late
18 payments; and
19 (3) A provision allowing for a one-time, three-year waiver of
20 regular inspections as required under subdivision (1)(b) of section 4 of
21 this act for residential rental properties which have had no code
22 violations within the three years prior to the effective date of this
23 act.
24 Sec. 6. For multi-unit residential rental properties, a rental
25 housing inspection program adopted under section 3 of this act may
26 provide for inspections to be conducted on a random sampling of all units
27 of such property instead of inspecting all units of such property.
28 Sec. 7. (1) A city may enforce the collection of unpaid fees and
29 unpaid fines assessed or levied under any schedule adopted pursuant to
30 section 5 of this act by filing a civil action in any court of competent
31 jurisdiction.
1 (2) Unpaid fees and unpaid fines assessed or levied under any
2 schedule adopted pursuant to section 5 of this act shall become a lien on
3 the applicable property upon the recording of a notice of such lien in
the office of the register of deeds of the county in which the applicable
property is located. The lien created under this subsection shall be
subordinate to all other prior recorded liens on the applicable property.
Sec. 8. The Revisor of Statutes shall assign sections 1 to 7 of
this act to Chapter 14.

GENERAL FILE

LEGISLATIVE BILL 155. Considered.

Senator Brewer offered his amendment, AM1380, found on page 1188.
The Brewer amendment was adopted with 37 ayes, 1 nay, 8 present and not
voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 1 nay, 5 present
and not voting, and 3 excused and not voting.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 538. Placed on Select File with amendment.
ER84
1 1. In the Lathrop amendment, AM1278, on page 2, line 9, strike
2 "are", show as stricken, and insert "is".
3 2. On page 1, strike beginning with "gambling" in line 1 through
4 line 7 and insert "gambling; to amend sections 28-1107, 77-3001, 77-3006,
5 77-3007, 77-3008, 77-3010, and 77-3011, Reissue Revised Statutes of
6 Nebraska; to change provisions relating to possession of a gambling
7 device; to define and redefine terms under the Mechanical Amusement
8 Device Tax Act; to provide for approval of certain mechanical amusement
9 devices by, and provide duties and powers for, the Department of Revenue
10 as prescribed; to provide fees; to harmonize provisions; to provide an
11 operative date; and to repeal the original sections.".

LEGISLATIVE BILL 323. Placed on Select File with amendment.
ER85
1 1. In the Standing Committee amendments, AM678, on page 3, lines 17
2 and 24, strike "subsection" and insert "subdivision".

(Signed) Julie Slama, Chairperson

AMENDMENT(S) - Print in Journal

Senator McDonnell filed the following amendment to LB641:
AM1397

(Amendments to Standing Committee amendments, AM724)
1 1. On page 1, after line 26 insert the following new subsection:
2 "(5) There is hereby created the 211 Cash Fund. The fund shall be
3 used solely for the purpose of providing grants pursuant to this section and associated administrative costs. All money received by the Public Service Commission for such grants shall be remitted to the State Treasurer for credit to such fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

2. On page 3, lines 26 and 27, strike "Public Service Commission" and insert "211 Cash Fund".

GENERAL FILE

LEGISLATIVE BILL 424. Title read. Considered.

Committee AM509, found on page 705, was offered.

Pending.

VISITOR(S)

Visitors to the Chamber were students from Elgin Public Schools; students and teachers from Wayne Elementary School; Senator Kolterman's brother and sister-in-law, Clark and Linda Kolterman, from Seward, and Monica Duran Gabella, from Chile; and students from Oakland-Craig Elementary School.

RECESS

At 11:57 a.m., on a motion by Senator Bolz, 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 Senator Bostelman who was excused; and Senators Bolz, Brewer, Geist, Morfeld, Slama, and Vargas who were excused until they arrive.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LR83 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR83.
GENERAL FILE

LEGISLATIVE BILL 424. Committee AM509, found on page 705 and considered in this day's Journal, was renewed.

SENATOR LINDSTROM PRESIDING

Senator Hilgers offered the following amendment to the committee amendment:

AM1401

(Amendments to Standing Committee amendments, AM509)

1 1. Insert the following new amendments:
2 1. Strike original section 9 and insert the following new section:
3 Sec. 23. The following section is outright repealed: Section
5 3. On page 29, line 7, strike "19-5209,"
6 4. Renumber the remaining sections and correct internal references
7 accordingly.

Pending.

COMMITTEE REPORT(S)

Revenue

LEGISLATIVE BILL 560. Placed on General File with amendment.

AM1414

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 77-2715.07, Reissue Revised Statutes of Nebraska,
4 is amended to read:
5 77-2715.07 (1) There shall be allowed to qualified resident
6 individuals as a nonrefundable credit against the income tax imposed by
7 the Nebraska Revenue Act of 1967:
8 (a) A credit equal to the federal credit allowed under section 22 of
9 the Internal Revenue Code; and
10 (b) A credit for taxes paid to another state as provided in section
11 77-2730,
12 (2) There shall be allowed to qualified resident individuals against
13 the income tax imposed by the Nebraska Revenue Act of 1967:
14 (a) For returns filed reporting federal adjusted gross incomes of
15 greater than twenty-nine thousand dollars, a nonrefundable credit equal
16 to twenty-five percent of the federal credit allowed under section 21 of
17 the Internal Revenue Code of 1986, as amended, except that for taxable
18 years beginning or deemed to begin on or after January 1, 2015, such
19 nonrefundable credit shall be allowed only if the individual would have
20 received the federal credit allowed under section 21 of the code after
21 adding back in any carryforward of a net operating loss that was deducted
22 pursuant to such section in determining eligibility for the federal
23 credit;
(b) For returns filed reporting federal adjusted gross income of
25 twenty-nine thousand dollars or less, a refundable credit equal to a
26 percentage of the federal credit allowable under section 21 of the
27 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) A refundable credit equal to ten percent of the federal credit
23 allowed under section 32 of the Internal Revenue Code of 1986, as
24 amended, except that for taxable years beginning or deemed to begin on or
25 after January 1, 2015, such refundable credit shall be allowed only if
26 the individual would have received the federal credit allowed under
27 section 32 of the code after adding back in any carryforward of a net
28 operating loss that was deducted pursuant to such section in determining
29 eligibility for the federal credit.
30 (3) There shall be allowed to all individuals as a nonrefundable
31 credit against the income tax imposed by the Nebraska Revenue Act of
1 1967:
2 (a) A credit for personal exemptions allowed under section
3 77-2716.01;
4 (b) A credit for contributions to certified community betterment
5 programs as provided in the Community Development Assistance Act. Each
6 partner, each shareholder of an electing subchapter S corporation, each
7 beneficiary of an estate or trust, or each member of a limited liability
8 company shall report his or her share of the credit in the same manner
9 and proportion as he or she reports the partnership, subchapter S
10 corporation, estate, trust, or limited liability company income;
11 (c) A credit for investment in a biodiesel facility as provided in
12 section 77-27,236;
13 (d) A credit as provided in the New Markets Job Growth Investment
14 Act;
15 (e) A credit as provided in the Nebraska Job Creation and Mainstreet
16 Revitalization Act;
17 (f) A credit to employers as provided in section 77-27,238; and
18 (g) A credit as provided in the Affordable Housing Tax Credit Act.
19 (4) There shall be allowed as a credit against the income tax
20 imposed by the Nebraska Revenue Act of 1967:
21 (a) A credit to all resident estates and trusts for taxes paid to
22 another state as provided in section 77-2730;
23 (b) A credit to all estates and trusts for contributions to
24 certified community betterment programs as provided in the Community
25 Development Assistance Act; and
26 (c) A refundable credit for individuals who qualify for an income
27 tax credit as an owner of agricultural assets under the Beginning Farmer
28 Tax Credit Act for all taxable years beginning or deemed to begin on or
29 after January 1, 2009, under the Internal Revenue Code of 1986, as
30 amended. The credit allowed for each partner, shareholder, member, or
31 beneficiary of a partnership, corporation, limited liability company, or
32 estate or trust qualifying for an income tax credit as an owner of
33 agricultural assets under the Beginning Farmer Tax Credit Act shall be
34 equal to the partner's, shareholder's, member's, or beneficiary's portion
35 of the amount of tax credit distributed pursuant to subsection (6) (4) of
36 section 77-5211.
37 (5)(a) For all taxable years beginning on or after January 1, 2007,
38 and before January 1, 2009, under the Internal Revenue Code of 1986, as
39 amended, there shall be allowed to each partner, shareholder, member, or
40 beneficiary of a partnership, subchapter S corporation, limited liability
41 company, or estate or trust a nonrefundable credit against the income tax
42 imposed by the Nebraska Revenue Act of 1967 equal to fifty percent of the
43 partner's, shareholder's, member's, or beneficiary's portion of the
44 amount of franchise tax paid to the state under sections 77-3801 to
45 77-3807 by a financial institution.
46 (b) For all taxable years beginning on or after January 1, 2009,
47 under the Internal Revenue Code of 1986, as amended, there shall be
48 allowed to each partner, shareholder, member, or beneficiary of a
49 partnership, subchapter S corporation, limited liability company, or
50 estate or trust a nonrefundable credit against the income tax imposed by
51 the Nebraska Revenue Act of 1967 equal to the partner's, shareholder's,
52 member's, or beneficiary's portion of the amount of franchise tax paid to
53 the state under sections 77-3801 to 77-3807 by a financial institution.
54 (c) Each partner, shareholder, member, or beneficiary shall report
55 his or her share of the credit in the same manner and proportion as he or
56 she reports the partnership, subchapter S corporation, limited liability
57 company, or estate or trust income. If any partner, shareholder, member,
58 or beneficiary cannot fully utilize the credit for that year, the credit
59 may not be carried forward or back.
60 (6) There shall be allowed to all individuals nonrefundable credits
61 against the income tax imposed by the Nebraska Revenue Act of 1967 as
62 provided in section 77-3604 and refundable credits against the income tax
63 imposed by the Nebraska Revenue Act of 1967 as provided in section
64 77-3605.
3 Sec. 2. Section 77-5203, Reissue Revised Statutes of Nebraska, is
amended to read:

77-5203 For purposes of the Beginning Farmer Tax Credit Act:

77-5204: (1) Agricultural assets means agricultural land, livestock, farming,
or livestock production facilities or buildings and machinery used for
farming or livestock production located in Nebraska;
(2) Board means the Beginning Farmer Board created by section
77-5204;
(3) Cash rent agreement means a rental agreement in which the
principal consideration given to the owner of agricultural assets is a
predetermined amount of money. A flex or variable rent agreement is an
alternative form of a cash rent agreement in which a predetermined base
rent is adjusted for actual crop yield, crop price, or both according to
a predetermined formula;
(4) Farm means any tract of land over ten acres in area used for
or devoted to the commercial production of farm products;
(5) Farm product means those plants and animals useful to man
and includes, but is not limited to, forages and sod crops, grains and
feed crops, dairy and dairy products, poultry and poultry products,
livestock, including breeding and grazing livestock, fruits, and
vegetables;
(6) Farming or livestock production means the active use,
management, and operation of real and personal property for the
production of a farm product;
(7) Financial management program means a program for beginning
farmers or livestock producers which includes, but is not limited to,
assistance in the creation and proper use of record-keeping systems,
periodic private consultations with licensed financial management
personnel, year-end monthly cash flow analysis, and detailed enterprise
analysis;
(8) Owner of agricultural assets means:
(a) An individual or a trustee having an ownership interest in an
agricultural asset located within the State of Nebraska who meets any
qualifications determined by the board;
(b) A spouse, child, or sibling who acquires an ownership interest
in agricultural assets as a joint tenant, heir, or devisee of an
individual or trustee who would qualify as an owner of agricultural
assets under subdivision (a) of this section; or
(c) A partnership, corporation, limited liability company, or other
business entity having an ownership interest in an agricultural asset
located within the State of Nebraska which meets any additional
qualifications determined by the board;
(d) Qualified beginning farmer or livestock producer means an
individual who is a resident individual as defined in section 77-2714.01,
who has entered farming or livestock production or is seeking entry into
farming or livestock production, who intends to farm or raise crops or
livestock on land located within the state borders of Nebraska, and who
meets the eligibility guidelines established in section 77-5209 and such
other qualifications as determined by the board; and
(9) Share-rent agreement means a rental agreement in which the
principal consideration given to the owner of agricultural assets is a
23 predetermined portion of the production of farm products from the rented
24 agricultural assets.
25 Sec. 3. Section 77-5209, Reissue Revised Statutes of Nebraska, is
26 amended to read:
27 77-5209 (1) The board shall determine who is qualified as a
28 beginning farmer or livestock producer based on the qualifications found
29 in this section. A qualified beginning farmer or livestock producer shall
30 be an individual who: (a) Has a net worth of not more than two hundred
31 thousand dollars, including any holdings by a spouse or dependent, based
1 on fair market value; (b) provides the majority of the day-to-day
2 physical labor and management of his or her farming or livestock
3 production operations; (c) has, by the judgment of the board, adequate
4 farming or livestock production experience or demonstrates knowledge in
5 the type of farming or livestock production for which he or she seeks
6 assistance from the board; (d) demonstrates to the board a profit
7 potential by submitting board-approved projected earnings statements and
8 agrees that farming or livestock production is intended to become his or
9 her principal source of income; (e) demonstrates to the board a need for
10 assistance; (f) participates in a financial management program approved
11 by the board; (g) submits a nutrient management plan and a soil
12 conservation plan to the board on any applicable agricultural assets
13 purchased or rented from an owner of agricultural assets; and (h) has
14 such other qualifications as specified by the board. The qualified
15 beginning farmer or livestock producer net worth thresholds in
16 subdivision (a) of this subsection shall be adjusted annually beginning
17 October 1, 2009, and each October 1 thereafter, by taking the average
18 Producer Price Index for all commodities, published by the United States
19 Department of Labor, Bureau of Labor Statistics, for the most recent
20 twelve available periods divided by the Producer Price Index for 2008 and
21 multiplying the result by the qualified beginning farmer's or livestock
22 producer's net worth threshold. If the resulting amount is not a multiple
23 of twenty-five thousand dollars, the amount shall be rounded to the next
24 lowest twenty-five thousand dollars.
25 (2) A qualified beginning farmer or livestock producer who has
26 participated in a board approved and certified three-year rental
agreement with an owner of agricultural assets shall be eligible to file
27 subsequent applications for different assets.
28 (2) A qualified beginning farmer or livestock producer who has
29 participated in a board approved and certified three-year rental
agreement with an owner of agricultural assets shall not be eligible to
1 file a subsequent application with the board but may refer to the board
2 for additional support and participate in programs, including educational
3 and financial programs and seminars, established or recommended by the
4 board that are applicable to the continued success of such farmer or
5 livestock producer.
6 Sec. 4. Section 77-5209.01, Reissue Revised Statutes of Nebraska, is
7 amended to read:
8 77-5209.01 A qualified beginning farmer or livestock producer in the
9 first, second, or third year of a qualifying three-year rental agreement
10 shall be allowed a one-time refundable credit to be applied against the
income tax imposed by the Nebraska Revenue Act of 1967 state income tax liability of such individual for the cost of participation in the financial management program required for eligibility under section 77-5209. The amount of the credit shall be the actual cost of participation in an approved program incurred during the tax year for which the credit is claimed, up to a maximum of five hundred dollars.

Sec. 5. Section 77-5211, Reissue Revised Statutes of Nebraska, is amended to read:

77-5211 (1) Except as otherwise disallowed under subsection (4) of this section, an owner of agricultural assets shall be allowed a refundable credit to be applied against the income tax imposed by the Nebraska Revenue Act of 1967 state income tax liability of such owner for agricultural assets rented on a rental agreement basis, including cash rent of agricultural assets or cash equivalent of a share-rent rental, to qualified beginning farmers or livestock producers. Such asset shall be rented at prevailing community rates as determined by the board.

(2) An owner of agricultural assets who has participated in a board approved and certified three-year rental agreement with a beginning farmer or livestock producer shall be eligible to file subsequent applications for different assets.

(3) Except as allowed pursuant to subsection (5) of this section, tax credits for an agricultural asset may be issued for a maximum of three years.

(4) The credit allowed shall be for renting agricultural assets used for farming or livestock production. Such credit shall be granted by the Department of Revenue only after approval and certification by the board and a written three-year rental agreement for such assets is entered into between an owner of agricultural assets and a qualified beginning farmer or livestock producer. An owner of agricultural assets or qualified beginning farmer or livestock producer may terminate such agreement for reasonable cause upon approval by the board. If an agreement is terminated without fault on the part of the owner of agricultural assets as determined by the board, the tax credit shall not be retroactively disallowed. If an agreement is terminated with fault on the part of the owner of agricultural assets as determined by the board, any prior tax credits claimed by such owner shall be disallowed and recaptured and shall be immediately due and payable to the State of Nebraska.

(5) A credit may be granted to an owner of agricultural assets for renting agricultural assets, including cash rent of agricultural assets or cash equivalent of a share-rent agreement, to any qualified beginning farmer or livestock producer for a period of three years. An owner of agricultural assets shall not be eligible for further credits for such assets under the Beginning Farmer Tax Credit Act unless the rental agreement is terminated prior to the end of the three-year period through no fault of the owner of agricultural assets. If the board finds that such a termination was not the fault of the owner of the agricultural assets, it may approve the owner for credits arising from a subsequent qualifying rental agreement on the same asset with a different qualified beginning farmer or livestock producer.
Any credit allowable to a partnership, a corporation, a limited liability company, or an estate or trust may be distributed to the partners, members, shareholders, or beneficiaries. Any credit distributed shall be distributed in the same manner as income is distributed.

The credit allowed under this section shall not be allowed to an owner of agricultural assets for a rental agreement with a beginning farmer or livestock producer who is a relative, as defined in section 36-702, of the owner of agricultural assets or of a partner, member, shareholder, or trustee of the owner of agricultural assets unless the rental agreement is included in a written succession plan. Such succession plan shall be in the form of a written contract or other instrument legally binding the parties to a process and timetable for the transfer of agricultural assets from the owner of agricultural assets to the beginning farmer or livestock producer. The succession plan shall provide for the transfer of assets to be completed within a period of no longer than thirty years, except that when the asset to be transferred is land owned by an individual, the period of transfer may be for a period up to the date of death of the owner. The owner of agricultural assets shall be allowed the credit provided for qualified rental agreements under this section if the board certifies the plan as providing a reasonable manner and probability of successful transfer.

Sec. 6. Section 77-5212, Reissue Revised Statutes of Nebraska, is amended to read:

In evaluating a rental agreement between an owner of agricultural assets and a qualified beginning farmer or livestock producer, the board shall not approve and certify credit for an owner of agricultural assets who has, with fault, terminated a prior board approved and certified rental agreement with a qualified beginning farmer or livestock producer or if the agricultural assets have previously been approved in a qualifying rental agreement. A rental agreement of agricultural assets which, if rented to a qualified beginning farmer or livestock producer, would cause the lessee to be responsible for managing or maintaining a farm which, based on the discretion of the board, is of greater scope and scale than necessary for a viably sized farm as established by the guidelines implemented by the board in order to adequately support a beginning farmer or livestock producer. Any person aggrieved by a decision of the board may appeal the decision, and the appeal shall be in accordance with the Administrative Procedure Act.

Sec. 7. Original sections 77-2715.07, 77-5203, 77-5209, 77-5209.01, 77-5211, and 77-5212, Reissue Revised Statutes of Nebraska, are repealed.

(Signed) Lou Ann Linehan, Chairperson

AMENDMENT(S) - Print in Journal

Senator Linehan filed the following amendment to LB289:
AM1381 is available in the Bill Room.
NOTICE OF COMMITTEE HEARING(S)
Revenue/Nebraska Retirement Systems/Education

Room 1510

Wednesday, April 24, 2019 4:00 p.m.

AM1381
Note: Amendment to LB289

(Signed) Lou Ann Linehan, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 657. Placed on Select File with amendment.
ER87
1 1. In the Standing Committee amendments, AM988:
2 a. On page 3, line 30, strike "Substance" and insert "Substances";
3 b. On page 6, line 31; and page 9, line 5, strike "85-712.09" and
4 insert "84-712.09";
5 c. On page 9, line 31; page 15, line 16; and page 18, line 14;
6 strike "of" and insert "after";
7 d. On page 16, line 1, strike "lab" and insert "testing facility";
8 and in line 20 after the first two commas insert "the"; and
9 e. On page 18, line 1, strike "and".
10 2. On page 1, strike beginning with "28-401" in line 1 through line
11 5 and insert "2-5701, Revised Statutes Cumulative Supplement, 2018; to
12 adopt the Nebraska Hemp Farming Act; to change provisions relating to the
13 industrial hemp agricultural pilot program; to define and redefine terms;
14 to provide severability; to repeal the original section; and to declare
15 an emergency.".

LEGISLATIVE BILL 693. Placed on Select File.

LEGISLATIVE BILL 237. Placed on Select File with amendment.
ER88
1 1. On page 1, strike beginning with "section" in line 1 through line
2 4 and insert "sections 77-2703 and 77-5601, Reissue Revised Statutes of
3 Nebraska; to change provisions relating to sales and use tax collection
4 fees; to authorize the use of certain fees for revenue enforcement; to
5 harmonize provisions; to provide an operative date; and to repeal the
6 original sections."

LEGISLATIVE BILL 237A. Placed on Select File.
LEGISLATIVE BILL 496. Placed on Select File.
LEGISLATIVE BILL 375. Placed on Select File.

(Signed) Julie Slama, Chairperson
GENERAL FILE

LEGISLATIVE BILL 424. The Hilgers amendment, AM1401, found in this day's Journal, to the committee amendment, was renewed.

Pending.

AMENDMENT(S) - Print in Journal

Senator Friesen filed the following amendment to LB585:
AM1419
1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. For purposes of sections 1 to 7 of this act:
4 (1) Department means the Department of Environment and Energy;
5 (2) E-15 means a blend of ethanol and gasoline in which ethanol
6 comprises fifteen percent of the blend by volume;
7 (3) E-85 means a blend of ethanol and gasoline in which ethanol
8 comprises seventy percent or more of the blend by volume;
9 (4) Motor fuel pump means a meter or similar commercial weighing and
10 measuring device used to measure and dispense motor fuel originating from
11 a motor fuel storage tank;
12 (5) Program means the Renewable Fuel Infrastructure Program created
13 in section 2 of this act;
14 (6) Retail dealer means a person engaged in the business of storing
15 and dispensing motor fuel from a motor fuel pump for sale on a retail
16 basis; and
17 (7) Retail motor fuel site means a geographic location in this state
18 where a retail dealer sells and dispenses motor fuel from a motor fuel
19 pump on a retail basis.
20 Sec. 2. The Renewable Fuel Infrastructure Program is created. The
21 purpose of the program is to improve retail motor fuel sites by
22 installing, replacing, or converting ethanol infrastructure to be used to
23 store, blend, or dispense renewable fuel. The program shall function as a
24 grant program administered by the department. Grant applications shall be
25 made on a form prescribed by the department. Grant funds shall be
26 distributed to eligible persons for eligible ethanol infrastructure
27 projects under the requirements in section 3 of this act.
28 Sec. 3. (1) A person shall be eligible to apply for a grant under
29 the program if the person is an owner or operator of a retail motor fuel
30 site.
31 (2) An ethanol infrastructure project shall be eligible for a grant
32 under the program if such project is:
33 (a) Designed and used exclusively to store and dispense E-15
34 gasoline or E-85 gasoline or a blend of ethanol and gasoline from a motor
35 fuel pump designed to blend such motor fuels together in blends higher
36 than E-15. Such E-15 gasoline shall be a registered fuel recognized by
37 the United States Environmental Protection Agency;
(b) On the premises of a retail motor fuel site; and
(c) Subject to a cost-share agreement as described in section 5 of this act.

(3) An ethanol infrastructure project shall not be eligible for a grant under the program if such infrastructure includes a tank vehicle.

Sec. 4. Any eligible person applying for a grant under the program shall include the following information in the application:

(1) The name of the person and the address of the retail motor fuel site to be improved;

(2) A detailed description of the infrastructure to be installed, replaced, or converted, including, but not limited to, the model number of each motor fuel storage tank to be installed, replaced, or converted, if available;

(3) A statement describing how the retail motor fuel site is to be improved, the estimated cost of the planned improvement, and the date when the infrastructure will be first used; and

(4) A statement certifying the infrastructure project complies with section 3 of this act and will comply with a cost-share agreement entered into with the department pursuant to section 5 of this act unless granted a waiver by the department.

Sec. 5. (1) The department shall determine the amount of the grants to be awarded under the program. The department shall award grants to the maximum number of qualified applicants and may approve up to one million dollars in grants in any calendar year.

(2) The department shall approve and execute a cost-share agreement according to terms and conditions set by the department with an eligible person whose application is approved by the department for such grant.

Such cost-share agreement shall state the total costs related to improving a retail motor fuel site, the amount of the grant, and whether the agreement is for a three-year or five-year period.

(3) In awarding grants under the program, an award shall not exceed

(a) fifty percent of the estimated cost of the improvement or thirty thousand dollars, whichever is less, for a three-year cost-share agreement, or (b) seventy percent of the estimated costs of making the improvement or fifty thousand dollars, whichever is less, for a five-year cost-share agreement. The department may approve multiple improvements to the same retail motor fuel site so long as the total amount of the grants does not exceed the limitations in this subsection.

Sec. 6. A retail motor fuel site that is improved using grants under the program shall comply with federal and state standards governing new or upgraded motor fuel storage tanks used to store and dispense renewable fuels. A retail motor fuel site that is improved using grants under the program shall not use such infrastructure to store and dispense motor fuel other than the type of renewable fuel approved by the department in the cost-share agreement, unless granted a waiver by the department.

Sec. 7. The Renewable Fuel Infrastructure Fund is created. The fund shall consist of appropriations made by the Legislature, transfers authorized by the Legislature, grants, and any contributions designated
for the purpose of the fund. Any money in the fund available for
investment shall be invested by the state investment officer pursuant to
the Nebraska Capital Expansion Act and the Nebraska State Funds
Investment Act. The fund shall be administered by the department and used
to award grants under the program. No more than ten percent of the fund
shall be used for administration of the program.
Sec. 8. This act becomes operative on January 1, 2020.

Senator McDonnell filed the following amendment to LB641:

AM1421

(Amendments to Standing Committee amendments, AM724)
1. Strike section 2 and insert the following new section:
Sec. 2. Section 71-7611, Reissue Revised Statutes of Nebraska, is
amended to read:
71-7611 (1) The Nebraska Health Care Cash Fund is created. The State
Treasurer shall transfer (a) sixty million three hundred thousand dollars
on or before July 15, 2014, (b) sixty million three hundred fifty
thousand dollars on or before July 15, 2015, (c) sixty million three
hundred fifty thousand dollars on or before July 15, 2016, (d) sixty
million seven hundred thousand dollars on or before July 15, 2017, (e)
ten million five hundred thousand dollars on or before May 15, 2018, (f) sixty-one
million six hundred thousand dollars on or before July 15, 2018, (g)
sixty-one million six hundred fifty thousand dollars on or before
July 15, 2019, and (h) sixty million seven hundred fifty thousand dollars
on or before July 15, 2020, and (i) sixty million four hundred fifty
thousand dollars on or before every July 15 thereafter from the Nebraska
Medicaid Intergovernmental Trust Fund and the Nebraska Tobacco Settlement
Trust Fund to the Nebraska Health Care Cash Fund, except that such amount
shall be reduced by the amount of the unobligated balance in the Nebraska
Health Care Cash Fund at the time the transfer is made. The state
investment officer shall advise the State Treasurer on the amounts to be
transferred first from the Nebraska Medicaid Intergovernmental Trust Fund
until the fund balance is depleted and from the Nebraska Tobacco
Settlement Trust Fund thereafter in order to sustain such transfers in
perpetuity. The state investment officer shall report electronically to
the Legislature on or before October 1 of every even-numbered year on the
sustainability of such transfers. The Nebraska Health Care Cash Fund
shall also include money received pursuant to section 77-2602. Except as
otherwise provided by law, no more than the amounts specified in this
subsection may be appropriated or transferred from the Nebraska Health
Care Cash Fund in any fiscal year.
5. The State Treasurer shall transfer ten million dollars from the
Nebraska Medicaid Intergovernmental Trust Fund to the General Fund on
June 28, 2018, and June 28, 2019.
8. Except as otherwise provided in subsection (6) of this section, it
is the intent of the Legislature that no additional programs are
funded through the Nebraska Health Care Cash Fund until funding for all
programs with an appropriation from the fund during FY2012-13 are
restored to their FY2012-13 levels.
(2) Any money in the Nebraska Health Care Cash Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(3) The University of Nebraska and postsecondary educational institutions having colleges of medicine in Nebraska and their affiliated research hospitals in Nebraska, as a condition of receiving any funds appropriated or transferred from the Nebraska Health Care Cash Fund, shall not discriminate against any person on the basis of sexual orientation.

(4) The State Treasurer shall transfer fifty thousand dollars on or before July 15, 2016, from the Nebraska Health Care Cash Fund to the Board of Regents of the University of Nebraska for the University of Nebraska Medical Center. It is the intent of the Legislature that these funds be used by the College of Public Health for workforce training.

(5) It is the intent of the Legislature that the cost of the staff and operating costs necessary to carry out the changes made by Laws 2018, LB439, and not covered by fees or federal funds shall be funded from the Nebraska Health Care Cash Fund for fiscal years 2018-19 and 2019-20.

(6) It is the intent of the Legislature to fund the grants to be awarded pursuant to section 1 of this act with the Nebraska Health Care Cash Fund for FY2019-20 and FY2020-21.

2. On page 1, after line 26 insert the following new subsection:

"(5) There is hereby created the 211 Cash Fund. The fund shall be used solely for the purpose of providing grants pursuant to this section and associated administrative costs. All money received by the Public Service Commission for such grants shall be remitted to the State Treasurer for credit to such fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.".

Senator Hilgers filed the following amendment to LB424:

AM1403

(Amendments to Standing Committee amendments, AM509)

1. Insert the following new amendments:

2. On page 9, strike beginning with "(a)" in line 27 through line 31 and insert "A member of the board may be removed for any reason by the chief executive officer of the municipality that created the land bank or, in the case of a land bank created pursuant to subsection (2) or (3) of section 4 of this act, the chief executive officer of the municipality where the member resides."

3. On page 12, strike lines 1 through 21.

Senator Erdman filed the following amendment to LB177:

AM1408

1. Insert the following new section:

Section 1. Section 2-3226.11, Reissue Revised Statutes of Nebraska, is amended to read:
(1) The proceeds of bonds issued pursuant to section 2-3226.10 shall be used to pay costs of design, rights-of-way, acquisition, and construction of multipurpose projects and practices for storm water management within the natural resources district issuing such bonds, including flood control and water quality. For purposes of this section, flood control and water quality projects and practices include, but are not limited to, low-impact development best management measures, flood plain buyout, dams, reservoir basins, and levees. The proceeds of bonds issued pursuant to section 2-3226.10 shall not be used to fund combined sewer separation projects in a city of the metropolitan class.

No project for which bonds are issued under section 2-3226.10 shall include a reservoir or water quality basin having a permanent pool greater than four hundred surface acres. Any project having a permanent pool greater than twenty surface acres shall include multiple public access points to any recreational area including, but not limited to, any hiking trail, fishing area, picnic area, or playground at or near such pool.

(2) A district shall only convey real property that is acquired for a project described in subsection (1) of this section by eminent domain proceedings pursuant to sections 76-704 to 76-724 to a political subdivision or an agency of state or federal government.

(3)(a) Prior to the issuing of bonds pursuant to section 2-3226.10 or expending funds of a natural resources district encompassing a city of the metropolitan class to pay costs of a reservoir or water quality basin project or projects greater than twenty surface acres, a county board of the affected county may pass a resolution stating that it does not approve of the construction of such reservoir or water quality basin project or projects within its exclusive zoning jurisdiction. The county board shall hold a public hearing and shall vote on the resolution within ninety days after notice from the board of directors of the natural resources district of its intent to issue bonds.

(b) No proceeds from bonds issued pursuant to section 2-3226.10 or funds of a natural resources district encompassing a city of the metropolitan class may be used to pay costs of a reservoir or water quality basin project or projects greater than twenty surface acres if the county board of the affected county passes such a resolution.

(c) Sections 2-3226.10 to 2-3226.14 do not (i) limit the authority of a natural resources district with regard to reservoirs, water quality basin projects, or other projects of less than twenty surface acres or (ii) prohibit use of funds of a natural resources district for preliminary studies or reports necessary, in the discretion of the board of directors of the natural resources district, to determine whether a reservoir or water quality basin project should be presented to a county board pursuant to this section.

(4) Proceeds of bonds issued pursuant to section 2-3226.10 shall not be used to fund any project in any city or county (a) located within a watershed in which is located a city of the metropolitan class and (b) which is party to an agreement under the Interlocal Cooperation Act, unless such city or county has adopted a storm water management plan.
26 approved by the board of directors of the natural resources district
27 encompassing a city of the metropolitan class.
28 (5) A natural resources district encompassing a city of the
29 metropolitan class shall only issue bonds for projects in cities and
30 counties that have adopted zoning regulations or ordinances that comply
31 with state and federal flood plain management rules and regulations.
1 2. Renumber the remaining sections and correct the repealer
2 accordingly.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 460A. Introduced by Howard, 9.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to
aid in carrying out the provisions of Legislative Bill 460, One Hundred
Sixth Legislature, First Session, 2019; and to declare an emergency.

LEGISLATIVE BILL 641A. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to
aid in carrying out the provisions of Legislative Bill 641, One Hundred
Sixth Legislature, First Session, 2019.

SPEAKER SCHEER PRESIDING

CEREMONIES

The Speaker introduced a group from the Nebraska Association of Former
State Legislators.

VISITOR(S)

Visitors to the Chamber were students from Grant Elementary School,
Norfolk; and students from Niobrara.

The Doctor of the Day was Dr. Patrick Hotovy from York.

ADJOURNMENT

At 4:04 p.m., on a motion by Senator Kolterman, the Legislature adjourned
until 9:00 a.m., Thursday, April 18, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
SIXTY-SECOND DAY - APRIL 18, 2019

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

SIXTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 18, 2019

PRAYER

The prayer was offered by Pastor Eddie Goff, New Hope Baptist Church, Hastings.

ROLL CALL

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

The roll was called and all members were present except Senator Vargas who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-first day was approved.

MESSAGE(S) FROM THE GOVERNOR

April 17, 2019

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 34e, 217, 243e, 269, 270, 348, 409, 449, 590, and 619 were received in my office on April 11, 2019.

These bills were signed and delivered to the Secretary of State on April 17, 2019.

Sincerely,
(Signed) Pete Ricketts
Governor
REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of April 17, 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

Husch Blackwell Strategies
Enhanced Capital
Paige Wireless
McDonald, Edison
GC Resolve, LLC

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

ATTORNEY GENERAL'S OPINION

Opinion 19-004

SUBJECT: Constitutionality of LB 644—the Nebraska Workforce Diploma Act

REQUESTED BY: Senator Mike McDonnell
Nebraska State Legislature

WRITTEN BY: Douglas J. Peterson, Attorney General
Leslie S. Donley, Assistant Attorney General

You have requested an opinion from this office regarding the constitutionality of Legislative Bill 644, which would create the "Nebraska Workforce Diploma Act" (Act). You indicate in your opinion request letter that LB 644 "authorizes the Nebraska Department of Labor to institute a program providing a pathway for adults without a high school diploma to earn the missing credits necessary to receive a high school diploma." You state that "[u]nder the Act, an 'eligible workforce diploma program' is defined as an 'accredited or approved, public or private, high school provider.'" Program providers are directly reimbursed by the Department of Labor when students reach certain educational milestones described in the bill. You question whether LB 644 violates Neb. Const. art. VII, § 11, which prohibits the "appropriation of public funds . . . to any school or institution of learning not owned or exclusively controlled by the state or a political subdivision . . . ." You have also inquired whether a distinction exists between state "funding for private providers of K-12 high school programs
for ages five to twenty-one versus an adult high school program for ages twenty-two and older?" Our responses to your inquiries are set out below.

LEGISLATIVE BILL 644

Sections two to six of LB 644 create the Act. Section 3 requires the Department of Labor (Labor), on or before August 15, 2019, and each year thereafter, to "request applications from eligible program providers to participate in the workforce diploma program." Sec. 3(2). An "eligible workforce diploma program provider" is defined as

an accredited or approved, public or private, high school provider. An eligible program provider shall also have at least two years of experience providing adult dropout recovery services, including recruitment, learning plan development, and proactive coaching and mentoring culminating in qualification for a high school diploma.

Sec. 3(1). Participants in the workplace diploma program must be at least twenty-two years of age and have no high school diploma or high school equivalency diploma. Id. A "workplace diploma program" is not defined.

Providers applying to participate in the program must demonstrate "evidence" of several criteria, including "[a]ccreditation or approval by the State Department of Education or accreditation by a recognized regional accrediting body or consolidation thereof."1 Sec. 3(2)(a)-(k). A workplace diploma program may be offered "in a campus-based, blended or online modality." Sec. 3(3). Labor is required to announce the approved providers on or before September 15, 2019. Providers are then required to establish a program and begin accepting students on or before October 15, 2019. Unless otherwise required in the Act, a provider is not required to reapply once approved. Sec. 3(4).

Section 4 requires Labor to reimburse each provider participating in the program an amount which correlates to a student's completion of a specific "milestone." The bill lists six milestones, beginning with a $250 reimbursement for the completion of five credit hours,2 and culminating in a $1,000 reimbursement when a "high school diploma" is attained. Sec. 4(1)(a)-(f). Labor is required to reimburse providers based on the order of invoices received until all available funds are exhausted. Sec. 4(3). Section 5 sets out the reporting requirements and the minimum program performance standards for providers. Section 6 sets out the legislative intent to

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1 The bill is silent as to what standards the State Department of Education or other accrediting body would employ to accredit or approve the entities seeking to become providers under the program.

2 For purposes of section 4, "five credits equals one unit of instruction that correlates to one semester of one course in the traditional high school environment." Sec. 4(2).
appropriate $2,500,000 for fiscal years 2019-20 and 2020-21 to carry out the provisions of the Act. Finally, Section 8 includes an emergency clause.

The Introducer's Statement of Intent for LB 644 indicates that

[i]n an effort to promote workforce development in Nebraska, LB 644 is intended to provide the framework for creation, administration, and implementation of an adult workforce diploma program that would provide adults, at least twenty-two years of age, the opportunity to complete their high school diploma and develop critical career and technical skills to prepare for employment.

Procedurally, the bill was scheduled for hearing by the Legislature's Business and Labor Committee on February 11, 2019. It remains in committee.

RELEVANT CONSTITUTIONAL, STATUTORY AND REGULATORY PROVISIONS

Nebraska Constitution

Three provisions in the Nebraska Constitution are pertinent to your inquiries. First, Neb. Const. art. VII, § 1 provides, in pertinent part, that "[t]he Legislature shall provide for the free instruction in the common schools of this state of all persons between the ages of five and twenty-one years." Second, Neb. Const. art. VII, § 2 provides that "[t]he State Department of Education shall be comprised of a State Board of Education and a Commissioner of Education. The State Department of Education shall have general supervision and administration of the school system of the state and of such other activities as the Legislature may direct." Third, Neb. Const. art. VII, § 11 states, in pertinent part, that "[n]otwithstanding any other provision in the Constitution, appropriation of public funds shall not be made to any school or institution of learning not owned or exclusively controlled by the state or a political subdivision thereof . . . ."

Revised Statutes of Nebraska

Several provisions of law govern the qualifications for and issuance of high school diplomas and their equivalents. With respect to high school diplomas awarded to an individual attending high school, Neb. Rev. Stat. § 79-729 (2014) states:

The Legislature recognizes the importance of assuring that all persons who graduate from Nebraska high schools possess certain minimum levels of knowledge, skills, and understanding. Beginning in school year 1987-88, each high school student shall complete a minimum of two hundred high school credit hours prior to graduation. At least eighty percent of such credit hours shall be core curriculum courses prescribed by the State Board of Education. The State Board of
Education may establish recommended statewide graduation guidelines. This section does not apply to high school students whose individualized education plans prescribe a different course of instruction. This section does not prohibit the governing board of any high school from prescribing specific graduation guidelines as long as such guidelines do not conflict with this section. For purposes of this section, high school means grades nine through twelve and credit hour shall be defined by appropriate rules and regulations of the State Board of Education but shall not be less than the amount of credit given for successful completion of a course which meets at least one period per week for at least one semester.

Neb. Rev. Stat. §§ 79-730 to 79-733 (2014) pertain to diplomas of high school equivalency. The Commissioner of Education may issue this diploma to any person when the conditions enumerated in Neb. Rev. Stat. § 79-730 are met. A diploma of high school equivalency "convey[s] all the significance and privilege of a regular high school diploma." Id. Under Neb. Rev. Stat. § 79-733, the University of Nebraska, the state colleges, and the community colleges must accept diplomas of high school equivalency for enrollment purposes.

Nebraska Administrative Code

In accordance with the authority in Neb. Rev. Stat. § 79-732 (2014) and § 79-2307 (2014), the State Board of Education has adopted and promulgated Title 92, Nebraska Administrative Code, Chapter 81, Rules and Regulations for the High School Equivalency Program (rev. April 27, 2016) (Rule 81) and Title 92, Nebraska Administrative Code, Chapter 82, Regulations Governing the Diploma of High School Equivalency Assistance Act (rev. March 20, 2016) (Rule 82). Under Rule 81, § 002.01, the approved test for purposes of attaining a diploma of high school equivalency is "the General Educational Development Test as prepared and furnished by GED® Testing Service." Applicants are required to register online with the GED® Testing Service (§ 004.01), and the minimum passing scores are determined by the GED® Testing Service in effect at the time the test is taken.

3 Legislation giving the State Board of Education authority to issue "certificates" of high school equivalency was first enacted in 1959. See 1959 Neb. Laws LB 249 [Session Laws, 1959, ch. 399, page 1358].


5 The earliest regulations pertaining to diplomas of high school equivalency date back to January 1978.
You have asked whether LB 644 would violate Neb. Const. art. VII, § 11, which prohibits the "appropriation of public funds . . . to any school or institution of learning not owned or exclusively controlled by the state or a political subdivision thereof . . . ." Obviously, the answer to your question depends on the type of provider selected to operate a workforce diploma program. The bill defines a provider as "an accredited or approved, public or private, high school provider." A "high school provider" is not defined in the bill and, on its face, could encompass a variety of entities, like a school district or community college. However, it is our understanding that LB 644 is premised on private companies acting as high school providers, so we will respond to your questions on that basis. Also, based on your opinion request letter, a high school provider, which must be accredited or approved by the State Department of Education or other recognized accrediting body, is presumed to be a private school under the Act.

Our analysis begins with the fundamental principle that the Nebraska Legislature has plenary legislative authority except as limited by the state and federal Constitutions. Lenstrom v. Thone, 209 Neb. 783, 789, 311 N.W.2d 884, 888 (1981) ["Lenstrom"]. "The Nebraska Constitution is not a grant but, rather, a restriction on legislative power, and the Legislature may legislate on any subject not inhibited by the Constitution." Id.; State ex rel. Stenberg v. Moore, 249 Neb. 589, 595, 544 N.W.2d 344, 349 (1996).

The question as to whether a high school provider can receive appropriations of public funds is controlled by a series of Nebraska Supreme Court cases construing art. VII, § 11. In Lenstrom, the Nebraska Supreme Court determined that a scholarship program providing financial assistance directly to students attending eligible postsecondary institutions did not violate art. VII, § 11. The court noted that "[t]he literal language of the [provision] prohibits 'appropriation . . . to' any school not owned by the state." Id. at 787, 311 N.W.2d at 887. It further noted that the Legislature was free to enact laws and appropriate funds for any public purpose unless restricted by the state or federal Constitution. Id. at 789, 311 N.W.2d at 888. The court found that art. VII, § 11 did not prohibit appropriations to students attending nonpublic schools, and it was not for the court to determine, absent "some plain restriction in the Constitution" that the scholarship program did not serve a public purpose. Id. at 791, 311 N.W.2d at 889.

In State ex rel. Bouc v. School Dist. of City of Lincoln, 211 Neb. 731, 320 N.W.2d 472 (1982), a parent of a student attending private school sought a writ of mandamus to compel the local school district to provide bus
transportation for the child. The request was based on a statute that requires a public school district, in the event it provides transportation facilities for its students, to extend those facilities to children in approved nonpublic private schools under certain circumstances. The trial court found the statute to be constitutional, and ordered the school district to provide the requested bus service. Id. at 732, 320 N.W.2d at 474. Drawing on its recent holding in *Lenstrom*, the court found that "[t]he record . . . does not reflect that this is an instance involving a direct appropriation of public funds to a nonpublic institution" and that "any benefit that may inure to the nonprofit private institution is merely incidental and certainly cannot be deemed to be an 'appropriation . . . to' that institution." Id. at 737, 320 N.W.2d at 476.

In *State ex rel. Creighton University v. Smith*, 217 Neb. 682, 353 N.W.2d 267 (1984), Creighton University sought a writ of mandamus requiring the state health director to consider its contract proposal for cancer research authorized under Neb. Rev. Stat. §§ 81-637 to 81-640 (Reissue 1981). Those statutes specified the considerations to be taken by the director in making grants and contracts for the research of cancer and smoking diseases. Regulations subsequently adopted under those statutes limited the contract awards to only the University of Nebraska or any other Nebraska public postsecondary institution having a college of medicine. Id. at 685-86, 353 N.W.2d at 270. The trial court issued a writ a mandamus finding, *inter alia*, that the regulations should be drafted to permit private institutions with a college of medicine in Nebraska to qualify for the contracts. On appeal, since the statutes at issue did not set aside money for Creighton's use or "vest in Creighton any right to receive state funds," the court concluded that "there [was] no appropriation of public funds to Creighton." Id. at 690, 353 N.W.2d at 272.6

Legislative bill 644 would create a workplace diploma program where an approved provider is authorized to receive reimbursements directly from the governing state agency based on educational milestones achieved by the students enrolled in the program. A provider is required to "submit monthly invoices to [Labor] no later than the tenth day of each month for milestones met in the previous calendar month." Sec. 4(3). In addition, "[t]he department shall reimburse approved program providers in the order in which invoices are received until all funds appropriated for the workforce diploma program are exhausted." Id. (emphasis added).

6 See also *Father Flanagan's Boys Home v. Dept. of Social Services*, 255 Neb. 303, 583 N.W.2d 774 (1998) (Finding constitutional a statute requiring the state to pay the educational costs of state wards in a nonpublic school.); and *Cunningham v. Lutjeharms*, 231 Neb. 756, 437 N.W.2d 806 (1989) (A statute requiring public school districts to purchase and lend textbooks to students in private schools determined to be constitutional where the court found that the statute permitted neither the distribution of public funds nor the loaning of publicly owned textbooks to private schools.)
Article VII, § 11 "prohibits appropriations by the Legislature to nonpublic schools." Cunningham v. Lutjeharms, 231 Neb. 756, 759, 437 N.W.2d 806, 809 (1989) (emphasis in original). "Regarding appropriation of public funds, to appropriate means to set apart, or assign to a particular person or use in exclusion of others, to use or employ for a particular purpose, or in a particular case." State ex rel. Creighton at 688, 353 N.W.2d at 271. In the cases set out above, the Nebraska Supreme Court found the various statutes at issue to be constitutional because there was no direct appropriation of funds to the nonpublic schools involved and any benefit that might inure to the schools was merely incidental. Here, LB 644 requires, on its face, that public funds be set aside to directly reimburse the nonpublic school providers. The benefit to the provider is in no way incidental; it is a direct monetary payment to a provider. Consequently, we conclude that the direct reimbursements to a nonpublic school provider contemplated in the Nebraska Workplace Diploma Act contravene art. VII, § 11, and find LB 644 unconstitutional on this basis.7

Your second question asks us to consider whether a distinction exists "between the state providing funding for private providers of K-12 high school programs for ages five to twenty-one versus an adult high school program for ages twenty-two and older?" The constitutional provision implicated by your question, art. VII, § 1, requires the Legislature to "provide for the free instruction in the common schools of this state of all persons between the ages of five and twenty-one years." Your question suggests that art. VII, § 11 may not apply to LB 644 because the individuals participating in the program will be over twenty-one.

"In ascertaining the intent of a constitutional provision from its language, the court may not supply any supposed omission, or add words to or take words from the provision as framed. Constitutional provisions are not open to construction as a matter of course; construction is appropriate only when it has been demonstrated that the meaning of the provision is not clear and therefore construction is necessary." Pony Lake School Dist. 30 v. State Comm. for the Reorg. of School Dists., 271 Neb. 173, 185, 710 N.W.2d 609, 620 (2006) (internal citations omitted). The prohibition under art. VII, § 11 is the appropriation of public funds to nonpublic schools. An exception in this provision allows the state to contract with nonpublic schools for nonsectarian services for the benefit of disabled children under the age of twenty-one. However, there are no other exceptions or distinctions in art. VII, § 11 that would obviate the prohibition.

7 While not encompassed in your opinion request letter, we also believe there is a serious question whether LB 644 unconstitutionally divests the State Department of Education of its constitutional authority to supervise and administer the school system of the state. See State ex rel. Ry. Com'n v. Ramsey, 151 Neb. 333, 37 N.W.2d 502 (1949).
In addition, a presumption that school districts are limited to providing "high school" instruction to individuals up to the age of twenty-one is misplaced. Under Neb. Rev. Stat. § 79-11,133 (2014), school districts may provide for the instruction of any person who is sixteen years old or older, who is not in high school and not required to be in high school, and "who lacks sufficient mastery of basic educational skills to enable him or her to function effectively in society . . . ."8 There is no distinction to be drawn regarding the age of the individual receiving the instruction. As such, our conclusion that LB 644 violates art. VII, § 11 remains unchanged.

Neb. Const. art. III, § 25

Neb. Const. art. III, § 25 provides, in pertinent part, that

[n]o money shall be drawn from the treasury except in pursuance of a specific appropriation made by law, and on the presentation of a warrant issued as the Legislature may direct, and no money shall be diverted from any appropriation made for any purpose or taken from any fund whatever by resolution.

In 1979, the Legislature enacted laws to clarify what constitutes a "specific appropriation" under art. III, § 25. In that regard, Neb. Rev. Stat. § 49-804 (2010) provides:

An appropriation shall only exist when the following criteria have been met:

(1) There shall be included the phrase there is hereby appropriated;

(2) A specific fund type shall be identified and the fund shall be appropriated;

(3) The amount to be appropriated from such fund shall be identified;

(4) A specific budget program or a specific statement reflecting the purpose for expending such funds shall be identified; and

(5) The time period during which such funds shall be expended shall be identified.

In addition, Neb. Rev. Stat. § 49-805 (2010) states that "[a]ny legislation not meeting the criteria established in section 49-804 shall not be considered a valid appropriation as defined in Article III, section 22, of the Nebraska Constitution."

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8 See also Neb. Rev. Stat. §§ 79-11,134 to 79-11,135 (2014), which govern the Adult Education Program established in the State Department of Education.
Section 6 of LB 644 indicates that "[i]t is the intent of the Legislature to appropriate two million five hundred thousand dollars each fiscal year for fiscal years 2019-20 and 2020-21 to the Department of Labor to carry out the Nebraska Workforce Diploma Act." And as noted by the Legislative Fiscal Analyst's Office in its Fiscal Note to LB 644, prepared February 6, 2019: "LB 644 is silent regarding the fund source for the appropriation intended in section 6. It is assumed that funding would come from the General Fund." Obviously, Section 6 does not contain all of the criteria listed in § 49-804 and, as a result, does not constitute "a specific appropriation made by law" required under art. III, § 25; § 49-804; and the Rules of the Nebraska Unicameral Legislature, Rule 5, Sec. 2(d) (adopted January 23, 2019).

CONCLUSION

Based on the foregoing, we conclude that LB 644's authorization of direct reimbursement payments to a nonpublic school provider operating a workforce diploma program is an impermissible appropriation of public funds in violation of Neb. Const. art. VII, § 11. We further conclude that the intent language in Section 6 of the bill is insufficient to constitute a valid appropriation of public funds under applicable Nebraska law.

Sincerely,

DOUGLAS J. PETERSON
Attorney General

(Signed) Leslie S. Donley
Assistant Attorney General

pc: Patrick J. O'Donnell
Clerk of the Nebraska Legislature

49-2184-29

RESOLUTION(S)

LEGISLATIVE RESOLUTION 86. Introduced by Lathrop, 12; Bolz, 29; Chambers, 11; Geist, 25; Hansen, M., 26; Hilgers, 21; Morfeld, 46; Pansing Brooks, 28; Wishart, 27.

WHEREAS, Nancy Hicks Rose spent 46 years as a journalist in Nebraska, including more than 20 years reporting on state government and the Legislature for newspapers in Lincoln and Omaha; and
WHEREAS, journalists provide an essential service, keeping residents informed and holding government accountable; and
WHEREAS, Nancy is highly regarded for fairness and objectivity in her writing, as well as her questioning of public officials; and
WHEREAS, Nancy has taken a similar approach to her coverage of local government in the city of Lincoln in the final years of her career; and
WHEREAS, the inscription over the main entrance of the Capitol, written by Hartley Burr Alexander, is "The Salvation of the State is Watchfulness of the Citizen"; and
WHEREAS, through her work, Nancy Hicks Rose has embodied this premise and demonstrated many of the best traits a journalist can possess; and
WHEREAS, Nancy will retire from journalism on April 19, 2019; and
WHEREAS, Nancy will continue to serve as an example of the value of well-reported, local journalism in our state.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature recognizes the impact Nancy Hicks Rose and her fellow journalists have had on the state and the importance of their contributions to a well-functioning government.
2. That the Legislature congratulates Nancy Hicks Rose on her retirement.
3. That copies of this resolution be sent to Nancy Hicks Rose and the Lincoln Journal Star.

Laid over.

MOTION(S) - Confirmation Report(s)

Senator Lathrop moved the adoption of the Judiciary Committee report for the confirmation of the following appointment(s) found on page 1169:
Board of Parole
Robert W. Twiss

Voting in the affirmative, 40:

Albrecht  Clements  Hansen, M.  Lathrop  Quick
Arch  Crawford  Hilgers  Linehan  Scheer
Blood  Dorn  Howard  Lowe  Slama
Bostelman  Erdman  Hughes  McDonnell  Stinner
Brandt  Geist  Hunt  Morfeld  Vargas
Brewer  Gragert  Kolowski  Moser  Wayne
Cavanaugh  Groene  Kolterman  Murman  Williams
Chambers  Hansen, B.  La Grone  Pansing Brooks  Wishart

Voting in the negative, 0.

Present and not voting, 9:

Bolz  DeBoer  Halloran  Lindstrom  Walz
Briese  Friesen  Hilkemann  McCollister

The appointment was confirmed with 40 ayes, 0 nays, and 9 present and not voting.
Senator Lathrop moved the adoption of the Judiciary Committee report for the confirmation of the following appointment(s) found on page 1169:

Nebraska Crime Commission
Don Arp Jr., Director

Voting in the affirmative, 42:

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Voting in the negative, 0.

Present and not voting, 7:

<table>
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<td>Howard</td>
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The appointment was confirmed with 42 ayes, 0 nays, and 7 present and not voting.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 59.**

A BILL FOR AN ACT relating to the Children's Residential Facilities and Placing Licensure Act; to amend section 71-1936, Reissue Revised Statutes of Nebraska; to change provisions relating to investigations; to require reports; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:
LEGISLATIVE BILL 87.

A BILL FOR AN ACT relating to the Department of Economic Development; to amend section 81-12,149, Reissue Revised Statutes of Nebraska, and sections 58-708, 81-1201.21, and 81-12,156, Revised Statutes Cumulative Supplement, 2018; to authorize the distribution of funds from the Affordable Housing Trust Fund, from the Job Training Cash Fund, from the Site and Building Development Fund, and under the Business Innovation Act relating to opportunity zones as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB212 with 34 ayes, 9 nays, and 6 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 212.

A BILL FOR AN ACT relating to government; to amend sections 23-906 and 77-1601.02, Reissue Revised Statutes of Nebraska, and sections 13-519, 13-520, and 84-1411, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to budget limitations and procedures, hearing notices for county budgets under the County Budget Act of 1937, hearing notices for property tax requests, and requirements for holding meetings by videoconference and telephone conference under the Open Meetings Act; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.
The following bills were read and put upon final passage:

**LEGISLATIVE BILL 268.**

A BILL FOR AN ACT relating to the Nebraska Telecommunications Regulation Act; to amend section 86-136, Reissue Revised Statutes of Nebraska; to change a provision relating to the filing of an application for a certificate of convenience and necessity; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Present and not voting, 1:

Geist

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 316. With Emergency Clause.**

A BILL FOR AN ACT relating to pharmacy; to provide duties for pharmacists and contracted pharmacies regarding disclosure of cost, price, or copayment of prescription drugs; to prohibit insurers from requiring excessive payments as prescribed; to define terms; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 49:
A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB320 with 34 ayes, 6 nays, and 9 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 320.

A BILL FOR AN ACT relating to the Pesticide Act; to amend sections 2-2628, 2-2630, 2-2632, 2-2637, 2-2640, 2-2643, 2-2643.02, 2-2645, and 2-2653, Reissue Revised Statutes of Nebraska, and sections 2-2624, 2-2626, 2-2629, 2-2635, 2-2636, 2-2638, 2-2639, 2-2641, 2-2642, 2-2646, and 2-2656, Revised Statutes Cumulative Supplement, 2018; to redefine terms; to update federal references; to change Department of Agriculture powers and duties; to change provisions relating to registration requirements and applications, service of process, labeling requirements, application fees, pesticide applicator and restricted-use pesticide provisions, commercial, noncommercial, and private applicator licenses, noncertified applicator restrictions, records requirements, license holder duties, violations, claims of damages, inspections, and prohibited acts; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 352.**

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-1912, Reissue Revised Statutes of Nebraska; to adopt requirements relating to testimony by jailhouse informants; to define terms; to create duties for prosecutors and provide for court orders for failure to comply with such duties; to change provisions relating to requests for discovery by criminal defendants; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

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Voting in the negative, 1:

Groene
Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 390.**

A BILL FOR AN ACT relating to public safety; to state findings; to define terms; and to provide duties for the State Department of Education, law enforcement agencies, security agencies, and school districts relating to school resource officers and security guards as prescribed.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

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Voting in the negative, 0.

Present and not voting, 1:

Moser

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**MOTION(S) - Return LB472 to Select File**

Senator Lowe moved to return LB472 to Select File for the following specific amendment:

FA48

Strike the enacting clause.

The Lowe motion to return failed with 6 ayes, 32 nays, and 11 present and not voting.
BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB472 with 34 ayes, 8 nays, and 7 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 472.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-319, 39-2510, 39-2520, 77-2703.01, 77-2703.04, 77-2704.31, 77-2708, 77-2711, 77-2712.05, 77-5725, and 77-5726, Reissue Revised Statutes of Nebraska; to adopt the Qualified Judgment Payment Act; to provide for a sales and use tax and a property tax levy; to provide a termination date; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'

Voting in the affirmative, 43:

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

Voting in the negative, 6:

Albrecht Hilgers Lowe
Geist La Grone Slama

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.
The following bills were read and put upon final passage:

**LEGISLATIVE BILL 514.**

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-611, Reissue Revised Statutes of Nebraska; to include child support credit and spousal support credit as property obtained under issuing or passing a bad check or other order; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 603.**

A BILL FOR AN ACT relating to banks and banking; to amend section 8-157.01, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to automatic teller machine fees; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 637. With Emergency Clause.

A BILL FOR AN ACT relating to the Nebraska Visitors Development Act; to amend sections 81-3701, 81-3711, and 81-3728, Revised Statutes Cumulative Supplement, 2018; to provide a duty for the Nebraska Tourism Commission; to authorize sales of tourism promotional products; to change provisions relating to vendor duties; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 49:

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill
was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 713.**

A BILL FOR AN ACT relating to the Legislature; to amend section 50-419, Reissue Revised Statutes of Nebraska; to state findings; to provide duties for the Legislative Fiscal Analyst; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 49:

- Albrecht
- Clements
- Hansen, B.
- Lathrop
- Quick
- Arch
- Crawford
- Hansen, M.
- Lindstrom
- Scheer
- Blood
- DeBoer
- Hilgers
- Linehan
- Slama
- Bolz
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- Lowe
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- Morfeld
- Wayne
- Briese
- Gragert
- Kolowski
- Moser
- Williams
- Cavanaugh
- Groene
- Kolterman
- Murman
- Wishart
- Chambers
- Halloran
- La Grone
- Pansing
- Brooks

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**RESOLUTION ON FINAL READING**

The following resolution was read and put upon final passage:

**LEGISLATIVE RESOLUTION 14CA.**

THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2020, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VIII, section 12:

VIII-12 For the purpose of rehabilitating, acquiring, or redeveloping substandard and blighted property in a redevelopment project as determined by law, any city or village of the state may, notwithstanding any other provision in the Constitution, and without regard to charter limitations and restrictions, incur indebtedness, whether by bond, loans, notes, advance of money, or otherwise. Notwithstanding any other provision in the
Constitution or a local charter, such cities or villages may also pledge for and apply to the payment of the principal, interest, and any premium on such indebtedness all taxes levied by all taxing bodies, which taxes shall be at such rate for a period not to exceed fifteen years, on the assessed valuation of the property in the project area portion of a designated blighted and substandard area that is in excess of the assessed valuation of such property for the year prior to such rehabilitation, acquisition, or redevelopment. Cities and villages may pledge such taxes for a period not to exceed fifteen years, except that the Legislature may allow cities and villages to pledge such taxes for a period not to exceed twenty years if, due to a high rate of unemployment combined with a high poverty rate as determined by law, more than one-half of the property in the project area is designated as extremely blighted.

When such indebtedness and the interest thereon have been paid in full, such property thereafter shall be taxed as is other property in the respective taxing jurisdictions and such taxes applied as all other taxes of the respective taxing bodies.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to authorize the Legislature to allow cities and villages to pledge property taxes as part of a redevelopment project for a period not to exceed twenty years if, due to a high rate of unemployment combined with a high poverty rate as determined by law, more than one-half of the property in the project area is extremely blighted.

For Against.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the resolution pass?'"

Voting in the affirmative, 43:

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

Voting in the negative, 2:

Erdman Groene

Present and not voting, 4:

Clements Hansen, B. La Grone Lowe

A constitutional three-fifths majority having voted in the affirmative, the
resolution was declared passed for the general election.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 59, 87, 212, 268, 316, 320, 352, 390, 472, 514, 603, 637, and 713 and LR14CA.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 87.** Introduced by Crawford, 45.

_PURPOSE:_ The purpose of this resolution is to continue the work of the select interim committee of the Legislature created in LR437, One Hundred Fifth Legislature, second session, to fully and comprehensively analyze possible improvements and changes to the standing committee system.

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

1. That a select interim committee of the Legislature be designated to carry out the purposes of this resolution. The select interim committee shall be composed of the members of the Rules Committee of the Legislature, the Speaker of the Legislature, and two members of each congressional district selected by the Executive Board of the Legislative Council.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Executive Board of the Legislative Council on or before February 7, 2020.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 88.** Introduced by McCollister, 20.

_PURPOSE:_ The purpose of this interim study is to examine issues related to grandparents raising grandchildren and other kinship family relationships.

Over 10,500 Nebraska grandparents are responsible for their grandchildren who live with them. Twenty-eight thousand children live in homes headed by grandparents or other relatives. Forty percent of Nebraska children in out-of-home care are living with relatives.

The babies, children and youth who enter a relative's care often have experienced multiple adverse childhood experiences that place them at higher risk for behavior issues and health problems both now and as they age.

When children cannot remain with their parents, placing them with grandparents and other relatives reduces future trauma and can help to mitigate the impact of past trauma. The stability, supportive relationships, and extended family network that grandparents provide to children align with research-based protective factors that promote resiliency and healing.

Providing full-time care to grandchildren may decrease grandparents' ability to address their own physical and mental health needs and personal
well-being. Grandparents would, therefore, benefit from better coordination and dissemination of information and resources to support them in their caregiving responsibilities.

This interim study shall include, but not be limited to, an examination of the following:

1. The creation of a kinship navigator program through the federal Family First Prevention Services Act;
2. A review of the barriers facing grand-families and kinship-families both in and outside the child welfare system; and
3. The identification of resources to support grand-families and kinship-families.

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

1. That the Health and Human Services 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 89. Introduced by Hughes, 44.

WHEREAS, Adair Reese of Grant was crowned Mrs. Nebraska for 2019; and
WHEREAS, Adair has been married to her husband, Jason, for 14 years, and together they have two children, Ava (12) and Alec (10); and
WHEREAS, Adair was instrumental in establishing Reese Mechanical and Reese Appliance and Repair in Grant, works as the administrator for Perkins County Health Services Foundation, and is very active in her community, having served as President of her local Rotary, a member of the Perkins County Chamber, a consultant on the Perkins County swimming pool project, an umpire for youth sports in Grant, and a Teammate mentor; and
WHEREAS, Adair chose attention-deficit/hyperactivity disorder awareness in adults and children as her platform for the Mrs. Nebraska competition; and
WHEREAS, Adair will represent Nebraska and compete in the national Mrs. America pageant.

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

1. That the Legislature congratulates Adair Reese for being crowned Mrs. Nebraska for 2019.
2. That a copy of this resolution be sent to Adair Reese.

Laid over.
BILL ON FIRST READING

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

LEGISLATIVE BILL 532A. Introduced by Cavanaugh, 6.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 532, One Hundred Sixth Legislature, First Session, 2019.

SELECT FILE

LEGISLATIVE BILL 177. Senator Erdman withdrew his amendment, AM1408, found on page 1210.

Senator Erdman offered the following amendment:

FA50
1. Strike AM713 (committee amendments).
2. On page 2, line 4 strike "2029" and insert "2019".

Pending.

COMMITTEE REPORT(S)

Urban Affairs

LEGISLATIVE BILL 492. Placed on General File with amendment. AM628 is available in the Bill Room.

LEGISLATIVE BILL 564. Placed on General File with amendment. AM1276
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 13-2702, Revised Statutes Cumulative Supplement, 4 2018, is amended to read:
5 13-2702 The purpose of the Civic and Community Center Financing Act 6 is to support the development of civic centers, historic buildings or 7 districts, public spaces community, and recreation centers throughout 8 Nebraska. Furthermore, the act is intended to support projects that 9 foster maintenance or growth of communities.
10 Sec. 2. Section 13-2703, Revised Statutes Cumulative Supplement, 11 2018, is amended to read:
12 13-2703 For purposes of the Civic and Community Center Financing 13 Act:
14 (1) Civic center means a facility that is primarily used to host 15 conventions, meetings, and cultural events or and a library;
16 (2) Community center means property that is owned by a municipality 17 and located within the traditional center of a community, typically 18 comprised of a cohesive core of residential, civic, religious, and
19 commercial buildings, arranged around a main street and intersecting
20 streets;
21 (2) Department means the Department of Economic Development;
22 (3) Eligible facility means any civic center, historic building or
23 district, public space, or recreation center;
24 (4) Fund means the Civic and Community Center Financing Fund;
25 (5) Historic building or district means a building or district
26 eligible for listing on or currently listed on the National Register of
27 Historic Places or a building that is certified as contributing to the
1 significance of a registered state or national historic district; and
2 (6) Political subdivision means a county, school district, community
3 college area, or natural resources district;
4 (7) Public space means property located within the traditional
5 center of a community, typically comprised of a cohesive core of
6 residential, civic, religious, and commercial buildings, arranged around
7 a main street and intersecting streets; and
8 (8) Recreation center means a facility or park used for
9 athletics, fitness, sport activities, or recreation that is owned by a
10 municipality and is available for use by the general public with or
11 without charge. Recreation center does not include any facility that
12 requires a person to purchase a membership to utilize such facility.
13 Sec. 3. Section 13-2704, Revised Statutes Cumulative Supplement,
14 2018, is amended to read:
15 13-2704 (1) The Civic and Community Center Financing Fund is
16 created. The fund shall be administered by the department. Any money in
17 the fund available for investment shall be invested by the state
18 investment officer pursuant to the Nebraska Capital Expansion Act and the
19 Nebraska State Funds Investment Act. Transfers may be made from the fund
20 to the General Fund, the Department of Revenue Enforcement Fund, and the
21 State Colleges Sport Facilities Cash Fund at the direction of the
22 Legislature.
23 (2)(a) The department shall use the Civic and Community Center
24 Financing Fund for the following purposes:
25 (i) For grants of assistance as described in section 13-2704.01;
26 (ii) For grants of assistance as described in section 13-2704.02;
27 and
28 (iii) For reasonable and necessary costs of the department directly
29 related to the administration of the fund, not to exceed the amount
30 needed to employ a one-half full-time equivalent employee.
31 (b) Grants of assistance shall not be used for programming, marketing, advertising, or facility-staffing activities.
2 (3) The State Treasurer shall transfer two hundred fifty thousand
3 dollars from the Civic and Community Center Financing Fund to the State
4 Colleges Sport Facilities Cash Fund on October 1 of 2012, 2013, and 2014.
5 Commencing October 1, 2015, and every year thereafter, the State
6 Treasurer shall transfer three hundred thousand dollars from the Civic
7 and Community Center Financing Fund to the State Colleges Sport
8 Facilities Cash Fund.
9 Sec. 4. Section 13-2704.01, Revised Statutes Cumulative Supplement,
is amended to read:

13-2704.01 (1) The department shall use the fund to provide grants of assistance for the following purposes:

(a) To assist in the construction of new civic centers and recreation centers or the renovation or expansion of existing civic centers and recreation centers;

(b) To assist in the preservation, restoration, conversion, rehabilitation, or reuse of historic buildings or districts; or

(c) To assist in the preservation and restoration of historic buildings owned by a nonprofit organization if a contractual relationship is created between a municipality and the nonprofit organization; or

(d) To assist in the construction or upgrade of public spaces community centers, including the demolition of substandard and abandoned buildings.

Sec. 5. Section 13-2705, Revised Statutes Cumulative Supplement, 2018, is amended to read:

13-2705 The department may conditionally approve grants of assistance from the fund to eligible and competitive applicants subject to within the following limits and requirements:

(1) Except as provided in subdivision (2) of this section, a grant request shall be in an amount meeting the following requirements:

(a) For a grant of assistance under section 13-2704.01, at least fifteen thousand dollars but no more than:

(i) For a city of the primary class, two million two hundred fifty thousand dollars;

(ii) For a city with a population of at least more than forty thousand inhabitants but fewer less than one hundred thousand inhabitants as determined by the most recent federal decennial census or the most recent revised certified count by the United States Bureau of the Census, one million one hundred twenty-five thousand dollars;

(iii) For a city with a population of at least more than twenty thousand inhabitants but fewer less than forty thousand inhabitants as determined by the most recent federal decennial census or the most recent revised certified count by the United States Bureau of the Census, seven hundred fifty thousand dollars;

(iv) For a city with a population of at least more than ten thousand inhabitants but fewer less than twenty thousand inhabitants as determined by the most recent federal decennial census or the most recent revised certified count by the United States Bureau of the Census, six hundred thousand dollars; and

(v) For a municipality with a population of few less than ten thousand inhabitants as determined by the most recent federal decennial census or the most recent revised certified count by the United States Bureau of the Census, three hundred seventy-five thousand dollars;

(b) For a grant of assistance under section 13-2704.02, at least three thousand dollars but no more than fifteen thousand dollars;

(c) Upon the balance of the fund reaching three million seven hundred fifty thousand dollars.
28 hundred fifty thousand dollars, and until the balance of the fund falls
29 below one million five hundred thousand dollars, a grant request shall be
30 in an amount meeting the following requirements:
31 (a) For a grant of assistance under section 13-2704.01, at least
1 fifteen thousand dollars but no more than:
2 (i) For a city of the primary class, three million three hundred
3 seventy-five thousand dollars;
4 (ii) For a city with a population of at least more than forty
5 thousand inhabitants but fewer less than one hundred thousand inhabitants
6 as determined by the most recent federal decennial census or the most
7 recent revised certified count by the United States Bureau of the Census,
8 one million six hundred eighty-seven thousand dollars;
9 (iii) For a city with a population of at least more than twenty
10 thousand inhabitants but fewer less than forty thousand inhabitants as
11 determined by the most recent federal decennial census or the most recent
12 revised certified count by the United States Bureau of the Census, one
13 million one hundred twenty-five thousand dollars;
14 (iv) For a city with a population of at least more than ten thousand
15 inhabitants but fewer less than twenty thousand inhabitants as determined
16 by the most recent federal decennial census or the most recent revised
17 certified count by the United States Bureau of the Census, nine hundred
18 thousand dollars; and
19 (v) For a municipality with a population of fewer less than ten
20 thousand inhabitants as determined by the most recent federal decennial
21 census or the most recent revised certified count by the United States
22 Bureau of the Census, five hundred sixty-two thousand dollars; and
23 (b) For a grant of assistance under section 13-2704.02, at least
24 three thousand dollars but no more than fifteen thousand dollars;
25 (3) Assistance from the fund shall not amount to more than fifty
26 percent of the cost of the project for which a grant is requested;
27 (4) A municipality shall not be awarded more than one grant of
28 assistance under section 13-2704.01 and one grant of assistance under
29 section 13-2704.02 in any two-year period; and
30 (5) Any eligible facility for which a grant of assistance under
31 section 13-2704.01 is made shall not be sold for at least five years
1 following the award of such grant of assistance; and A municipality shall
2 not sell any civic, community, or recreation center that received grant
3 funds for at least five years under the Civic and Community Center
4 Financing Act.
5 (6) Upon receipt of any application for a grant of assistance to
6 assist in the preservation, restoration, conversion, rehabilitation, or
7 reuse of a historic building or district, the department shall notify the
8 State Historic Preservation Officer of such application. The State
9 Historic Preservation Officer shall evaluate the work proposed in such
10 application to determine whether it conforms to the Secretary of the
11 Interior's Standards for the Treatment of Historic Properties and shall
12 notify the department of the determination. If the work does not conform
13 to such standards, the department shall not award a grant of assistance
14 for such application.
Sec. 6. Section 13-2707, Revised Statutes Cumulative Supplement, 2018, is amended to read:

13-2707 (1) The department shall evaluate all applications for  
grants of assistance under section 13-2704.01 based on the following  
criteria, which are listed in no particular order of preference:

(a) Retention Impact. Funding decisions by the department shall be  
based on the likelihood of the project retaining existing residents in  
the community where the project is located, developing, sustaining, and  
fostering community connections, and enhancing the potential for economic  
growth in a manner that will sustain the quality of life and promote  
long-term economic development;

(b) New Resident Impact. Funding decisions by the department shall  
be based on the likelihood of the project attracting new residents to the  
community where the project is located;

(c) Visitor Impact. Funding decisions by the department shall be  
based on the likelihood of the project enhancing or creating an  
attraction that would increase the potential of visitors to the community  
where the project is located from inside and outside the state;

(d) Readiness. The applicant's fiscal, and economic, and operational  
capacity of the applicant, and of any political subdivision that owns the  
eligible facility jointly with the applicant, to finance and manage the  
project, the local share and ability to proceed and implement its plan and  
to operate the eligible facility civic center, community center, or  
recreation center; and

(e) Project Planning. Projects with completed technical assistance  
and feasibility studies shall be preferred to those with no prior  
planning.

(2) The department shall give priority to applications from  
municipalities which have not received a grant of assistance under  
section 13-2704.01 within the last ten years.

(3) Any grant of assistance under section 13-2704.01 shall be  
matched at least equally from local sources. At least fifty percent of  
the local match must be in cash.

(4) To receive a grant of assistance under section 13-2704.01, the  
project for which the grant is requested shall be located in the  
municipality that applies for the grant or, for any city of the first  
class, city of the second class, or village, within the municipality's  
extraterritorial zoning jurisdiction.

(5) To receive a grant of assistance under section 13-2704.01, the  
project for which the grant is requested shall involve an eligible  
facility that is owned by the municipality applying for the grant, except  
that a municipality may own an eligible facility jointly with a political  
subdivision if the municipality's ownership interest in such eligible  
facility is at least fifty percent. In any case, the municipality shall  
be the applicant for the grant of assistance.

Sec. 7. Section 13-2707.01, Revised Statutes Cumulative Supplement,  
2018, is amended to read:

13-2707.01 The department shall evaluate all applications for grants  
of assistance under section 13-2704.02 based on the following criteria:
Financial Support. Assistance from the fund shall be matched at least equally from local sources. At least fifty percent of the local match must be in cash. Projects with a higher level of local matching funds shall be preferred as compared to those with a lower level of matching funds; and

Project Location. Assistance from the fund shall be for engineering and technical studies related to projects that will be located in the municipality that applies for the grant or, for any city of the first class, city of the second class, or village, in the municipality's extraterritorial zoning jurisdiction.

Sec. 8. Original sections 13-2702, 13-2703, 13-2704, 13-2704.01, 13-2705, 13-2707, and 13-2707.01, Revised Statutes Cumulative Supplement, 2018, are repealed.

(Signed) Justin Wayne, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 18, 2019, at 11:00 a.m. were the following: LBs 59, 87, 212, 268, 316e, 320, 352, 390, 472, 514, 603, 637e, and 713.

(Signed) Laura Gerkin
Clerk of the Legislature's Office

PRESENTED TO THE SECRETARY OF STATE

Presented to the Secretary of State on April 18, 2019, at 11:00 a.m. was the following: LR14CA.

(Signed) Laura Gerkin
Clerk of the Legislature's Office

AMENDMENT(S) - Print in Journal

Senator Wayne filed the following amendment to LB86:
AM1199 is available in the Bill Room.

Senator Bostelman filed the following amendment to LB698:
AM1288
1 1. Insert the following new section:
2 Sec. 3. Since an emergency exists, this act takes effect when passed and approved according to law.

Senator Kolowski filed the following amendment to LB670:
AM1351
(Amendments to Standing Committee amendments, AM1112)
1 1. Insert the following new amendment:
2 1. On page 2, lines 2 and 26; page 4, lines 6 and 28; page 5, line
Senator Kolowski filed the following amendment to **LB670**: AM1350

(Amendments to Standing Committee amendments, AM1112)

1. Insert the following new amendment:
2. On page 3, line 24, strike "and"; and in line 26 after "79-318"
3. insert ", and (e) does not use any form of academic screening as part of
4. initial enrollment or maintaining enrollment, including, but not limited
to, entrance exams, minimum grade-point averages, test scores, math
ability assessments, reading ability assessments, letters of
recommendation, and English language fluency assessments".

Senator Briese filed the following amendment to **LB177**: AM1428

1. Insert the following new sections:
2. Sec. 2. Section 13-1304, Reissue Revised Statutes of Nebraska, is
3. amended to read:
4. 13-1304 Any commission established under sections 13-1301 to 13-1312
5. shall have power to:
6. (1) Sue and be sued;
7. (2) Have a seal and alter the seal;
8. (3) Acquire, hold, and dispose of personal property for its
9. corporate purposes;
10. (4) Acquire in the name of the city and county, by gift, grant,
11. bequest, purchase, or condemnation, real property or rights and easements
12. thereon necessary or convenient for its corporate purposes and use such
13. property or rights and easements so long as its corporate existence
14. continues;
15. (5) Make bylaws for the management and regulation of its affairs and
16. make rules and regulations for the use of its projects;
17. (6) With the consent of the city or the county, as the case may be,
18. use the services of agents, employees, and facilities of the city or
19. county, for which the commission may reimburse the city or the county its
20. proper proportion of the compensation or cost thereof, and use the
21. services of the city attorney as legal advisor to the commission;
22. (7) Appoint officers, agents, and employees and fix their
23. compensation, except that the county treasurer shall be the ex officio
24. treasurer of the commission;
25. (8) Design, acquire, construct, maintain, operate, improve, remodel,
26. remove, and reconstruct, so long as its corporate existence continues,
27. such projects for the use both by the city and county as are approved by
1. the city and the county and all facilities necessary or convenient in
2. connection with any such projects;
3. (9) Enter into agreements with the city or county, or both, as to
4. the operation, maintenance, repair, and use of its projects. Such
5 agreements may provide that the city or county, or both, has
6 responsibility for a certain area within any building, structure, or
7 facility, including the maintenance, repair, use, furnishing, or
8 management of such area;
9 (10) With the approval of both the city and the county, enter into
10 agreements with the United States of America, the State of Nebraska, any
11 body, board, agency, corporation, or other governmental entity of either
12 of them, or other governmental units for use by them of any projects to
13 the extent that such use is not required by the city or the county;
14 (11) Make all other contracts, leases, and instruments necessary or
15 convenient to the carrying out of the corporate purposes or powers of the
16 commission;
17 (12) Annually levy, assess, and certify to the governing body of the
18 county the amount of tax to be levied for the purposes of the commission
19 subject to section 77-3443, not to exceed one and seven-tenths cents on
20 each one hundred dollars upon the taxable valuation of all the taxable
21 property in the county. The governing body of the county shall collect
22 the tax so certified at the same time and in the same manner as other
23 county taxes are levied and collected, and the proceeds of such taxes
24 when due and as collected shall be set aside and deposited in the special
25 account or accounts in which other revenue of the commission is
26 deposited;
27 (13) Accept grants, loans, or contributions from the United States
28 of America, the State of Nebraska, any agency or instrumentality of
29 either of them, the city, the county, any other governmental unit, or any
30 private person, firm, or corporation and expend the proceeds thereof for
31 any corporate purposes;
1 (14) Subject to section 13-1306, Incur Incur debt, issue bonds and
2 notes and provide for the rights of the holders thereof, and pledge and
3 apply to the payment of such bonds and notes the taxes and other
4 receipts, income, revenue, profits, and money of the commission;
5 (15) Enter on any lands, waters, and premises for the purpose of
6 making surveys, findings, and examinations; and
7 (16) Do all things necessary or convenient to carry out the powers
8 specially conferred on the commission by sections 13-1301 to 13-1312.
9 Sec. 3. Section 13-1306, Reissue Revised Statutes of Nebraska, is
10 amended to read:
11 13-1306 (1)(a) With the prior approval of both the city and the
12 county for which the commission was created, the commission shall have
13 the power and is hereby authorized from time to time to issue its bonds
14 for any corporate purpose in such amounts as may be required to carry out
15 and fully perform the purposes for which such commission is established.
16 Except as provided in subsection (2) of this section, no bonds shall be
17 issued by any commission on or after the effective date of this act until
18 the question has been submitted to the qualified electors of the county
19 at an election called for that purpose as provided in this subsection and
20 a majority of the qualified electors voting on the question voted in
21 favor of issuing the same;
22 (b) The county board shall give notice of the election at least
fifty days prior to the election. The question of issuing bonds may be submitted at the statewide primary or general election. The election shall be conducted in accordance with the Election Act.

c) The question of bond issues, when defeated, shall not be resubmitted in substance for a period of six months from and after the date of such election.

d) Before the issuance of bonds pursuant to sections 13-1301 to 13-1312, the commission shall make a written statement of all proceedings relative to the vote upon the issuance of such bonds and the notice of the election, the manner and time of giving notice, the question submitted, and the result of the canvass of the vote on the proposition pursuant to which it is proposed to issue such bonds, together with a full statement of the taxable valuation and the total bonded indebtedness of the county. Such statement shall be certified to under oath.

(2) The commission shall have power from time to time and when refunding is deemed expedient to issue bonds in amounts sufficient to refund any bonds, including any premiums payable upon the redemption of the bonds to be refunded and interest to their redemption date upon the bonds to be refunded, by the issuance of new bonds, whether the bonds to be refunded have or have not matured. It may issue bonds partly to refund bonds then outstanding and partly for any other corporate purpose. The refunding bonds may be exchanged for the bonds to be refunded with such cash adjustment as may be agreed or may be sold and the proceeds applied to the purchase, redemption, or payment of the bonds to be refunded. For refunding bonds issued on or after the effective date of this act, no approval by the voters under subsection (1) of this section shall be required if the county treasurer certifies to the Secretary of State, on a form developed by the Secretary of State, that the refunding bonds will not increase property taxes or the bonded indebtedness of the commission, county, or city. If the Secretary of State does not receive the certification from the county treasurer within thirty days after passage of the authorizing resolution or resolutions, or the Secretary of State does not accept such certification, then approval by the voters shall be required.

(3) All bonds shall be general obligations of the commission issuing the same and shall be payable out of the tax and other receipts, revenue, income receipts, profits, or other money of the commission. A commission shall have power from time to time to issue bond anticipation notes referred to as notes in this section and from time to time to issue renewal notes, such notes in any case to mature not later than thirty months from the date of incurring the indebtedness represented thereby in an amount not exceeding in the aggregate at any time outstanding the amount of bonds then or theretofore authorized. Such notes shall be general obligations of the commission. Payment of such notes shall be made from any money or revenue which the commission may have available for such purpose or from the proceeds of the sale of bonds of the commission or such notes may be exchanged for a like amount of such bonds.

(3) All such bonds and notes shall be authorized by a resolution or
10 resolutions of the board, after approval by the voters if required under this section, and shall bear such date or dates, mature at such time or times, bear interest at such rate or rates, be in such denominations, be in such form, either coupon or registered, carry such exchange privileges, be executed in such manner, be payable in such medium of payment at such place or places within or without the State of Nebraska and be subject to such terms of redemption and at such redemption premiums, as such resolution or resolutions may provide and the provisions of section 10-126, shall not be applicable to such bonds or notes. The bonds and notes may be sold at public or private sale for such price or prices as the commission shall determine. No proceedings for the issuance of bonds or notes of a commission shall be required other than those required by the provisions of sections 13-1301 to 13-1312 and the provisions of all other laws and city charters, if any, relative to the terms and conditions for the issuance, payment, redemption, registration, sale or delivery of bonds of public bodies, corporations or political subdivisions of this state shall not be applicable to bonds and notes issued by commissions pursuant to sections 13-1301 to 13-1312.

(6) The full faith and credit of the commission shall be pledged to the payment and security of the bonds and notes issued by it, whether or not such pledge shall be set forth in the bonds or notes. So long as any of its bonds or notes are outstanding, the commission shall have the power and be obligated to levy taxes within the limitation as provided in section 13-1304 to the extent required, together with any other money available to the commission therefor to pay the principal of and interest and premium, if any, on such bonds and notes as the same become due and payable.

(7) All bonds and notes issued pursuant to the provisions of sections 13-1301 to 13-1312 shall be and are hereby made negotiable instruments within the meaning of and for all the purposes of the Uniform Commercial Code subject only to any provisions contained in such bonds and notes for the registration of the principal thereof.

(8) A commission shall have power to purchase bonds or notes of the commission out of any money available therefor. Any bonds so purchased shall be canceled by the commission.

2. Renumber the remaining section and correct the repealer accordingly.

**VISITOR(S)**

Visitors to the Chamber were Drs. Sean Kark and Tim Reid from Omaha; students from Milford Public Schools; students from Disney Elementary School, Millard; students from Ezra Elementary School, Millard; Kennedy, Autumn, Scarlet, Ella, and Carrie Paden from Lincoln; and Patrick Slattery from Omaha.

The Doctor of the Day was Dr. Dale Agner from Papillion.
ADJOURNMENT

At 11:49 a.m., on a motion by Senator Crawford, the Legislature adjourned until 9:00 a.m., Tuesday, April 23, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
SIXTY-THIRD DAY - APRIL 23, 2019

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

SIXTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 23, 2019

PRAYER

The prayer was offered by Pastor Kim Dunker, Geneva Methodist Church, Exeter.

ROLL CALL

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

The roll was called and all members were present except Senator Hilgers who was excused; and Senators Bolz, Hilkemann, Kolowski, Linehan, Morfeld, Pansing Brooks, Stinner, and Walz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-second day was approved.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 84 and 85 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 84 and 85.

ATTORNEY GENERAL'S OPINION

Opinion 19-005

LB 183, as amended by AM158 and AM517, proposes to amend the statutes governing valuation of property for taxation to provide that, for purposes of school district taxes levied to pay principal and interest on bonds, agricultural and horticultural land and land receiving special valuation will be valued at fifty percent of its actual value. The bill would also amend the acceptable range for agricultural and horticultural land and land receiving special valuation to forty-four to fifty percent of actual value for school district taxes levied to pay the principal and interest on bonds. These provisions would apply only to school district bonds issued on or after the operative date of the act.

Your request does not articulate a specific constitutional issue to be addressed, or identify any particular constitutional provision the bill may contravene. As it pertains to the valuation of agricultural and horticultural land for property tax purposes, we will limit our consideration to whether the bill, as amended, may violate the uniformity requirements in Neb. Const. art. VIII, §1.

ANALYSIS

Neb. Const. art. VIII, § 1, provides, in part:

Notwithstanding Article I, section 16, Article III, § 18, or Article VIII, § 4, of this Constitution or any other provision of the Constitution to the contrary: (1) Taxes shall be levied by valuation uniformly and proportionately upon all real property and franchises as defined by the Legislature except as otherwise provided in or permitted by this Constitution; . . .

* * *

(4) the Legislature may provide that agricultural land and horticultural land, as defined by the Legislature, shall constitute a separate and distinct class of property for purposes of taxation and may provide for a different method of taxing agricultural land and horticultural land which results in values that are not uniform and proportionate with all other real property and franchises but which results in values that are uniform and proportionate upon all property within the class of agricultural and horticultural land; (5) the Legislature may enact laws to provide that the value of land actively devoted to agricultural and horticultural use shall for property tax purposes be that value which such land has for
Agricultural land and horticultural land is "a separate and distinct class of property for purposes of taxation . . . .", and is "valued for taxation at seventy-five percent of its actual value." Neb. Rev. Stat. § 77-201(2) (2018). Agricultural land and horticultural land that "meets the qualifications for special valuation . . . " is also a "separate and distinct class of property for purposes of taxation . . . ." and is "valued for taxation at seventy-five percent of its special value . . . ." Neb. Rev. Stat. § 77-202(3) (2018). All other real property that is not expressly exempt from taxation "shall be subject to taxation and shall be valued at its actual value." Neb. Rev. Stat. § 77-202(1) (2009). LB 183 would amend § 77-201(2) and (3) to provide that agricultural and horticultural land, and land qualified for special valuation, would be valued at fifty percent of its actual value for school district taxes levied to pay the principal and interest on bonds issued on or after the operative date of the act.

For statewide equalization purposes, the "acceptable range" for agricultural land and horticultural land is "sixty-nine to seventy-five percent of actual value." Neb. Rev. Stat. § 77-5023(2)(a) (2018). The acceptable range for agricultural and horticultural land receiving special valuation is "sixty-nine to seventy-five percent of special valuation . . . ." Neb. Rev. Stat. § 77-5023(2)(b) (2018). For all other real property, the acceptable range is "ninety-two to one hundred percent of actual value." Neb. Rev. Stat. § 77-5023(2)(c) (2018). LB 183 would amend § 77-5023(2) to provide that the acceptable range for agricultural and horticultural land and land receiving special valuation is forty-four to fifty percent of actual value for school district taxes levied to pay the principal and interest on bonds issued on or after the effective date of the act.

The language in Article VIII, § 1(4), authorizing the separate classification and taxation of agricultural and horticultural land, was added by a constitutional amendment proposed by the Legislature in 1989 and approved by the voters in 1990. 1989 Neb. Laws LR 2CA. In *Krings v. Garfield County Bd. of Equal.*, 286 Neb. 352, 361, 835 N.W.2d 750, 76 (2013) ["Krings"], the Nebraska Supreme Court, discussing the effect of the amendment, stated:

The amendment clearly provided that although values of agricultural and horticultural land were to be uniform and proportionate within the class, they were not required to be uniform and proportionate with the value of other real property. Because the language of this provision, article VIII, § 1(4) is clear, it is not open to construction.

* * *

After the amendments to article VIII, § 1, and the enactment of statutes pursuant to authority providing for a different method of taxing
agricultural and horticultural land, the constitution does not require uniformity between the class of agricultural and horticultural land and other types of real estate. Therefore, it is no longer required or proper to equalize the value of nonagricultural land with the value of agricultural and horticultural land. Equalization is still required within the class of agricultural and horticultural land, because the constitution still requires uniformity within that class.

Krings recognized that the 1990 constitutional amendment authorized the Legislature to separately classify agricultural and horticultural land, and provide a different method of taxing such land. The Court further found that the constitution, and enabling legislation, no longer required that agricultural and horticultural land be valued and taxed uniformly with other real property, although uniformity is required within the class of agricultural and horticultural land.1

Under LB 183 as amended, agricultural and horticultural land, and land qualified for special valuation, would be valued at fifty percent of its actual value for school district taxes levied to pay the principal and interest on bonds issued on or after the operative date of the act. In addition, the acceptable range for statewide equalization purposes for agricultural and horticultural land and land receiving special valuation would be reduced to forty-four to fifty percent of actual value for school district taxes levied to pay the principal and interest on bonds issued on or after the effective date of the act. For property taxes levied for other purposes, agricultural and horticultural land, and land qualified for special valuation, would be valued at seventy-five percent of its actual value, with the acceptable range falling between sixty-nine and seventy-five percent of actual value.

1 The Legislature is authorized to provide for the "special valuation" of agricultural and horticultural land under Neb. Const. art. VIII, § 1(5), which states "the Legislature may enact laws to provide that the value of land actively devoted to agricultural or horticultural use shall for property tax purposes be that value which such land has for agricultural or horticultural use without regard to any value which such land might have for other purposes or uses . . . ." The legislation initially implementing this constitutional provision reveals the intent of the "special valuation" or "Greenbelt" amendment was to protect farmers and ranchers owning land near urban areas from being taxed on the speculative market value of the land for potential non-agricultural use. See Committee Statement on LB 359, 83rd Leg., 1st Sess. (1973) ("[T]his bill provides for special assessment for agricultural purposes within agricultural use zones…for…the owner or such land in rural-urban fringe areas subject to high valuations because of nearby residential and industrial developments."). The Legislature currently allows the special valuation of "[a]gricultural or horticultural land which has an actual value . . . reflecting purposes or uses other than agricultural or horticultural purposes or uses . . . ." Neb. Rev. Stat. § 77-1344(1) (2018).
LB 183 is limited to reducing the value of agricultural and horticultural land, including land subject to special valuation, to fifty percent only for purposes of property taxes levied to payment of school district bonds issued after the bill's operative date. There is no question that the Legislature is constitutionally authorized to separately classify agricultural and horticultural land and value such land in a manner that is not uniform in relation to other real property. By limiting its effect to property taxes levied for payment of school district bonds, and establishing a different level of value for property taxes levied on agricultural and horticultural land for this purpose alone, it could be argued that the bill goes beyond the Constitution's intent to allow the Legislature to separately classify agricultural and horticultural land for taxation and establish a non-uniform method of valuing such land. LB 183 establishes a different value for agricultural and horticultural land for one purpose (taxes levied to pay school district bonds) than the value used for all other property tax purposes. While it is true that this results in uniform taxable levels of value of agricultural and horticultural land for these different purposes, there is no precedent for creating such different levels of value within the class of agricultural and horticultural land based on the purpose for which property taxes are levied. Given the broad authority granted the Legislature to tax and value agricultural and horticultural land in a way that results in values that are not uniform with other real property, however, we cannot say that LB 183 as amended clearly violates art. VIII, § 1.2

Very truly yours,
DOUGLAS J. PETERSON
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

pc Patrick J. O'Donnell
Clerk of the Nebraska Legislature

07-1255-29

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2 The uniformity clause also requires that taxes be levied at the same rate on property throughout the taxing district. *Sarpy County Farm Bureau v. Learning Community of Douglas*, 283 Neb. 212, 246, 808 N.W.2d 598, 622 (2012). We understand that, while the tax rate required for school bond payment purposes under LB 183 will be impacted if agricultural and horticultural land, including land subject to special valuation, is valued at only fifty percent of actual value, the rate would be the same for all taxable real property and thus uniform throughout the school district.
LEGISLATIVE BILL 177. Senator Erdman renewed his amendment, FA50, found on page 1238.

Pending.

AMENDMENT(S) - Print in Journal

Senator Wayne filed the following amendment to LB496:

AM1430

(Amendments to Standing Committee amendments, AM787)

1 1. On page 2, line 31; and page 3, line 24, after "classification"
2 insert "or a violation of a city or village ordinance".
3 2. On page 3, line 6, strike beginning with "I" through "felony" and
4 insert "II felony or a higher classification".

SELECT FILE

LEGISLATIVE BILL 428. ER77, found on page 1159, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 31. ER79, found on page 1159, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 31A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 638. ER78, found on page 1159, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 556. ER67, found on page 1114, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 556A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 252. ER71, found on page 1131, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 304. ER73, found on page 1131, was adopted.

Advanced to Enrollment and Review for Engrossment.
LEGISLATIVE BILL 698. Senator Bostelman offered his amendment, AM1288, found on page 1243.

The Bostelman amendment was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 616. ER81, found on page 1165, was adopted.

Speaker Scheer requested to pass over LB616.

LEGISLATIVE BILL 585. ER82, found on page 1176, was adopted.

Senator Friesen offered his amendment, AM1419, found on page 1207.

The Friesen amendment was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 641. ER83, found on page 1176, was adopted.

Senator McDonnell withdrew his amendment, AM1397, found on page 1197.

Senator McDonnell offered his amendment, AM1421, found on page 1209.

The McDonnell amendment was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 663. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 445. ER68, found on page 1118, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 222. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 180. Advanced to Enrollment and Review for Engrossment.
LEGISLATIVE BILL 23. Considered.
Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 356. ER75, found on page 1157, was adopted.
Senator Friesen offered his amendment, AM1325, found on page 1185.
The Friesen amendment was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.
Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 6. ER74, found on page 1158, was adopted.
Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 524. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 405. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 130. ER55, found on page 956, was adopted.
Senator DeBoer offered her amendment, AM1107, found on page 1031.
The DeBoer amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.
Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 130A. Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 600. Title read. Considered.

SPEAKER SCHEER PRESIDING

Senator Bolz offered her amendment, AM1241, found on page 1120.
The Bolz amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.
Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.
PRESIDENT FOLEY PRESIDING

LEGISLATIVE BILL 460. Title read. Considered.

Committee AM1211, found on page 1099, was offered.

Senator Howard offered the following amendment to the committee amendment:

AM1396

(Amendments to Standing Committee amendments, AM1211)

1. On page 9, lines 4 and 5, strike "other than a family child care home I" and insert "required to be licensed under the Child Care Licensing Act".

The Howard amendment was adopted with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 460A. Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 184. Senator Wayne withdrew his motion, MO35, found on page 1005, to indefinitely postpone pursuant to Rule 6, Sec. 3(f).

Title read. Considered.

Committee AM1252, found on page 1138, was adopted with 32 ayes, 1 nay, 13 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 1 nay, 10 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 700. Senator Wayne withdrew his motion, MO36, found on page 1006, to indefinitely postpone pursuant to Rule 6, Sec. 3(f).

Title read. Considered.

Committee AM1098, found on page 1086, was offered.

Pending.
COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 610. Placed on Select File with amendment. ER90 is available in the Bill Room.

LEGISLATIVE BILL 155. Placed on Select File with amendment. ER89
1. In the Brewer amendment, AM1380, on page 5, line 31; and page 6, line 14, strike the new matter and reinstate the stricken matter.
2. On page 1, line 2, strike "section 70-1014.02" and insert "sections 70-1014.02 and 70-1015"; in line 3 strike "eliminate" and insert "change"; and in line 4 after the semicolon insert "to harmonize provisions;" and strike "section" and insert "sections".

(Signed) Julie Slama, Chairperson

COMMITTEE REPORT(S)
Government, Military and Veterans Affairs

LEGISLATIVE BILL 123. Placed on General File.

LEGISLATIVE BILL 267. Placed on General File with amendment. AM1245
1. Strike the original sections and insert the following new sections:
2. Section 1. Section 23-120, Reissue Revised Statutes of Nebraska, is amended to read:
   23-120 (1) The county board (a) shall, pursuant to a two-thirds majority vote, acquire, purchase, construct, renovate, remodel, furnish, equip, add to, improve, or provide a suitable courthouse, jail, and other county buildings and a site or sites therefor, and (b) may, pursuant to a two-thirds majority vote and a declaration by resolution that an emergency exists, repair, retrofit, reconstruct, or replace any bridge owned by the county which is (i) destroyed or damaged as a result of a natural disaster for which a federal disaster declaration was issued by the President of the United States or (ii) designated as scour critical or structurally deficient pursuant to Department of Transportation standards, and for such purposes borrow money and issue the bonds of the county to pay for the same. Agreements entered into under section 25-412.03 shall be deemed to be in compliance with this section. The board shall keep such buildings and bridges in repair and provide suitable rooms and offices for the accommodation of the several courts of record, Nebraska Workers' Compensation Court or any judge thereof, Commissioner of Labor for the conduct and operation of the state free employment service, county board, county clerk, county treasurer, county sheriff, clerk of the district court, county surveyor, county agricultural agent, and county attorney if the county attorney holds his or her office at the county seat and shall provide suitable furniture and
equipment therefor. All such courts which desire such accommodation shall be suitably housed in the courthouse.

(2) No levy exceeding (a) two million dollars in counties having in excess of two hundred fifty thousand inhabitants, (b) one million dollars in counties having in excess of one hundred thousand inhabitants and not in excess of two hundred fifty thousand inhabitants, (c) three hundred thousand dollars in counties having in excess of thirty thousand inhabitants and not in excess of one hundred thousand inhabitants, or (d) one hundred fifty thousand dollars in all other counties shall be made within a one-year period for any of the purposes specified in subsection (1) of this section without first submitting the proposition to a vote of the people of the county at a general election or a special election ordered by the board for that purpose and obtaining the approval of a majority of the legal voters thereon.

(3)(a) The county board of any county in this state may, when requested so to do by petition signed by at least a majority of the legal voters in the county based on the average vote of the two preceding general elections, make an annual levy of not to exceed seventeen and five-tenths cents on each one hundred dollars upon the taxable value of all the taxable property in the county for any of the purposes specified in subsection (1) of this section.

(b) If a county on the day it first initiates a project for any of the purposes specified in subsection (1) of this section had no bonded indebtedness payable from its general fund levy, the county board may make an annual levy of not to exceed five and two-tenths cents on each one hundred dollars upon the taxable value of all the taxable property of the county for a project or projects for any of the purposes specified in subsection (1) of this section without the filing of a petition described in subdivision (3)(a) of this section. The county board shall designate the particular project for which such levy shall be expended, the period of years, which shall not exceed twenty, for which the tax will be levied for such project, and the number of cents of the levy for each year thereof. The county board may designate more than one project and levy a tax pursuant to this section for each such project, concurrently or consecutively, as the case may be, if the aggregate levy in each year and the duration of each levy will not exceed the limitations specified in this subsection. Each levy for a project which is authorized by this subdivision may be imposed for such duration specified by the county board notwithstanding the contemporaneous existence or subsequent imposition of any other levy or levies for another project or projects imposed pursuant to this subdivision and notwithstanding the subsequent issuance by the county of bonded indebtedness payable from its general fund levy.

Sec. 2. Original section 23-120, Reissue Revised Statutes of Nebraska, is repealed.
LEGISLATIVE BILL 337. Placed on General File with amendment.

AM971

1. On page 2, line 1, strike "The" and insert "Except as otherwise provided in subsection (2) of this section, the".
2. On page 3, line 13, after ")" insert "The office shall not be required to include information described in subsection (1) of this section for any agency which (a) had less than five million dollars in expenditures of federal funds in each of the previous three fiscal years, (b) had expenditures of federal funds which were less than twenty-five percent of the total expenditures for the agency for each of the previous three fiscal years, or (c) remains eligible to participate in and receives federal student financial aid under Title IV of the federal Higher Education Act of 1965, as amended.

(Signed) Tom Brewer, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Hunt name added to LB517.

VISITOR(S)

Visitors to the Chamber were students and teachers from Maywood and Hayes Center; Isaac Else from Belvidere; students from Betz Elementary School, Bellevue; Senator Arch's son, Nicholas Arch, daughter-in-law, Shannon Arch, and grandchildren, Brooklyn and Preston Arch, from Indianapolis, IN; students from Sterling Public Schools; and students from St. Paul's Lutheran School, Plymouth.

RECESS

At 11:50 a.m., on a motion by Senator Vargas, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Foley presiding.

ROLL CALL

The roll was called and all members were present except Senator Hilgers who was excused; and Senators Bolz, Brandt, Briese, Clements, Dorn, Erdman, Groene, B. Hansen, Hilkemann, Linehan, McDonnell, Morfeld, Pansing Brooks, Stinner, Vargas, Wayne, and Wishart who were excused until they arrive.
MESSAGE(S) FROM THE GOVERNOR

April 22, 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:

This letter is to inform you that the request for confirmation of the appointment of Dustin Hoefs as a member of the Nebraska Niobrara Council is respectfully withdrawn.

Sincerely,
(Signed) Pete Ricketts
Governor

GENERAL FILE

LEGISLATIVE BILL 700. Committee AM1098, found on page 1086 and considered in this day's Journal, was renewed.

Senator Bostelman offered the following motion:
MO66
Bracket until April 24, 2019.

Senator Bostelman withdrew his motion to bracket.

Pending.

BILL ON FIRST READING

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

LEGISLATIVE BILL 538A. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 538, One Hundred Sixth Legislature, First Session, 2019.

AMENDMENT(S) - Print in Journal

Senator Brewer filed the following amendment to LB411:
AM1379 is available in the Bill Room.
LEGISLATIVE BILL 478. Title read. Considered.
Committee AM1216, found on page 1174, was offered.

SPEAKER SCHEER PRESIDING
The committee amendment was adopted with 36 ayes, 0 nays, 9 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 595. Senator Wayne withdrew his motion, MO31, found on page 1005, to indefinitely postpone pursuant to Rule 6, Sec. 3(f).
Title read. Considered.
Committee AM1164, found on page 1175, was adopted with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.
Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 96. Title read. Considered.
Committee AM497, found on page 704, was adopted with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.
Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

VISITOR(S)
Visitors to the Chamber were Jack Snyder from Lincoln; students from Ackerman Elementary School, Millard; students from Crete Middle School; Judy Templeman from Windsor, CO; students from Allen Consolidated Schools; students, teacher, and sponsors from Kimball Public School; and students from Wood River Rural Elementary School.
The Doctor of the Day was Dr. David Hoelting from Pender.

ADJOURNMENT
At 4:44 p.m., on a motion by Senator Vargas, the Legislature adjourned until 9:00 a.m., Wednesday, April 24, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
The prayer was offered by Reverend Gregg Gahan, Craig-Alder Grove Parish, Craig.

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 Bolz, Linehan, Morfeld, Pansing Brooks, Vargas, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-third day was approved.

COMMITTEE REPORT(S)

Judiciary

LEGISLATIVE BILL 209. Placed on General File with amendment.

AM1432

1. Strike the original sections and insert the following new sections:
2. Section 1. Section 28-327, Reissue Revised Statutes of Nebraska, is amended to read:
3. 28-327 No abortion shall be performed except with the voluntary and informed consent of the woman upon whom the abortion is to be performed.
4. Except in the case of an emergency situation, consent to an abortion is voluntary and informed only if:
5. (1) The woman is told the following by the physician who is to perform the abortion, by the referring physician, or by a physician assistant or registered nurse licensed under the Uniform Credentialing Act who is an agent of either physician, at least twenty-four hours before the abortion:
6. (a) The particular medical risks associated with the particular
(a) The abortion procedure to be employed including, when medically accurate, the 
risks of infection, hemorrhage, perforated uterus, danger to subsequent 
pregnancies, and infertility;
(b) The probable gestational age of the unborn child at the time the 
abortion is to be performed;
(c) The medical risks associated with carrying her child to term;
and
(d) That she cannot be forced or required by anyone to have an 
abortion and is free to withhold or withdraw her consent for an abortion;
(e) Research indicates that mifepristone alone is not always 
effective in ending a pregnancy. You may still have a viable pregnancy 
after taking mifepristone. If you change your mind and want to continue 
your pregnancy after taking mifepristone, information on finding 
immmediate medical assistance is available on the web site of the 
Department of Health and Human Services.
The person providing the information specified in this subdivision 
to the person upon whom the abortion is to be performed shall be deemed 
qualified to so advise and provide such information only if, at a 
minimum, he or she has had training in each of the following subjects:
Sexual and reproductive health; abortion technology; contraceptive 
technology; short-term counseling skills; community resources and 
referral; and informed consent. The physician or the physician's agent 
may provide this information by telephone without conducting a physical 
examination or tests of the patient, in which case the information 
required to be supplied may be based on facts supplied by the patient and 
whatever other relevant information is reasonably available to the 
physician or the physician's agent;
(2) The woman is informed by telephone or in person, by the 
physician who is to perform the abortion, by the referring physician, or 
by an agent of either physician, at least twenty-four hours before the 
abortion:
(a) The name of the physician who will perform the abortion;
(b) That medical assistance benefits may be available for prenatal 
care, childbirth, and neonatal care;
(c) That the father is liable to assist in the support of her child, 
even in instances in which the father has offered to pay for the 
abortion;
(d) That she has the right to review the printed materials described 
in section 28-327.01. The physician or his or her agent shall orally 
inform the woman that the materials have been provided by the Department 
of Health and Human Services and that they describe the unborn child, and 
list agencies which offer alternatives to abortion, and include 
information on finding immediate medical assistance if she changes her 
mind after taking mifepristone and wants to continue her pregnancy. If 
the woman chooses to review the materials, they shall either be given to 
her at least twenty-four hours before the abortion or mailed to her at 
least seventy-two hours before the abortion by certified mail, restricted 
delivery to addressee, which means the postal employee can only deliver
the mail to the addressee. The physician and his or her agent may
disassociate themselves from the materials and may comment or refrain
from commenting on them as they choose; and
(e) That she has the right to request a comprehensive list, compiled
by the Department of Health and Human Services, of health care providers,
facilities, and clinics that offer to have ultrasounds performed by a
person at least as qualified as a registered nurse licensed under the
Uniform Credentialing Act, including and specifying those that offer to
perform such ultrasounds free of charge. The list shall be arranged
geographically and shall include the name, address, hours of operation,
and telephone number of each entity. If requested by the woman, the
physician who is to perform the abortion, the referring physician, or his
or her agent shall provide such a list as compiled by the department;
(3) If an ultrasound is used prior to the performance of an
abortion, the physician who is to perform the abortion, the referring
physician, or a physician assistant or registered nurse licensed under
the Uniform Credentialing Act who is an agent of either physician, or any
qualified agent of either physician, shall:
(a) Perform an ultrasound of the woman's unborn child of a quality
consistent with standard medical practice in the community at least one
hour prior to the performance of the abortion;
(b) Simultaneously display the ultrasound images so that the woman
may choose to view the ultrasound images or not view the ultrasound
images. The woman shall be informed that the ultrasound images will be
displayed so that she is able to view them. Nothing in this subdivision
shall be construed to require the woman to view the displayed ultrasound
images; and
(c) If the woman requests information about the displayed ultrasound
image, her questions shall be answered. If she requests a detailed,
simultaneous, medical description of the ultrasound image, one shall be
provided that includes the dimensions of the unborn child, the presence
of cardiac activity, if present and viewable, and the presence of
external members and internal organs, if present and viewable;
(4) At least one hour prior to the performance of an abortion, a
physician, psychiatrist, psychologist, mental health practitioner,
physician assistant, registered nurse, or social worker licensed under
the Uniform Credentialing Act has:
(a) Evaluated the pregnant woman to identify if the pregnant woman
had the perception of feeling pressured or coerced into seeking or
consenting to an abortion;
(b) Evaluated the pregnant woman to identify the presence of any
risk factors associated with abortion;
(c) Informed the pregnant woman and the physician who is to perform
the abortion of the results of the evaluation in writing. The written
evaluation shall include, at a minimum, a checklist identifying both the
positive and negative results of the evaluation for each risk factor
associated with abortion and both the licensed person's written
certification and the woman's written certification that the pregnant
woman was informed of the risk factors associated with abortion as
(d) Retained a copy of the written evaluation results in the pregnant woman's permanent record;
(5) If any risk factors associated with abortion were identified, the pregnant woman was informed of the following in such manner and detail that a reasonable person would consider material to a decision of undergoing an elective medical procedure:
(a) Each complication associated with each identified risk factor; and
(b) Any quantifiable risk rates whenever such relevant data exists;
(6) The physician performing the abortion has formed a reasonable medical judgment, documented in the permanent record, that:
(a) The preponderance of statistically validated medical studies demonstrates that the physical, psychological, and familial risks associated with abortion for patients with risk factors similar to the patient's risk factors are negligible risks;
(b) Continuance of the pregnancy would involve risk of injury to the physical or mental health of the pregnant woman greater than if the pregnancy were terminated by induced abortion; or
(c) Continuance of the pregnancy would involve less risk of injury to the physical or mental health of the pregnant woman than if the pregnancy were terminated by an induced abortion;
(7) The woman certifies in writing, prior to the abortion, that:
(a) The information described in subdivisions (1) and (2)(a), (b), and (c) of this section has been furnished her;
(b) She has been informed of her right to review the information referred to in subdivision (2)(d) of this section; and
(c) The requirements of subdivision (3) of this section have been performed if an ultrasound is performed prior to the performance of the abortion; and
(8) Prior to the performance of the abortion, the physician who is to perform the abortion or his or her agent receives a copy of the written certification prescribed by subdivision (7) of this section. The physician or his or her agent shall retain a copy of the signed certification form in the woman's medical record.
Sec. 2. Section 28-327.01, Reissue Revised Statutes of Nebraska, is amended to read:
(1) The Department of Health and Human Services shall cause to be published the following easily comprehensible printed materials:
(a) Geographically indexed materials designed to inform the woman of public and private agencies and services available to assist a woman through pregnancy, upon childbirth, and while the child is dependent, including adoption agencies and agencies and services for prevention of unintended pregnancies, which materials shall include a comprehensive list of the agencies available, a description of the services they offer, and a description of the manner, including telephone numbers and addresses in which such agencies may be contacted or printed materials including a toll-free, twenty-four-hour-a-day telephone number which may
(b) Materials designed to inform the woman of the probable anatomical and physiological characteristics of the unborn child at two-week gestational increments from the time when a woman can be known to be pregnant to full term, including pictures or drawings representing the development of unborn children at the two-week gestational increments, and any relevant information on the possibility of the unborn child's survival. Any such pictures or drawings shall contain the dimensions of the unborn child and shall be realistic and appropriate for the stage of pregnancy depicted. The materials shall be objective, nonjudgmental, and designed to convey only accurate scientific information about the unborn child at the various gestational ages. The materials shall also contain objective information describing the methods of abortion procedures commonly employed, the medical risks commonly associated with each such procedure, the possible detrimental psychological effects of abortion, the medical risks commonly associated with abortion, and the medical risks commonly associated with carrying a child to term; and

(c) A comprehensive list of health care providers, facilities, and clinics that offer to have ultrasounds performed by a person at least as qualified as a registered nurse licensed under the Uniform Credentialing Act, including and specifying those that offer to perform such ultrasounds free of charge. The list shall be arranged geographically and shall include the name, address, hours of operation, and telephone number of each entity;

(d) Materials designed to inform the woman that she may still have a viable pregnancy after taking mifepristone. The materials shall include the following statements: "Research indicates that mifepristone alone is not always effective in ending a pregnancy. You may still have a viable pregnancy after taking mifepristone. If you change your mind and want to continue your pregnancy after taking mifepristone, it may not be too late."); and

(e) Materials, including contact information, that will assist the woman in finding a medical professional who can help her continue her pregnancy after taking mifepristone.

(2) The printed materials shall be printed in a typeface large enough to be clearly legible.

(3) The printed materials required under this section shall be available from the department upon the request by any person, facility, or hospital for an amount equal to the cost incurred by the department to publish the materials.

(4) The Department of Health and Human Services shall make available on its Internet web site a printable publication of geographically indexed materials designed to inform the woman of public and private agencies with services available to assist a woman with mental health concerns, following a risk factor evaluation. Such services shall include, but not be limited to, outpatient and crisis intervention services and crisis hotlines. The materials shall include a comprehensive list of the agencies available, a description of the services offered,
and a description of the manner in which such agencies may be contacted, including addresses and telephone numbers of such agencies, as well as a toll-free, twenty-four-hour-a-day telephone number to be provided by the department which may be called to orally obtain the names of the agencies and the services they provide in the locality of the woman. The department shall update the publication as necessary.

(5) The Department of Health and Human Services shall publish and make available on its web site materials designed to inform the woman that she may still have a viable pregnancy after taking mifepristone. The materials shall include the following statements: "Research indicates that mifepristone alone is not always effective in ending a pregnancy. You may still have a viable pregnancy after taking mifepristone. If you change your mind and want to continue your pregnancy after taking mifepristone, it may not be too late." The materials shall also include information, including contact information, that will assist the woman in finding a medical professional who can help her continue her pregnancy after taking mifepristone.

(6) The Department of Health and Human Services shall review and update, as necessary, the materials, including contact information, regarding medical professionals who can help a woman continue her pregnancy after taking mifepristone.

Sec. 3. Original sections 28-327 and 28-327.01, Reissue Revised Statutes of Nebraska, are repealed.

(Signed) Steve Lathrop, Chairperson

LEGISLATIVE RESOLUTION 90. Introduced by Scheer, 19; 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; Erdman, 47; 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; Koltermann, 24; La Grone, 49; Lathrop, 12; Lindstrom, 18; Linehan, 39; Lowe, 37; McCollister, 20; McDonnell, 5; Morfeld, 46; Moser, 22; Murman, 38; Pansing Brooks, 28; Quick, 35; Slama, 1; Stinner, 48; Vargas, 7; Walz, 15; Wayne, 13; Williams, 36; Wishart, 27.

WHEREAS, Congress passed the Act of July 2, 1862, commonly known as the first Morrill Act, which was signed by President Abraham Lincoln, to allow for the establishment of land-grant colleges offering programs teaching agriculture and the mechanic arts; and

WHEREAS, on February 15, 1869, the Nebraska Legislature unanimously passed, and Nebraska Governor David Butler signed, legislation enabling the charter and founding of the University of Nebraska; and

WHEREAS, the charter established the University of Nebraska as an institution to afford to the inhabitants of this state the means of acquiring a
thorough knowledge of the various branches of literature, science and the arts; and

WHEREAS, in 1871, the University of Nebraska opened its doors to men and women across the State of Nebraska, with an inaugural class of 130 students; and

WHEREAS, the University of Nebraska, now known as the University of Nebraska-Lincoln, has grown to an enrollment of 25,820 students; and

WHEREAS, the University of Nebraska-Lincoln is a national leader in academic excellence, research, and service; and

WHEREAS, the University of Nebraska-Lincoln had a $2.2 billion economic impact on the State of Nebraska in 2018, including more than $300,000,000 in research expenditures; and

WHEREAS, the University of Nebraska-Lincoln provided more than 5,000 new graduates to the workforce last year; and

WHEREAS, the University of Nebraska-Lincoln serves the needs of students, families, and communities across the State of Nebraska through activities in all 93 counties of the state; and

WHEREAS, the University of Nebraska-Lincoln is a leader in research in areas such as water and agriculture, national security and defense, early childhood education, and rural development; and

WHEREAS, the University of Nebraska-Lincoln is instrumental in celebrating the culture of the State of Nebraska and the region in which the state is located through the University of Nebraska State Museum, the Center for Great Plains Studies, the International Quilt Study Center and Museum, and the Larsen Tractor Test and Power Museum; and

WHEREAS, the Husker athletic programs at the University of Nebraska-Lincoln create pride and joy on the fields of play and in the hearts of alumni and fans; and

WHEREAS, the University of Nebraska-Lincoln has 333 Academic All-Americans, more than any other institution of higher education in the United States; and

WHEREAS, more than 200,000 alumni residing in all 50 states, and in countries around the world, are proud to call the University of Nebraska-Lincoln their alma mater; and

WHEREAS, There Is No Place Like Nebraska.

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

1. That the Legislature recognizes the 150th anniversary of the University of Nebraska-Lincoln.

2. That the Legislature commends the University of Nebraska-Lincoln for its status as a leading public university that excels in academics, athletics, and quality of life for students.

3. That copies of this resolution be sent to the Chancellor of the University of Nebraska-Lincoln and the President of the University of Nebraska system.

Laid over.
GENERAL FILE

LEGISLATIVE BILL 538A. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 6 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 179. The Wayne motion, MO32, found on page 1005, to indefinitely postpone pursuant to Rule 6, Sec. 3(f), was withdrawn.

Title read. Considered.

Committee AM736, found on page 1169, was adopted with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 468. Title read. Considered.

Committee AM1166, found on page 1082, was adopted with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

Senator Walz withdrew her amendment, AM46, found on page 394.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 91. Introduced by Hughes, 44.

WHEREAS, Randy Hayes is retiring after 36 years of teaching vocal music at Chase County Schools in grades 7 to 12; and
WHEREAS, Randy taught at Chase County Schools from 1971 to 1979, and again from 1991 to 2019; and
WHEREAS, Randy directs the Chase County High School show choir, known as the 9th Street Singers, helping these students earn consistent superior ratings, best of class trophies, and accolades for outstanding vocal music performances; and
WHEREAS, Randy also successfully directed the 7th and 8th grade Chase County show choir which has competed successfully in western Nebraska; and
WHEREAS, in addition to performing in shows and competitions across Nebraska, the 9th Street Singers travel to Branson, Missouri under the leadership of Randy Hayes; and
WHEREAS, Randy shares his musical talents with the congregations of the Church of Christ in Wauneta, as a minister, and in Stratton, as an evangelist.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature honors Randy Hayes for his commitment to the arts and the education of students in Chase County, and congratulates him on his retirement.
2. That a copy of this resolution be sent to Randy Hayes.

Laid over.

NOTICE OF COMMITTEE HEARING(S)
Health and Human Services
Room 1510

Wednesday, May 1, 2019 1:00 p.m.

Roger A. Wells - Nebraska Rural Health Advisory Commission (rehearing)
Frances Beaurivage - Commission for the Deaf and Hard of Hearing
Sandra Shaw - Commission for the Deaf and Hard of Hearing

(Signed) Sara Howard, Chairperson

GENERAL FILE

LEGISLATIVE BILL 418. Title read. Considered.
Committee AM1266, found on page 1167, was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.
Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 560. Title read. Considered.
Committee AM1414, found on page 1199, was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.
Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 433. Title read. Considered.
Committee AM981, found on page 1170, was adopted with 30 ayes, 5 nays, 12 present and not voting, and 2 excused and not voting.
Advanced to Enrollment and Review Initial with 32 ayes, 6 nays, 10 present and not voting, and 1 excused and not voting.
LEGISLATIVE BILL 86. Title read. Considered.

Committee AM792, found on page 900, was offered.

Senator Wayne offered his amendment, AM1199, found on page 1243, to the committee amendment.

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

The committee amendment, as amended, was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

COMMITTEE REPORT(S)

LEGISLATIVE BILL 675. Placed on General File with amendment.

AM1308
1 1. Strike original section 19 and insert the following new sections:
2 Section 1. Section 77-3446, Reissue Revised Statutes of Nebraska, is amended to read:
3 77-3446 Base limitation means the budget limitation rate applicable
4 to school districts and the limitation on growth of restricted funds
5 applicable to other political subdivisions prior to any increases in the
6 rate as a result of special actions taken by a supermajority of any
7 governing board or of any exception allowed by law. The base limitation
8 is two and one-half percent until adjusted, except that the base
9 limitation for school districts for school fiscal years 2017-18 and
10 2018-19 is one and one-half percent and for school fiscal year 2019-20 is
11 two and fifteen-hundredths percent. The base limitation may be adjusted
12 annually by the Legislature to reflect changes in the prices of services
13 and products used by school districts and political subdivisions.
14 Sec. 58. Since an emergency exists, this act takes effect when
15 passed and approved according to law.
16 2. On page 27, lines 12 and 18, strike "14" and insert "17".
17 3. On page 44, line 28, strike "by", reinstate the stricken matter,
18 and strike "the McKinney-Vento Homeless Assistance Act," and show as
19 stricken; and in line 29 strike "11434" and insert "11434a".
20 4. Renumber the remaining sections and correct the repealer
21 accordingly.

(Signed) Mike Groene, Chairperson
RESOLUTION(S)

LEGISLATIVE RESOLUTION 92. Introduced by Lowe, 37.

PURPOSE: The purpose of this interim study is to examine and compare the processes for adopting, promulgating, and eliminating rules and regulations in Nebraska and in other states. The study may examine the most efficient methods for reducing the number of rules and regulations.

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.

VISITOR(S)

Visitors to the Chamber were students from St. Wenceslaus Catholic School, Wahoo; students from Anderson Grove Elementary School, Papillion/La Vista; students from Southern Elementary School, Blue Springs; students from Bruning-Davenport Elementary School; members of Jobs for America's Graduates from Macy, Fremont, and Columbus; Representative Bill Rhiley from the Kansas House of Representatives; and Congressman Jeff Fortenberry from Lincoln, Tanisha Lewis from Bellevue, and Muffy Day from Washington D.C.

RECESS

At 11:48 a.m., on a motion by Senator Kolterman, 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 Groene, Hughes, Morfeld, Stinner, and Vargas who were excused until they arrive.
LEGISLATIVE BILL 470. Title read. Considered.

Committee AM896, found on page 927, was offered.

Senator La Grone withdrew his amendment, AM1096, found on page 1177.

Senator La Grone offered the following amendment to the committee amendment:

AM1461 is available in the Bill Room.

The La Grone amendment was adopted with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

The committee amendment, as amended, was adopted with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 1 nay, 7 present and not voting, and 2 excused and not voting.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 23. Placed on Final Reading.
LEGISLATIVE BILL 31. Placed on Final Reading.
LEGISLATIVE BILL 31A. Placed on Final Reading.
LEGISLATIVE BILL 180. Placed on Final Reading.
LEGISLATIVE BILL 222. Placed on Final Reading.
LEGISLATIVE BILL 252. Placed on Final Reading.
LEGISLATIVE BILL 304. Placed on Final Reading.
LEGISLATIVE BILL 428. Placed on Final Reading.
LEGISLATIVE BILL 445. Placed on Final Reading.
LEGISLATIVE BILL 556. Placed on Final Reading.
LEGISLATIVE BILL 556A. Placed on Final Reading.

LEGISLATIVE BILL 585. Placed on Final Reading.

ST15

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

1. On page 1, the matter beginning with "amend" in line 1 through line 8 and all amendments thereto has been struck and "define terms; to create the Renewable Fuel Infrastructure Program; to provide for grants; to create a fund; and to provide an operative date." inserted.

LEGISLATIVE BILL 638. Placed on Final Reading.
LEGISLATIVE BILL 641. Placed on Final Reading.

ST17

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

1. In the E & R amendments, ER83, on page 1, the matter beginning with "the" in line 1 through line 6 and all amendments thereto have been struck and "health and human services; to amend section 71-7611, Reissue Revised Statutes of Nebraska; to define 211 Information and Referral Network; to provide for grants; to create a fund; to change provisions relating to transfers to and from the Nebraska Health Care Cash Fund; to state intent; and to repeal the original section." inserted.

LEGISLATIVE BILL 663. Placed on Final Reading.

LEGISLATIVE BILL 698. Placed on Final Reading.

(Signed) Julie Slama, Chairperson

COMMITTEE REPORT(S)

Government, Military and Veterans Affairs

LEGISLATIVE BILL 414. Placed on General File.

(Signed) Tom Brewer, Chairperson

AMENDMENT(S) - Print in Journal

Senator Crawford filed the following amendment to LB237:

AM1476

(Amendments to AM1319)

1 1. On page 5, strike beginning with "one-half" in line 29 through line 31 and insert "an additional amount equal to one-half of one percent of all amounts in excess of six thousand dollars remitted each month. Prior to January 1, 2023, fifty percent of such additional amount shall be deposited in the county general fund and fifty percent of such additional amount shall be deposited in the county road fund. On and after January 1, 2023, seventy-five percent of such additional amount shall be deposited in the county general fund and twenty-five percent of such additional amount shall be deposited in the county road fund."

2 2. On page 6, line 1, strike beginning with "which" through the period; and in line 5 strike "October 1, 2019" and insert "January 1, 2020."

3 3. On page 15, line 2, strike "October 1, 2019" and insert "January 1, 2020."
MESSAGE(S) FROM THE GOVERNOR

April 24, 2019

Patrick J. O’Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O’Donnell:

Engrossed Legislative Bills 59, 87, 212, 268, 316e, 320, 352, 390, 514, 603, 637e, and 713 were received in my office on April 18, 2019. These bills were signed and delivered to the Secretary of State on April 24, 2019.

Sincerely,

(Signed) Pete Ricketts
Governor

April 24, 2019

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

Dear Mr. President and Members of the Legislature:

I am returning LB 472 without my signature and with my objections.

The bill allows the County Board of Gage County, and other counties facing federal judgments in excess of $25 million, to impose a sales and use tax of one-half of one percent with a two-thirds majority vote of the board. This bypasses a vote of the people. Traditionally, the Legislature has not authorized political subdivisions to impose new taxes on Nebraskans without a vote of the people.

In Nebraska, we trust the people to make political decisions on a myriad of issues. These include referenda on the death penalty and Medicaid expansion. Despite the claims by supporters of LB 472 to the contrary, I believe the people can be counted on to do the right thing.

The events leading to LB 472’s introduction are indeed tragic. It is tragic that Gage County’s law enforcement officers violated the civil rights of the Beatrice Six. It is tragic that the County did not have the proper insurance thus necessitating the county to raise property taxes to pay the federal judgment. Finally, it is tragic that the residents of Gage County will have to pay extremely large property taxes for the unscrupulous actions of their
elected officials. However, none of these tragedies are severe enough to authorize the County to break with the principle of allowing the people to vote on whether to raise sales taxes in their community.

Fear that the people will not vote to increase their taxes should not lead the Legislature to circumvent taxpayers by allowing a political subdivision to impose a tax without the consent of those taxpayers. This bill sets a dangerous precedent for authorizing a sales tax increase.

For these reasons, I respectfully urge you to sustain my veto of LB 472.

Sincerely,

(Signed) Pete Ricketts
Governor

VISITOR(S)

Visitors to the Chamber were students from Hillrise Elementary School, Elkhorn.

The Doctor of the Day was Dr. Roger Meyer from Utica.

ADJOURNMENT

At 3:54 p.m., on a motion by Senator Hilgers, the Legislature adjourned until 9:00 a.m., Thursday, April 25, 2019.

Patrick J. O’Donnell
Clerk of the Legislature
The prayer was offered by Pastor Michael Wolfe, Plattsmouth Bible Church, Plattsmouth.

ROLL CALL

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

The roll was called and all members were present except Senator Brewer who was excused; and Senators Cavanaugh, DeBoer, Friesen, Linehan, McCollister, Morfeld, Stinner, Vargas, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-fourth day was approved.

ATTORNEY GENERAL’S OPINION

Opinion 19-006

SUBJECT: Constitutionality of LB 512 as Amended - Valuation of Destroyed Property for Taxation

REQUESTED BY: Senator Ernie Chambers
   Nebraska State Legislature

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

INTRODUCTION

You have requested an opinion from this office on the constitutionality of AM1217 to LB 512 and, in particular, §§ 10-13 of AM1217. In general terms, these provisions would provide property tax relief to those with
destroyed real property by requiring the county board of equalization to adjust the assessed value of the property. You have requested our opinion whether these provisions of AM1217 would violate Neb. Const. art. VIII, § 1, the "uniformity clause."

AM1217, §§ 10 and 11 provide that, for purposes of Chapter 77 of the Nebraska statutes, the term "destroyed real property means real property that is destroyed by fire or other natural disaster on or after January 1 and before October 1 of any year." Section 12 provides that the county assessor must report to the county board of equalization all real property in the county that becomes destroyed real property and that the county board of equalization must then adjust the value of that property. Section 13 then provides that the adjusted value will be the sum of the following three factors:

(a) The assessed value of the real property before it became destroyed real property multiplied by a percentage representing the portion of the year during which the property was intact and had not yet been destroyed;

(b) The assessed value of the destroyed real property, as of the date of its destruction, multiplied by a percentage representing the portion of the year during which the property was destroyed and no replacement property had yet been completed; and

(c) The assessed value of any replacement property, as of the date of completion of construction of such replacement property, multiplied by a percentage representing the portion of the year during which construction of such replacement property was complete.

Section 13 goes on to provide that the county board of equalization will give notice of the new assessed value to the property owner who may file a protest with the board and may appeal the decision of the county board of equalization to the Tax Equalization and Review Commission.

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1 Because the language of AM1217 refers to destroyed property and construction of replacement property, we understand the bill would not apply to damage to the land itself. This interpretation is consistent with comments made by the amendment's introducer. Floor Debate on LB 512, 106th Neb. Leg., 1st Sess. 8, 15 (April 5, 2019) ("The valuation will never to go zero because…the land is still going to be there…and the taxation will continue on that parcel….") (Statement of Sen. Erdman).
ANALYSIS

I. Uniformity Clause

Your question is whether these provisions would violate Neb. Const. art. VIII, § 1. The "uniformity clause" of our state Constitution provides that "[T]axes shall be levied by valuation uniformly and proportionately upon all real property and franchises . . . except as otherwise provided in or permitted by this Constitution." 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).

Also pertinent to our discussion is Neb. Rev. Stat. § 77-201(1) (2018), which requires that all real property, except for agricultural land and horticultural land, agricultural land and horticultural land subject to special valuation, and historically significant real property, be valued at its actual value. "Actual value" is defined at Neb. Rev. Stat. § 77-112 (2018), for purposes of taxation, as "the market value of real property in the ordinary course of trade." And, with respect to assessment of real property taxes, Neb. Rev. Stat. § 77-1301(1) (2018) provides: "All real property in this state subject to taxation shall be assessed as of January 1 at 12:01 a.m., which assessment shall be used as a basis for taxation until the next assessment."


In analyzing the constitutionality of AM1217, we first note that "[s]tatutes are afforded a presumption of constitutionality, and the unconstitutionality of a statute must be clearly established before it will be declared void." Gourley v. Nebraska Methodist Health System, Inc., 265 Neb. 918, 942, 663 N.W.2d 43, 68 (2003). If LB 512 with AM1217 is enacted, anyone seeking to have its provisions declared unconstitutional will bear the burden of overcoming the presumption of constitutionality.
The Nebraska Supreme Court has adopted a strict construction of our state's uniformity clause, which raises a question as to the constitutionality of AM1217. The taxation of property "must be uniform, not only as to the rate of taxation, but to the valuation of the property as well." State ex rel. Meyer v. McNeil, 185 Neb. 586, 588, 177 N.W.2d 596, 598 (1970) ["McNeil"]. The Court held in McNeil that legislation attempting to provide a different method of valuing certain farm machinery and equipment violated the uniformity clause. "The establishment of two methods of valuation of property in the same class for taxation purposes results in a want of uniformity within the constitutional prohibition of Article VIII, section 1." Id. at 588, 177 N.W.2d at 598. "There can be no difference in the method of determining valuation or the rate of tax to be imposed unless the separate classification rests on some reason of public policy, some substantial difference of situation or circumstances that would naturally suggest the justice or expediency of diverse legislation . . . ." Id. at 588-89, 177 N.W.2d at 598.

In Xerox, the Court considered the effect of an amendment to Neb. Rev. Stat. § 77-1301(1), and its interpretation by the Tax Commissioner, which resulted in Xerox being required to pay personal property taxes on leased equipment based on actual value determined only in odd-numbered years. No changes could be made to account for actual depreciation in even-numbered years. The Court held that the amended statute violated the uniformity clause "in that it directs that taxes be levied upon personal property in even-numbered years without regard to the uniform method of valuing property at actual value as provided in § 77-201 . . . ." Id. at 733, 350 N.W.2d at 569.

More recently, in Constructors, the Court again stated that the uniformity clause requires that all property within a taxing jurisdiction be assessed and taxed at a uniform standard of value. A valuation scheme which created two subclasses of land, farmland controlled by mining companies and similar farmland not controlled by mining companies, and provided differential tax treatment of each subclass was found to violate the uniformity clause.

Here, with the enactment of AM1217, most real property would continue to be valued at its actual value on January 1, pursuant to Neb. Rev. Stat. § 77-1301(1), without taking into account any fluctuations in value. Other "destroyed real property" would be valued on a different date with use of a statutory prorated formula. The Nebraska Supreme Court has not yet addressed legislation such as that proposed in AM1217. It is possible that the Court could find that AM1217 establishes a second, non-uniform standard of value for destroyed real property. However, in our view, it is also possible that the Court could determine that the creation of a different assessment date and adjustment of assessed value of the destroyed property on that date does not violate our state constitution's uniformity clause.
Outside of the plain language of a statute, a legislative body's purpose in enacting legislation can be determined by examining the legislative history of the bill. Sarpay County Farm Bureau v. Learning Community of Douglas, 283 Neb. 212, 808 N.W.2d 598 (2012) (in which the Court considered both the language of a statutory scheme and its legislative history in determining whether a statute violated art. VIII, § 1A). The Court could, therefore, consider any relevant committee hearing testimony and floor debate with regard to AM1217, and for LB 482, which was amended into LB 512 as AM1217. While the committee hearing transcripts are not yet available, we note that, in the floor debate on AM1217, senators expressed a need for differential tax treatment based on a public policy of fairness and the sudden, unforeseen and calamitous nature of a natural disaster. Floor Debate on LB 512, 106th Neb. Leg., 1st Sess. 8-9 (April 5, 2019) (Statement of Sen. Erdman). Introducer's Statement of Intent on LB 482, 106th Neb. Leg., 1st Sess.

Thus, even if the Court should find that AM1217 creates a separate classification for taxation purposes, an argument could be made that the separate classification for real property destroyed by a natural disaster rests on a "substantial difference of situation or circumstances" so as to justify the separate classification.2

II. Implementation of LB 512 with AM1217

If the Legislature decides to pursue property tax relief through LB 512, as amended by AM1217, there are several issues to be considered and corrected. First, while AM1217 adds a definition of "destroyed real property" to the definitions currently found at Neb. Rev. Stat. §§ 77-102 to 77-132, and which are to be used for purposes of Chapter 77, it fails to amend Neb. Rev. Stat. § 77-1301. Therefore, it would leave in place the requirement that all real property be assessed as of January 1. Language should be added to § 77-1301(1) which would exclude "destroyed real property" from the January 1 assessment date.

Second, the definition of "destroyed real property" at § 11 of AM1217, as "real property that is destroyed by fire or other natural disaster," may be unclear and, perhaps, insufficient to accomplish the intended purpose of the

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2 A number of other states have enacted legislation to provide tax relief to certain property owners whose property has been damaged or destroyed. These statutes vary greatly. See, for example, Tenn. Code Ann. § 67-5-603; Cal. Rev. and Tax Code § 170; N.D. Cent. Code. Ann. §§ 57-02-11 and 57-23-04.7; Tex. Tax Code Ann. § 23.02; Ind. Code § 6-1.1-4-11; 35 Ill. Comp. Stat. 200/ 9-190; and Or. Rev. Stat. § 308.425. We note that at least two of these states, Oregon and California, have constitutional provisions which specifically authorize the differential tax treatment. The constitutions of other states, however, may not have uniformity clauses, or may have clauses which differ from Neb. Const. art. VIII, § 1.
amendment. It is not clear whether real property destroyed by all fires would be included in the definition or only those due to a natural disaster. And, it is not entirely clear what would be encompassed by the term "natural disaster." In addition, the term "destroyed" would likely be read to mean completely uninhabitable or unfit for customary use. If that is not the intent, the language should be modified.

Third, the time frame set forth in AM1217 may allow insufficient time for the county assessor and county board of equalization to act prior to the statutory deadline for the county tax levy. Neb. Rev. Stat. § 77-1601(1) (2018) provides that the county board of equalization shall levy the necessary taxes on or before October 15. AM1217 defines "destroyed real property" as real property that is destroyed "on or after January 1 and before October 1 of any year." Depending on the date of destruction, there will simply be insufficient time prior to October 15 for the entire process set forth in AM1217 to occur. The county assessor must learn of and report the destroyed real property. The county board of equalization must meet to adjust the assessed value, and give the notice of assessed value to the record owner as provided by AM1217. There must also be time for the protest provided by § 13(3).

CONCLUSION

The Nebraska Supreme Court has not yet addressed an enactment similar to AM1217 with regard to the uniformity clause and the Court's past strict construction of Neb. Const. art. VIII, § 1 raises some concerns regarding the constitutionality of the legislation. However, it is our opinion that the provisions of AM1217 do not clearly contravene the uniformity clause of our state Constitution.

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

pc. Patrick J. O'Donnell
Clerk of the Nebraska Legislature

09-623-29

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3 Any change in assessed value after the statutory tax levy deadline would violate Nebraska's "commutation clause," which is found at Neb. Const., art. VIII, § 4. Once the tax is levied, "the legislature cannot reduce the amount of the tax, extend the time for payment, or in any manner change the method of payment." Steinacher v. Swanson, 131 Neb. 439, 446, 268 N.W. 317, 321 (1936).
AMENDMENT

Senator Morfeld offered the following amendment:

AM1495

1. Insert the following new section:

Sec. 41. The Department of Health and Human Services shall notify the chairperson and members of the Health and Human Services Committee of the Legislature prior to submitting any request or application to the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services for a demonstration waiver under section 1115 of the federal Social Security Act. Such notification shall be made electronically and shall include a copy of the application for the federal waiver. The Health and Human Services Committee of the Legislature shall hold a public hearing on such waiver application. The Nebraska Department of Health and Human Services shall not submit any request or application to the Centers for Medicare and Medicaid Services until the department receives notification that the Legislature has approved the request or application for the waiver under section 1115.

2. Renumber the remaining sections accordingly.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 93. Introduced by Howard, 9; Cavanaugh, 6; DeBoer, 10; Hilkemann, 4; Hunt, 8; Kolowski, 31; Lathrop, 12; Lindstrom, 18; Linehan, 39; McCollister, 20; McDonnell, 5; Vargas, 7; Wayne, 13.

WHEREAS, Share Omaha is providing nonprofit organizations in the Omaha area the opportunity to connect with volunteers and donors; and

WHEREAS, Share Omaha has become a one-stop shop for people who give back to their community through volunteerism and financial support; and

WHEREAS, Share Omaha provides online connections to approximately one hundred and seventy nonprofit organizations; and

WHEREAS, volunteers and donors can use Share Omaha to filter through and find organizations for a specific cause or interest; and

WHEREAS, Share Omaha provides an open and inclusive platform for the entire nonprofit community giving all organizations the chance to be seen regardless of their size or budget; and

WHEREAS, Share Omaha is increasing collaboration between hundreds of nonprofit organizations.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature appreciates the hard work of Share Omaha and their commitment to helping nonprofit organizations.
2. That the Legislature encourages Nebraskans to use Share Omaha to access information on the nonprofit organizations working in the Omaha area.
3. That a copy of this resolution be sent to the Board of Directors of Share Omaha.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Friesen filed the following amendment to LB149:
AM1478
(Amendments to Standing Committee amendments, AM901)
1 1. On page 1, line 5; page 3, line 23; page 4, line 13; page 5, line 29; page 6, line 26; and page 7, lines 2, 4, 20, and 24, strike "nineteen" and insert "twenty-one".

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 6. Placed on Final Reading.
LEGISLATIVE BILL 356. Placed on Final Reading.
LEGISLATIVE BILL 405. Placed on Final Reading.
LEGISLATIVE BILL 524. Placed on Final Reading.

(Signed) Julie Slama, Chairperson

VISITOR(S)

Visitors to the Chamber were Dr. Kenneth Wasmund II from Omaha; Amelia Buhlke from Central City; and students from Norfolk Catholic School.

RECESS

At 11:46 a.m., on a motion by Senator Williams, 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 Senator Brewer who was excused; and Senators Friesen, Geist, Groene, La Grone, Murman, Quick, and Walz who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 44. Senator Slama offered the following motion:
MO67
Bracket until June 6, 2019.

Senator Slama withdrew her motion to bracket.

Senator Morfeld withdrew his amendment, AM1495, found in this day's Journal.

Senator Chambers moved for a call of the house. The motion prevailed with 31 ayes, 3 nays, and 15 not voting.

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

Voting in the affirmative, 17:

<table>
<thead>
<tr>
<th>Bolz</th>
<th>DeBoer</th>
<th>Kolowski</th>
<th>Morfeld</th>
<th>Wishart</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cavanaugh</td>
<td>Hansen, M.</td>
<td>Lathrop</td>
<td>Pansing Brooks</td>
<td></td>
</tr>
<tr>
<td>Chambers</td>
<td>Howard</td>
<td>McCollister</td>
<td>Vargas</td>
<td></td>
</tr>
<tr>
<td>Crawford</td>
<td>Hunt</td>
<td>McDonnell</td>
<td>Wayne</td>
<td></td>
</tr>
</tbody>
</table>

Voting in the negative, 25:

<table>
<thead>
<tr>
<th>Albrecht</th>
<th>Clements</th>
<th>Gragert</th>
<th>Hughes</th>
<th>Murman</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arch</td>
<td>Dorn</td>
<td>Groene</td>
<td>La Grone</td>
<td>Scheer</td>
</tr>
<tr>
<td>Bostelman</td>
<td>Erdman</td>
<td>Halloran</td>
<td>Linehan</td>
<td>Slama</td>
</tr>
<tr>
<td>Brandt</td>
<td>Friesen</td>
<td>Hansen, B.</td>
<td>Lowe</td>
<td>Stinner</td>
</tr>
<tr>
<td>Briese</td>
<td>Geist</td>
<td>Hilgers</td>
<td>Moser</td>
<td>Williams</td>
</tr>
</tbody>
</table>

Present and not voting, 3:

<table>
<thead>
<tr>
<th>Hilkemann</th>
<th>Kolterman</th>
<th>Lindstrom</th>
</tr>
</thead>
</table>

Excused and not voting, 4:

<table>
<thead>
<tr>
<th>Blood</th>
<th>Brewer</th>
<th>Quick</th>
<th>Walz</th>
</tr>
</thead>
</table>

Failed to advance to Enrollment and Review Initial with 17 ayes, 25 nays, 3 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.
SELECT FILE

LEGISLATIVE BILL 177. Senator Erdman renewed his amendment, FA50, found on page 1238 and considered on page 1254.

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 130. Placed on Final Reading.
ST16
The following changes, required to be reported for publication in the Journal, have been made:
1. On page 1, line 6, "to provide reporting requirements for the Department of Health and Human Services;" has been inserted after the last semicolon.

LEGISLATIVE BILL 130A. Placed on Final Reading.

(Signed) Julie Slama, Chairperson

MOTION(S) - Print in Journal

Senator Dorn filed the following motion to LB472:
MO68
Becomes law notwithstanding the objections of the Governor.

SELECT FILE

LEGISLATIVE BILL 177. The Erdman amendment, FA50, found on page 1238 and considered on page 1254 and in this day's Journal, was renewed.

Senator Erdman offered the following motion:
MO69
Bracket until June 6, 2019.

SENATOR WAYNE PRESIDING

Senator Lindstrom offered the following motion:
MO70
Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Lindstrom moved for a call of the house. The motion prevailed with 24 ayes, 5 nays, and 20 not voting.

Senator Lindstrom requested a roll call vote, in reverse order, on the motion to invoke cloture.
Voting in the affirmative, 36:

Arch  Dorn  Hunt  McDonnell  Walz
Blood  Friesen  Kolowski  Morfeld  Wayne
Bolz  Geist  Kolsterman  Moser  Williams
Brandt  Gragert  La Grone  Pansing  Brooks  Wishart
Briese  Hansen, M.  Lathrop  Quick
Cavanaugh  Hilkemann  Lindstrom  Scheer
Crawford  Howard  Linehan  Stinner
DeBoer  Hughes  McCollister  Vargas

Voting in the negative, 9:

Albrecht  Clements  Groene  Hansen, B.  Murman
Bostelman  Erdman  Halloran  Hilgers

Present and not voting, 1:

Chambers

Excused and not voting, 3:

Brewer  Lowe  Slama

The Lindstrom motion to invoke cloture prevailed with 36 ayes, 9 nays, 1 present and not voting, and 3 excused and not voting.

The Erdman motion to bracket failed with 7 ayes, 33 nays, 6 present and not voting, and 3 excused and not voting.

The Erdman amendment, FA50, lost with 8 ayes, 33 nays, 5 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment with 34 ayes, 9 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORT(S)
Health and Human Services

LEGISLATIVE BILL 205. Placed on General File with amendment.
AM1436
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Sections 1 to 19 of this act shall be known and may be
4 cited as the Surgical Technologist Registration Act.
5 Sec. 2. For purposes of the Surgical Technologist Registration Act,
the definitions found in sections 3 to 6 of this act apply.

Sec. 3. Board means the Board of Medicine and Surgery.

Sec. 4. Department means the Department of Health and Human Services.

Sec. 5. Registered surgical technologist means a person registered as a surgical technologist pursuant to the Surgical Technologist Registration Act.

Sec. 6. Surgical Technologist Registry means the registry created pursuant to section 10 of this act.

Sec. 7. Beginning January 1, 2020, any surgical technologist contracted with or employed as a surgical technologist by (1) a facility licensed under the Health Care Facility Licensure Act or (2) a physician engaged in the practice of medicine and surgery in Nebraska, shall register with the Surgical Technologist Registry no later than one hundred eighty days after the commencement of the contract period or the date of employment or July 1, 2020, whichever is later.

Sec. 8. (1) To be eligible to register as a surgical technologist, an individual shall:

(a) Be at least nineteen years of age;

(b) Be a high school graduate or be officially recognized by the State Department of Education as possessing the equivalent of a high school education; and

(c) Be of good moral character.

(2) An eligible individual shall:

(i) File an application with the Department of Health and Human Services. The application shall include:

(i) The applicant's name, address, date of birth, and social security number;

(ii) Evidence of eligibility under subsection (1) of this section as determined necessary by the department;

(iii) Documentation of any felony or misdemeanor conviction, along with the date of occurrence and the county and state in which the conviction occurred; and

(iv) One of the following:

(A) Documentation of certification as a surgical technologist by the State of Nebraska or a national certifying body approved by the board if the applicant is certified at the time of application;

(B) Documentation of completion of an accredited program in surgical technology accredited by the Commission on Accreditation of Allied Health Education Programs or the Accrediting Bureau of Health Education Schools if the applicant is a graduate of such a program; or

(C) Certification of the applicant's competency assessment completed by a licensed health care professional. The assessment shall include an assessment of the components listed in section 9 of this act; and

(b) Pay the required nonrefundable fee as determined by the department.

(3) An applicant who is a military spouse may apply for temporary registration as provided in section 38-129.01.

Sec. 9. A registered surgical technologist may, under the authority...
of a practitioner who is licensed under the Uniform Credentialing Act and
consistent with any rules and regulations adopted pursuant to section 19
of this act, and who directs surgical tasks and functions based on the
surgical technologist's education, knowledge, training, and skill,
perform tasks and functions, including, but not limited to:
(1) Preparing the operating suite for the planned surgical
procedure, including gathering and opening all equipment, supplies, and
instrumentation, including, but not limited to, sterile dressings and
instruments, scrubs, gowns, gloves, medications, and solutions;
(2) Creating and maintaining the sterile field through organization
and preparation of instruments and supplies, including performance of
necessary surgical counts;
(3) Gowning and gloving the surgeon and assistants;
(4) Providing visualization of the surgical site;
(5) Preparing and draping the patient for the surgical procedure;
(6) Positioning the patient;
(7) Passing instruments, supplies, and equipment to the surgeon and
assistants during the procedure while anticipating the needs of the
surgical team;
(8) Assisting the surgeon as directed in accordance with applicable
law and rules and regulations;
(9) Assisting the circulating nurse as directed in the care of the
surgical patient, including conducting appropriate counts prior to the
surgical procedure and before the incision is closed;
(10) Maintaining sterile technique during the surgical procedure;
(11) Assisting other members of the surgical team with cleaning the
operating suite, including decontamination of instruments, supplies, and
equipment utilized during the surgical procedure; and
(12) Assisting in preparing the surgical suite for the next surgical
procedure.
Sec. 10. (1) The Surgical Technologist Registry is created. The
registry shall be used to register surgical technologists beginning
(2) A listing in the registry shall be valid for the term of
registration as provided in section 38-142 subject to sections 13 and 14
of this act.
Sec. 11. The board shall provide supervision and oversight of the
Surgical Technologist Registry.
Sec. 12. The department shall establish and collect fees for
registration under the Surgical Technologist Registration Act as provided
in sections 38-151 to 38-157.
Sec. 13. (1) The department may deny or refuse renewal of
registration or remove a registrant from the Surgical Technologist
Registry for failure to meet the standards or for violation of the
Surgical Technologist Registration Act or any rules and regulations
adopted and promulgated pursuant to the act.
(2) If the department proposes to deny, refuse renewal of, or remove
a registration, it shall send the applicant or registrant a notice
setting forth the action to be taken and the reasons for the
The denial, refusal to renew, or removal shall become final thirty days after mailing the notice unless the applicant or registrant gives written notice to the department of his or her desire for an informal conference or for a formal hearing.

If an informal conference is requested, the department shall assign a representative of the department to hold an informal conference with the applicant or registrant within fifteen working days after receipt of a request. Within seven working days after the conclusion of such conference, the representative shall affirm, modify, or dismiss the action. The representative shall state in writing the specific reasons for affirming, modifying, or dismissing the action and shall immediately transmit copies of the statement to the department and to the applicant or the registrant. If the representative affirms or modifies the action, such action shall become final unless the applicant or registrant, within ten working days after the statement of reasons is sent, requests in writing a formal hearing to contest the action.

Except as provided by subsection (3) of this section, an applicant or registrant who desires to contest an action or to further contest an affirmed or modified action shall do so in the manner provided by the Administrative Procedure Act for contested cases. The chief medical officer as designated in section 81-3115 shall be the decisionmaker in a contested case under this section. The petition for judicial review of any final decision regarding an alleged violation shall be set for hearing at the earliest possible date. The times for pleadings and hearings shall be set by the court with the object of securing a decision at the earliest possible time.

Notice under this section or delivery of the statement of reasons under subsection (3) of this section may be served by any method specified in section 25-505.01, or the department may permit substitute or constructive service as provided in section 25-517.02 when service cannot be made with reasonable diligence by any of the methods specified in section 25-505.01.

A person whose registration has been denied, refused renewal, or removed from the Surgical Technologist Registry may reapply for registration or apply for lifting the disciplinary sanction at any time after one year has elapsed since the date such registration was denied, refused renewal, or removed from the registry. The application shall be made in accordance with the Surgical Technologist Registration Act and any rules and regulations adopted and promulgated pursuant to the act.

(1) Any facility or person using the services of a surgical technologist that takes action adversely affecting a surgical technologist due to alleged incompetence shall report to the department, in the manner specified by the department by rule and regulation, any facts relating to such alleged incompetence known to such facility or person, including, but not limited to, the identity of the surgical technologist and the patient. The report shall be made within thirty days after the date of the action or event.

(2) Any person or facility may report to the department any facts
known to such person or facility concerning any alleged incompetence of a surgical technologist.

(3) A report made to the department under this section shall be confidential. The facility or person making such report shall be immune from criminal or civil liability of any nature, whether direct or derivative, for filing a report with or for disclosure of documents, records, or other information to the department under this section. The reports and information shall be subject to the investigatory and enforcement provisions in the Surgical Technologist Registration Act. This subsection does not require production of records protected by the Health Care Quality Improvement Act or section 25-12,123 or patient safety work product under the Patient Safety Improvement Act except as otherwise provided in either of such acts or such section.

Sec. 16. Complaints, investigational records, reports, and investigational files of any kind of the department under the Surgical Technologist Registration Act shall not be public records, shall not be subject to subpoena or discovery, and shall be inadmissible as evidence in any legal proceeding of any kind or character except an informal conference or formal hearing before the department or a judicial appeal of such hearing. Such complaints, investigational records, reports, and investigational files shall be public records if made part of the record of a formal hearing before the department. No person, including, but not limited to, department employees, having access to such complaints, investigational records, reports, or investigational files, shall disclose such records or information except as required for investigation of the alleged violation or for purposes of a hearing before the department. Such information, files, and records may be disclosed to law enforcement agencies by the department and such disclosure shall not make the information, files, or records public records.

Sec. 17. The department may maintain an action for an injunction in the name of the state for violation of the Surgical Technologist Registration Act or any rules and regulations adopted and promulgated under the act.

Sec. 18. Surgical technologists are eligible to participate in the Licensee Assistance Program as prescribed by section 38-175.

Sec. 19. The department may adopt and promulgate rules and regulations as necessary to carry out the Surgical Technologist Registration Act, including, but not limited to, rules and regulations setting minimum standards for competencies listed in section 9 of this act and methods for competency assessment of surgical technologists.

Sec. 20. Section 38-2025, Revised Statutes Cumulative Supplement, 2018, is amended to read:

38-2025 The following classes of persons shall not be construed to be engaged in the unauthorized practice of medicine:

(1) Persons rendering gratuitous services in cases of emergency;

(2) Persons administering ordinary household remedies;

(3) The members of any church practicing its religious tenets, except that they shall not prescribe or administer drugs or medicines, perform surgical or physical operations, nor assume the title of or hold
themselves out to be physicians, and such members shall not be exempt
from the quarantine laws of this state;
(4) Students of medicine who are studying in an accredited school or
college of medicine and who gratuitously prescribe for and treat disease
under the supervision of a licensed physician;
(5) Physicians who serve in the armed forces of the United States or
the United States Public Health Service or who are employed by the United
States Department of Veterans Affairs or other federal agencies, if their
practice is limited to that service or employment;
(6) Physicians who are licensed in good standing to practice
medicine under the laws of another state when incidentally called into
this state or contacted via electronic or other medium for consultation
with a physician licensed in this state. For purposes of this
subdivision, consultation means evaluating the medical data of the
patient as provided by the treating physician and rendering a
recommendation to such treating physician as to the method of treatment
or analysis of the data. The interpretation of a radiological image by a
physician who specializes in radiology is not a consultation;
(7) Physicians who are licensed in good standing to practice
medicine in another state but who, from such other state, order
diagnostic or therapeutic services on an irregular or occasional basis,
to be provided to an individual in this state, if such physicians do not
maintain and are not furnished for regular use within this state any
office or other place for the rendering of professional services or the
receipt of calls;
(8) Physicians who are licensed in good standing to practice
medicine in another state and who, on an irregular and occasional basis,
are granted temporary hospital privileges to practice medicine and
surgery at a hospital or other medical facility licensed in this state;
(9) Persons providing or instructing as to use of braces, prosthetic
appliances, crutches, contact lenses, and other lenses and devices
prescribed by a physician licensed to practice medicine while working
under the direction of such physician;
(10) Dentists practicing their profession when licensed and
practicing in accordance with the Dentistry Practice Act;
(11) Optometrists practicing their profession when licensed and
practicing under and in accordance with the Optometry Practice Act;
(12) Osteopathic physicians practicing their profession if licensed
and practicing under and in accordance with sections 38-2029 to 38-2033;
(13) Chiropractors practicing their profession if licensed and
practicing under the Chiropractic Practice Act;
(14) Podiatrists practicing their profession when licensed to
practice in this state and practicing under and in accordance with the
Podiatry Practice Act;
(15) Psychologists practicing their profession when licensed to
practice in this state and practicing under and in accordance with the
Psychology Interjurisdictional Compact or the Psychology Practice Act;
(16) Advanced practice registered nurses practicing in their
clinical specialty areas when licensed under the Advanced Practice
7 Registered Nurse Practice Act and practicing under and in accordance with 8 their respective practice acts;
9 (17) Surgical first assistants practicing in accordance with the 10 Surgical First Assistant Practice Act;
11 (18) Persons licensed or certified under the laws of this state to 12 practice a limited field of the healing art, not specifically named in 13 this section, when confining themselves strictly to the field for which 14 they are licensed or certified, not assuming the title of physician, 15 surgeon, or physician and surgeon, and not professing or holding 16 themselves out as qualified to prescribe drugs in any form or to perform 17 operative surgery;
18 (19) Persons obtaining blood specimens while working under an order 19 of or protocols and procedures approved by a physician, registered nurse, 20 or other independent health care practitioner licensed to practice by the 21 state if the scope of practice of that practitioner permits the 22 practitioner to obtain blood specimens;
23 (20) Physicians who are licensed in good standing to practice 24 medicine under the laws of another state or jurisdiction who accompany an 25 athletic team or organization into this state for an event from the state 26 or jurisdiction of licensure. This exemption is limited to treatment 27 provided to such athletic team or organization while present in Nebraska; 28 and
29 (21) Surgical technologists practicing in accordance with the 30 Surgical Technologist Registration Act; and
31 (22) Other trained persons employed by a licensed health care 1 facility or health care service defined in the Health Care Facility 2 Licensure Act or clinical laboratory certified pursuant to the federal 3 Clinical Laboratories Improvement Act of 1967, as amended, or Title XVIII 4 or XIX of the federal Social Security Act to withdraw human blood for 5 scientific or medical purposes.
6 Any person who has held or applied for a license to practice 7 medicine and surgery in this state, and such license or application has 8 been denied or such license has been refused renewal or disciplined by 9 order of limitation, suspension, or revocation, shall be ineligible for 10 the exceptions described in subdivisions (5) through (8) of this section 11 until such license or application is granted or such license is renewed 12 or reinstated. Every act or practice falling within the practice of 13 medicine and surgery as defined in section 38-2024 and not specially 14 excepted in this section shall constitute the practice of medicine and 15 surgery and may be performed in this state only by those licensed by law 16 to practice medicine in Nebraska.
17 Sec. 21. Original section 38-2025, Revised Statutes Cumulative 18 Supplement, 2018, is repealed.

LEGISLATIVE BILL 329. Placed on General File with amendment.
AM1183
1 1. Strike the original sections and insert the following new 2 sections:
3 Section 1. Section 68-1206, Reissue Revised Statutes of Nebraska, is
amended to read:

(1) The Department of Health and Human Services shall
administer the program of social services in this state. The department
may contract with other social agencies for the purchase of social
services at rates not to exceed those prevailing in the state or the cost
at which the department could provide those services. The statutory
maximum payments for the separate program of aid to dependent children
shall apply only to public assistance grants and shall not apply to
payments for social services. As part of the provision of social services
authorized by section 68-1202, the department shall participate in the
federal child care assistance program under 42 U.S.C. 618, as such
section existed on January 1, 2013, and provide child care assistance to
families with incomes up to one hundred twenty-five percent of the
federal poverty level for FY2013-14 and one hundred thirty percent of the
federal poverty level for FY2014-15 and each fiscal year thereafter.

(2) As part of the provision of social services authorized by this
section and section 68-1202, the department shall participate in the
federal Child Care Subsidy program. In determining ongoing eligibility
for this program, ten percent of a household's gross earned income shall
be disregarded after twelve continuous months on the program and at each
subsequent redetermination. At redetermination of eligibility, if a
family's income exceeds one hundred thirty percent of the federal poverty
level, the family shall continue to receive transitional child care
assistance for up to twenty-four consecutive months or until the family
income exceeds one hundred eighty-five percent of the federal
poverty level. If a family's income falls to one hundred thirty percent
of the federal poverty level or below, the twenty-four-month time limit
in this subsection shall cease to apply until the family becomes eligible
for transitional child care assistance. The amount of such child care
assistance shall be based on a cost-shared plan between the recipient
family and the state and shall be based on a sliding-scale methodology. A
recipient family may be required to contribute a percentage of such
family's gross income for child care that is no more than the cost-
sharing rates in the transitional child care assistance program as of
January 1, 2015, for those no longer eligible for cash assistance as
provided in section 68-1724. Initial program eligibility standards shall
not be impacted by the provisions of this subsection.

(3) In determining the rate or rates to be paid by the department
for child care as defined in section 43-2605, the department shall adopt
a fixed-rate schedule for the state or a fixed-rate schedule for an area
of the state applicable to each child care program category of provider
as defined in section 71-1910 which may claim reimbursement for services
provided by the federal Child Care Subsidy program, except that the
department shall not pay a rate higher than that charged by an individual
provider to that provider's private clients. The schedule may provide
separate rates for care for infants, for children with special needs,
including disabilities or technological dependence, or for other
individual categories of children. The schedule may also provide tiered
rates based upon a quality scale rating of step three or higher under the
26 Step Up to Quality Child Care Act. The schedule shall be effective on 27 October 1 of every year and shall be revised annually by the department.
28 Sec. 2. Original section 68-1206, Reissue Revised Statutes of 29 Nebraska, is repealed.

LEGISLATIVE BILL 607. Placed on General File with amendment.
AM1462
1 1. On page 7, lines 23 and 24, strike “engage in the performance of 2 body art or”.
3 2. On page 17, line 13; page 19, lines 6 and 7, strike “or 4 registration”.

(Signed) Sara Howard, Chairperson

SELECT FILE

LEGISLATIVE BILL 227. ER80, found on page 1165, was adopted.

Senator Lathrop withdrew his amendments, AM1330, AM1331, and AM1332, found on pages 1177 and 1178.

Senator Lathrop offered the following amendment:
AM1485

(Amendments to AM1287)
1 1. Strike amendment 1 and insert the following new amendment:
2 1. Strike the original sections and insert the following new 3 sections:
4 Section 1. Section 2-4403, Reissue Revised Statutes of Nebraska, is 5 amended to read:
6 2-4403  (1) A farm or farm operation or a public grain warehouse or 7 public grain warehouse operation shall not be found to be a public or 8 private nuisance if the farm or farm operation or public grain warehouse 9 or public grain warehouse operation existed before a change in the land 10 use or occupancy of land in and about the locality of such farm or farm 11 operation or public grain warehouse or public grain warehouse operation 12 and before such change in land use or occupancy of land the farm or farm 13 operation or public grain warehouse or public grain warehouse operation 14 would not have been a nuisance.
15 (2) No suit shall be maintained against a farm or farm operation or 16 public grain warehouse or public grain warehouse operation for public or 17 private nuisance more than two years after the condition which is the 18 subject matter of the suit reaches a level of offense sufficient to 19 sustain a claim of nuisance.
20 (3) The limitation provided for in this section shall not apply to 21 any action brought to determine compliance with or to enforce a previous 22 order of a court related to the same claim of nuisance or to any claims 23 for additional damages or equitable relief available when a farm or farm 24 operation or public grain warehouse or public grain warehouse operation 25 fails to remediate a nuisance pursuant to such court order.
Sec. 2. Section 2-4404, Reissue Revised Statutes of Nebraska, is amended to read:
2-4404 The Nebraska Right to Farm Act Sections 2-4401 to 2-4404 shall not affect the application of state and federal statutes.

Sec. 3. Original sections 2-4403 and 2-4404, Reissue Revised Statutes of Nebraska, are repealed.

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

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 616. Considered.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 138. ER86, found on page 1185, was adopted.

Senator Pansing Brooks offered the following amendment:

AM1469 (Amendments to E&R amendments, ER86)
1 1. On page 2, line 2, after "veterans" insert ". Such web site shall
2 be implemented on a date designated by the Director of Veterans' Affairs
3 when sufficient cash funds have accumulated in the Veterans Employment
4 Program Fund to develop such web site, but no later than June 30, 2024".
5 2. On page 26, line 1, after "Nebraska" insert ", including the
6 development and implementation of a web site as required by section 1 of
7 this act".

The Pansing Brooks amendment was adopted with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 693. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 237. ER88, found on page 1206, was adopted.

Senator Crawford offered her amendment, AM1476, found on page 1275.

SPEAKER SCHEER PRESIDING

The Crawford amendment was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.
LEGISLATIVE BILL 237A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 496. Senator Wayne offered his amendment, AM1430, found on page 1254.

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

Advanced to Enrollment and Review for Engrossment.

BILL ON FIRST READING

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

LEGISLATIVE BILL 300A. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 300, One Hundred Sixth Legislature, First Session, 2019; to provide an operative date; and to declare an emergency.

AMENDMENT(S) - Print in Journal

Senator Lathrop filed the following amendment to LB300:

AM1500
1 1. Strike original section 1 and insert the following new section:
2 Section 1. Section 24-201.01, Revised Statutes Cumulative
3 Supplement, 2018, is amended to read:
4 24-201.01  On July 1, 2016, the salary of the Chief Justice and the
5 judges of the Supreme Court shall be one hundred seventy-one thousand
6 nine hundred seventy-four dollars and seventy-three cents. On July 1,
7 2017, the salary of the Chief Justice and the judges of the Supreme Court
8 shall be one hundred seventy-three thousand six hundred ninety-three
9 dollars and ninety-seven cents. On January 1, 2019, the salary of the
10 Chief Justice and the judges of the Supreme Court shall be one hundred
11 seventy-six thousand two hundred ninety-nine dollars and thirty-eight
12 cents. On July 1, 2019, the salary of the Chief Justice and the judges of
13 the Supreme Court shall be one hundred eighty-one thousand five hundred
14 eighty-eight dollars and thirty-six cents. On July 1, 2020, the salary of
15 the Chief Justice and the judges of the Supreme Court shall be one
16 hundred eighty-seven thousand thirty-six dollars and one cent.
17 The Chief Justice and the judges of the Supreme Court shall hold no
18 other public office of profit or trust during their terms of office nor
19 accept any public appointment or employment under the authority of the
20 government of the United States for which they receive compensation for
21 their services. Such salaries shall be payable in equal monthly
22 installments.
ANNOUNCEMENT

Senator Halloran announced the Agriculture Committee will hold an executive session Friday, April 26, 2019, at 9:00 a.m., in Room 2022.

VISITOR(S)

Visitors to the Chamber were students from Pierce Elementary School.

The Doctor of the Day was Dr. Brian Buhlke from Central City.

ADJOURNMENT

At 4:32 p.m., on a motion by Senator B. Hansen, the Legislature adjourned until 9:00 a.m., Friday, April 26, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
SIXTY-SIXTH DAY - APRIL 26, 2019

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

SIXTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, April 26, 2019

PRAYER

The prayer was offered by Pastor Terry Krueger, St. Mark's Lutheran Church, Bloomfield.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Scheer presiding.

The roll was called and all members were present except Senator Brewer who was excused; and Senators Cavanaugh, Groene, and Morfeld who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-fifth day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of April 25, 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
People United for Privacy (Withdrawn 04/22/2019)
Karl, Jamie
Nebraska Chamber of Commerce & Industry (Withdrawn 04/18/2019)
Lyons, Liz
Children's Hospital & Medical Center
Peetz & Company
TradeWind Energy (Withdrawn 04/24/2019)
Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:
http://www.nebraskalegislature.gov/agencies/view.php

GENERAL FILE

LEGISLATIVE BILL 641A. Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 23. With Emergency Clause.

A BILL FOR AN ACT relating to the Property Assessed Clean Energy Act; to amend sections 13-3202, 13-3203, 13-3204, and 13-3205, Revised Statutes Cumulative Supplement, 2018; to change legislative findings; to redefine terms; to change provisions relating to requirements for ordinances or resolutions, assessment contracts, and duties of municipalities; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Present and not voting, 1:

Groene
Excused and not voting, 3:
Brewer  Cavanaugh  Morfeld

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**MOTION(S) - RETURN LB31 TO SELECT FILE**

Senator Chambers moved to return LB31 to Select File for the following specific amendment:
FA52
Strike the enacting clause.

Senator Chambers withdrew his motion to return.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 31. WITH EMERGENCY CLAUSE.**

A BILL FOR AN ACT relating to retirement; to amend sections 79-978.01 and 84-1503, Revised Statutes Cumulative Supplement, 2018; to provide for a work plan relating to a transfer of management of Class V school employees retirement systems established under the Class V School Employees Retirement Act to the Public Employees Retirement Board as prescribed; to require a report; to create a fund; to provide duties for the Public Employees Retirement Board; to provide for reimbursement for expenses incurred in completing such work plan; to harmonize provisions; to provide for severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 47:

Albrecht  Crawford  Hilgers  Linehan  Slama
Arch  DeBoer  Hilkemann  Lowe  Stinner
Blood  Dorn  Howard  McCollister  Vargas
Bolz  Erdman  Hughes  McDonnell  Walz
Bostelman  Friesen  Hunt  Morfeld  Wayne
Brandt  Geist  Kolowski  Moser  Williams
Briese  Gragert  Koltermann  Murman  Wishart
Cavanaugh  Groene  La Grone  Pansing Brooks
Chambers  Hansen, B.  Lathrop  Quick
Clements  Hansen, M.  Lindstrom  Scheer
Voting in the negative, 0.

Excused and not voting, 2:

Brewer    Halloran

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**PRESIDENT FOLEY PRESIDING**

**LEGISLATIVE BILL 31A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 31, One Hundred Sixth Legislature, First Session, 2019; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?" 

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

Kolowski

Excused and not voting, 1:

Brewer

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.
MOTION(S) - Return LB180 to Select File

Senator Chambers moved to return LB180 to Select File for the following specific amendment:
FA53
Strike the enacting clause.

Senator Chambers withdrew his motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 180.

A BILL FOR AN ACT relating to the Community College Gap Assistance Program Act; to amend section 85-2002, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to eligibility; to redefine a term; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Linehan

Excused and not voting, 2:

Brewer     Williams

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.
MOTION(S) - Return LB222 to Select File

Senator Chambers moved to return LB222 to Select File for the following specific amendment:
FA54
Strike the enacting clause.

Senator Chambers withdrew his motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 222.

A BILL FOR AN ACT relating to the Volunteer Emergency Responders Incentive Act; to amend sections 77-3104 and 77-3105, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to notice, reporting, the approval and certification of volunteer members who are eligible for a tax credit, and the claiming of the tax credit; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Brewer  Morfeld  Williams

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.
MOTION(S) - Return LB252 to Select File

Senator Chambers moved to return LB252 to Select File for the following specific amendment:
FA55
Strike the enacting clause.

Senator Chambers withdrew his motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 252.

A BILL FOR AN ACT relating to the State Lottery Act; to amend section 9-823, Reissue Revised Statutes of Nebraska; to provide a condition relating to advertisements; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Present and not voting, 1:

Groene

Excused and not voting, 3:

Brewer  Morfeld  Williams

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.
While the Legislature was in session and capable of transacting business, the President signed the following: LBs 23, 31, 31A, 180, 222, and 252.

COMMITTEE REPORT(S)
Agriculture

LEGISLATIVE BILL 157. Placed on General File with amendment.
AM1484
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 81-2, 165.01, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 81-2,165.01 Sections 81-2,165 to 81-2,180 and section 3 of this act
6 shall be known and may be cited as the Nebraska Apiary Act.
7 Sec. 2. Section 81-2,166, Reissue Revised Statutes of Nebraska, is
8 amended to read:
9 81-2,166 For purposes of the Nebraska Apiary Act, unless the context
10 otherwise requires:
11 (1) Abandoned apiary shall mean any apiary not regularly attended in
12 accordance with good beekeeping practices and which constitutes a
13 disease, parasite, or pest hazard to the beekeeping industry;
14 (2) Apiary shall mean any place where one or more colonies of bees
15 or nuclei of bees are located;
16 (3) Bee equipment shall mean hives, supers, frames, veils, gloves,
17 or any other apparatus, tool, machine, vehicle, or device used in the
18 handling, moving, or manipulating of bees, honey, wax, or hives,
19 including containers of honey or wax which may be used in any apiary or
20 in transporting bees and their products and apiary supplies;
21 (4) Beekeeping shall mean the moving, raising, and producing of
22 bees, beeswax, and honey which is an agricultural pursuit;
23 (5) Bees shall mean any stage of the common honeybee, Apis mellifera
24 L;
25 (6) Colony shall mean the aggregate of worker bees, drones, the
26 queen, and developing young bees living together as a family unit in a
27 hive or other dwelling;
1 (7) Commercial beekeeper means any person who owns, maintains, or
2 manages a beekeeping operation of two hundred or more colonies located
3 within one or more apiaries established within the state for any part of
4 a year;
5 (8) Department shall mean the Department of Agriculture;
6 (9) Director shall mean the Director of Agriculture or his or
7 her designated representative, employee, or authorized agent;
8 (10) Disease shall mean American foulbrood, European foulbrood,
9 chalkbrood, sacbrood, paralysis, or any other abnormal condition of egg,
10 larva, pupa, or adult stages of bees;
11 (11) Exotic disease, parasite, or pest shall mean any disease,
12 parasite, or pest not known to be established in this state;
13 (12) Hive shall mean a frame hive, box hive, box, barrel, log
14 gum, skep, or any other receptacle or container, natural or artificial,
15 or any part thereof, which is used or employed as a domicile for bees;
16 (13) Nuclei shall mean a small mass of bees and combs of brood
17 used in forming a new colony;
18 (14) Parasite shall mean any harmful organism living in or on
19 bees, including, but not limited to, Varroa jacobsoni, Acarapis woodi,
20 and Tropilaelaps clareae; and
21 (15) Pest shall mean any harmful subspecies of the honeybee
22 Apis mellifera, including, but not limited to, Apis mellifera scutellata.
23 Words used in the act shall be construed to import either the plural
24 or singular, as the case demands.
25 Sec. 3. (1) The department shall establish a process for commercial
26 beekeepers to voluntarily register apiary locations within the state and
27 shall maintain and make a registry of such apiary locations available on
28 its web site and upon request. For purposes of this section, an apiary
29 location shall be identified by legal description and shall be presumed
30 to be the center of the quarter section in which the apiary is located. A
31 commercial beekeeper may register apiary locations subject to the
1 following restrictions:
2 (a) No person may register more than five apiary locations;
3 (b) An apiary location may only be registered by a person who is a
4 commercial beekeeper and who establishes and maintains an apiary at such
5 registered location;
6 (c) If an apiary location is on property not owned by the person
7 registering the location, a statement signed by the owner of the property
8 where the registered location is located stating the landowner's
9 concurrence with the registration of the apiary location shall be
10 provided with the registration application;
11 (d) No apiary location may be registered within a distance of two
12 miles of a previously registered location unless such location (i) is
13 registered by the person who placed the previously registered location on
14 the registry or (ii) is on property owned by the person registering; and
15 (e) No apiary location shall be registered unless the registration
16 fee charged by the department pursuant to this section is provided with
17 the registration application.
18 (2) The department shall impose and collect apiary location
19 registration fees and annual registration renewal fees sufficient to
20 recover the department’s costs of administering the voluntary
21 registration process and to publish and provide registry information. All
22 fees collected under this section shall be remitted to the State Apiary
23 Cash Fund. Registry of apiary locations shall be accepted beginning on
24 the effective date of this act and the initial period of registration
25 shall begin on the date the department accepts an application for
26 registration through the following March 31. Registrations may be renewed
27 annually on or before April 1 of the year a registration period
Sec. 4. Original sections 81-2,165.01 and 81-2,166, Reissue Revised Statutes of Nebraska, are repealed.

(Signed) Steve Halloran, Chairperson

Education

LEGISLATIVE BILL 544. Placed on General File with amendment.

AM1450

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

Section 1. Sections 1 to 5 of this act shall be known and may be cited as the Meadowlark Act.

Sec. 2. For purposes of the Meadowlark Act:

(1) Eligible educational institution has the same meaning as in section 85-1802;

(2) Nebraska educational savings plan trust has the same meaning as in section 85-1802;

(3) Qualified higher education expenses has the same meaning as in section 85-1802;

(4) Qualified individual means an individual born on or after January 1, 2020, who is a resident of this state at the time of birth;

and

(5) Qualified private contribution means a contribution from an individual or private entity which is made for the purpose of providing an ongoing source of funding for the Meadowlark Program established in section 4 of this act.

Sec. 3. (1) There is hereby established in the state treasury a trust fund to be known as the Meadowlark Endowment Fund. The fund shall be administered by the State Treasurer and shall consist of qualified private contributions and any amounts appropriated or transferred to the fund by the Legislature. No General Funds shall be transferred to the Meadowlark Endowment Fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. No portion of the principal of the fund shall be expended for any purpose except investment pursuant to this subsection.

(2) The State Treasurer shall accept qualified private contributions and shall credit all such contributions received to the Meadowlark Endowment Fund. The State Treasurer shall determine the total amount of qualified private contributions received under this subsection and shall transfer an equal amount from the College Savings Plan Expense Fund or the Unclaimed Property Escheat Trust Fund, as determined by the State Treasurer, to the Meadowlark Endowment Fund.

Sec. 4. (1) The Meadowlark Program is created. The program shall be administered by the State Treasurer. The purpose of the program is to promote access to postsecondary educational opportunities by providing
12 funds to qualified individuals to help pay the qualified higher education
13 expenses associated with attendance at an eligible educational
14 institution located in this state.
15 (2) Any qualified individual shall be eligible to participate in the
16 Meadowlark Program. No later than March 1 of each year, the Department of
17 Health and Human Services shall transmit information to the State
18 Treasurer which is necessary to administer the program and to establish
19 whether the children born in this state in the previous calendar year are
20 qualified individuals. Such information shall include, but not be limited
21 to, the full name and residential address of each child's parent or legal
22 guardian and the birth date of each child. Costs associated with the
23 transfer of information by the Department of Health and Human Services
24 shall be paid from the College Savings Plan Expense Fund.
25 (3) Following receipt of the information described in subsection (2)
26 of this section, the State Treasurer shall send a notification explaining
27 the Meadowlark Program to the parent or legal guardian of each qualified
28 individual. The State Treasurer shall provide such parent or legal
29 guardian with the opportunity to exclude his or her child from the
30 program. Any child who is not excluded shall be deemed to be enrolled in
31 the program. Upon enrollment into the program, the child shall have an
1 account opened for him or her under the Nebraska educational savings plan
2 trust.
3 (4) On or before April 1 of each year, the State Treasurer shall
4 determine (a) the number of accounts opened under the Meadowlark Program
5 in the previous calendar year and (b) the amount of investment income
6 generated by the Meadowlark Endowment Fund in the previous calendar year.
7 The State Treasurer shall evenly distribute the investment income from
8 the previous calendar year to the accounts opened in the previous
9 calendar year.
10 (5) The Nebraska educational savings plan trust shall own all
11 accounts opened under the Meadowlark Program. Neither the qualified
12 individual nor his or her parent or legal guardian shall have any
13 ownership rights or interest in, title to, or power or control over such
14 an account.
15 (6) Any disbursement from an account opened under the Meadowlark
16 Program shall be made before the qualified individual reaches thirty
17 years of age. Once a qualified individual reaches thirty years of age,
18 any unused funds in his or her account shall be transferred to the
19 Meadowlark Endowment Fund.
20 (7) Funds disbursed from an account opened under the Meadowlark
21 Program shall only be used to pay the qualified higher education expenses
22 associated with attending an eligible educational institution located in
23 this state.
24 (8) The State Treasurer shall take measures to ensure the security
25 and confidentiality of the information received under subsection (2) of
26 this section.
27 Sec. 5. The State Treasurer may adopt and promulgate rules and
28 regulations to carry out the Meadowlark Act.
29 Sec. 6. Section 85-1807, Reissue Revised Statutes of Nebraska, is
amended to read:

The State Treasurer shall deposit money received by the Nebraska educational savings plan trust into three funds: The College Savings Plan Program Fund, the College Savings Plan Expense Fund, and the College Savings Plan Administrative Fund. The State Treasurer shall deposit money received by the trust into the appropriate fund. The State Treasurer and Accounting Administrator of the Department of Administrative Services shall determine the state fund types necessary to comply with section 529 of the Internal Revenue Code and state policy. The money in the funds shall be invested by the state investment officer pursuant to policies established by the Nebraska Investment Council. The program fund, the expense fund, and the administrative fund shall be separately administered. The Nebraska educational savings plan trust shall be operated with no General Fund appropriations.

(2) The College Savings Plan Program Fund is created. All money paid by participants in connection with participation agreements and all investment income earned on such money shall be deposited as received into separate accounts within the program fund. Contributions to the trust made by participants may only be made in the form of cash. All funds generated in connection with participation agreements shall be deposited into the appropriate accounts within the program fund. A participant or beneficiary shall not provide investment direction regarding program contributions or earnings held by the trust. Money accrued by participants in the program fund may be used for payments to any eligible educational institution. Any money in the program fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(3) The College Savings Plan Administrative Fund is created. Money from the trust transferred from the expense fund to the administrative fund in an amount authorized by an appropriation from the Legislature shall be utilized to pay for the costs of administering, operating, and maintaining the trust, to the extent permitted by section 529 of the Internal Revenue Code. The administrative fund shall not be credited with any money other than money transferred from the expense fund in an amount authorized by an appropriation by the Legislature or any interest income earned on the balances held in the administrative fund. Any money in the administrative fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(4) The College Savings Plan Expense Fund is created. The expense fund shall be used to pay costs associated with the Nebraska educational savings plan trust and shall be funded with fees assessed to the program fund. The State Treasurer shall use the expense fund:

(i) To pay costs associated with the Nebraska educational savings plan trust;
(ii) For the purposes described in the Meadowlark Act; and
(iii) To transfer from the expense fund to the State Investment Officer's Cash Fund an amount equal to the pro rata share of the budget.
appropriated to the Nebraska Investment Council as permitted in section 72-1249.02, to cover reasonable expenses incurred for investment management of the Nebraska educational savings plan trust. Annually and prior to such transfer to the State Investment Officer's Cash Fund, the State Treasurer shall report to the budget division of the Department of Administrative Services and to the Legislative Fiscal Analyst the amounts transferred during the previous fiscal year. The report submitted to the Legislative Fiscal Analyst shall be submitted electronically. Transfers may be made from the expense fund to the General Fund at the direction of the Legislature. Any money in the expense fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 7.  Original section 85-1807, Reissue Revised Statutes of Nebraska, is repealed.

(Signed)  Mike Groene, Chairperson

Judiciary

LEGISLATIVE BILL 106. Placed on General File.

LEGISLATIVE BILL 427. Placed on General File.

LEGISLATIVE BILL 219. Placed on General File with amendment. AM1472

1 1. Strike original section 3.
2 2. On page 5, strike beginning with "On" in line 18 through "a" in line 21; and in line 21 reinstate the stricken "A".
3 3. Renumber the remaining section and correct the repealer accordingly.

LEGISLATIVE BILL 479. Placed on General File with amendment. AM1473

1 1. On page 7, line 6; and page 8, line 5, after "lawful" insert "pat-down or".

LEGISLATIVE BILL 533. Placed on General File with amendment. AM414

1 1. Insert the following new section:
2 Sec. 2. Section 42-106, Reissue Revised Statutes of Nebraska, is amended to read:
3 42-106 When an application is made for a license to the county clerk, he or she shall, upon the granting of such license, state in the license the information contained in the application as provided in section 42-104. The license shall, prior to the issuing thereof, be entered of record in the office of the county clerk in a suitable book to be provided for that purpose.
4 10 The forms for the application, license, and certificate of marriage shall be provided by the Department of Health and Human Services at
12 actual cost as determined by the department. The forms for the
13 application, license, and certificate of marriage shall refer to the
14 parties using the designations Applicant 1 and Applicant 2.
15 2. Renumber the remaining sections and correct the repealer
16 accordingly.

LEGISLATIVE BILL 690. Placed on General File with amendment.
AM1488 is available in the Bill Room.

(Signed) Steve Lathrop, Chairperson

AMENDMENT(S) - Print in Journal

Senator Wayne filed the following amendment to LB149:
AM1228

(Amendments to Standing Committee amendments, AM901)
1 1. Strike amendment 1 and insert the following new amendment:
2 1. Strike the original sections and insert the following new
3 sections:
4 Section 1. Section 28-1418, Reissue Revised Statutes of Nebraska, is
5 amended to read:
6 28-1418 Whoever, being a minor under the age of eighteen years,
7 shall smoke cigarettes or cigars, use electronic nicotine delivery
8 systems vapor products or alternative nicotine products, or use tobacco
9 in any form whatever, in this state, shall be guilty of a Class V
10 misdemeanor. Any minor charged with a violation of this section may be
11 free from prosecution if he or she furnishes evidence for the conviction
12 of the person or persons selling or giving him or her the cigarettes,
13 cigars, electronic nicotine delivery systems vapor products, alternative
14 nicotine products, or tobacco.
15 Sec. 2. Section 28-1418.01, Reissue Revised Statutes of Nebraska, is
16 amended to read:
17 28-1418.01 For purposes of sections 28-1418 to 28-1429.03:
18 (1) Alternative nicotine product means any noncombustible product
19 containing nicotine that is intended for human consumption, whether
20 chewed, absorbed, dissolved, or ingested by any other means. Alternative
21 nicotine product does not include any electronic nicotine delivery system
22 vapor product, cigarette, cigar, or other tobacco product, or any product
23 regulated as a drug or device by the United States Food and Drug
24 Administration under Chapter V of the Federal federal Food, Drug, and
25 Cosmetic Act;
26 (2) Cigarette means any product that contains nicotine, is intended
1 to be burned or heated under ordinary conditions of use, and consists of
2 or contains (a) any roll of tobacco wrapped in paper or in any substance
3 not containing tobacco, (b) tobacco, in any form, that is functional in
4 the product which, because of its appearance, the type of tobacco used in
5 the filler, or its packaging and labeling, is likely to be offered to, or
6 purchased by, consumers as a cigarette, or (c) any roll of tobacco
7 wrapped in any substance containing tobacco which, because of its
appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in subdivision (2)(a) of this section;

(3)(a) Electronic nicotine delivery system means any product or device containing nicotine, tobacco, or tobacco derivatives that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, to simulate smoking by delivering the nicotine, tobacco, or tobacco derivatives in vapor, fog, mist, gas, or aerosol form to a person inhaling from the product or device.

(b) Electronic nicotine delivery system includes, but is not limited to, the following:

(i) Any substance containing nicotine, tobacco, or tobacco derivatives, whether sold separately or sold in combination with a product or device that is intended to deliver to a person nicotine, tobacco, or tobacco derivatives in vapor, fog, mist, gas, or aerosol form;

(ii) Any product or device marketed, manufactured, distributed, or sold as an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, electronic hookah, or similar products, names, descriptors, or devices; and

(iii) Any component, part, or accessory of such a product or device that is used during operation of the product or device when sold in combination with any substance containing nicotine, tobacco, or tobacco derivatives.

(c) Electronic nicotine delivery system does not include the following:

(i) An alternative nicotine product, cigarette, cigar, or other tobacco product, or any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act; or

(ii) Any component, part, or accessory of such a product or device that is used during operation of the product or device when not sold in combination with any substance containing nicotine, tobacco, or tobacco derivatives.

(4) Minor means any person under nineteen years of age, except that any person who is at least eighteen years of age on January 1, 2020, shall not be considered a minor;

(5) Self-service display means a retail display that contains a tobacco product, a tobacco-derived product, or an alternative nicotine product and is located in an area openly accessible to a retailer's customers and from which such customers can readily access the product without the assistance of a salesperson. Self-service display does not include a display case that holds tobacco products, electronic nicotine delivery systems, vapor products, or alternative nicotine products behind locked doors; and

(6) Tobacco specialty store means a retail store that derives at least seventy-five percent of its revenue from tobacco
products, tobacco-derived products, electronic nicotine delivery systems vapor products, or alternative nicotine products and (b) does not permit minors under the age of eighteen years to enter the premises unless accompanied by a parent or legal guardian; and
(4) Vapor product means any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. Vapor product includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. Vapor product does not include an alternative nicotine product, cigarette, cigar, or other tobacco product, or any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the federal Food, Drug, and Cosmetic Act.

Sec. 3. Section 28-1419, Reissue Revised Statutes of Nebraska, is amended to read:

28-1419 Whoever shall sell, give, or furnish, in any way, any tobacco in any form whatever, or any cigarettes, cigarette paper, electronic nicotine delivery systems vapor products, or alternative nicotine products, to any minor under eighteen years of age, is guilty of a Class III misdemeanor for each offense.

Sec. 4. Section 28-1420, Reissue Revised Statutes of Nebraska, is amended to read:

28-1420 It shall be unlawful for any person, partnership, limited liability company, or corporation to sell, keep for sale, or give away in course of trade, any cigars, tobacco, electronic nicotine delivery systems vapor products, or alternative nicotine products, to any minor under eighteen years of age, is guilty of a Class III misdemeanor for each offense.

Sec. 5. Section 28-1421, Reissue Revised Statutes of Nebraska, is amended to read:

28-1421 Licenses for the sale of cigars, tobacco, electronic nicotine delivery systems, cigarettes, or cigarette material to anyone without first obtaining a license as provided in sections 28-1421 and 28-1422. It shall also be unlawful for any wholesaler to sell or deliver any cigars, tobacco, electronic nicotine delivery systems, cigarettes, or cigarette material to any person, partnership, limited liability company, or corporation who, at the time of such sale or delivery, is not the recipient of a valid tobacco license for the current year to retail the same as provided in such sections. It shall also be unlawful for any person, partnership, limited liability company, or corporation to purchase or receive, for purposes of resale, any cigars, tobacco, electronic nicotine delivery systems, cigarettes, or cigarette material if such person, partnership, limited liability company, or corporation is not the recipient of a valid tobacco license to retail such tobacco products at the time the same are purchased or received. Whoever shall be found guilty of violating this section shall be guilty of a Class III misdemeanor for each offense.
nicotine delivery systems, cigarettes, and cigarette material to persons of legal age to purchase such products over the age of eighteen years shall be issued to individuals, partnerships, limited liability companies, and corporations by the clerk or finance director of any city or village and by the county clerk of any county upon application duly made as provided in section 28-1422. The sale of cigarettes or cigarette materials that contain perfumes or drugs in any form is prohibited and is not licensed by the provisions of this section. Only cigarettes and cigarette material containing pure white paper and pure tobacco shall be licensed.

Sec. 6. Section 28-1423, Reissue Revised Statutes of Nebraska, is amended to read:

28-1423 The term for which such license shall run shall be from the date of filing such application and paying such license fee to and including December 31 of the calendar year in which application for such license is made, and the license fee for any person, partnership, limited liability company, or corporation selling at retail shall be twenty-five dollars in cities of the metropolitan class, fifteen dollars in cities of the primary and first classes, and ten dollars in cities of all other classes and in towns and villages and in locations outside of the limits of cities, towns, and villages. Any person, partnership, limited liability company, or corporation selling annually in the aggregate more than one hundred fifty thousand cigars, packages of cigarettes, electronic nicotine delivery systems, and packages of tobacco in any form, at wholesale, shall pay a license fee of one hundred dollars, and if such combined annual sales amount to less than one hundred fifty thousand cigars, packages of cigarettes, electronic nicotine delivery systems, and packages of tobacco, the annual license fee shall be fifteen dollars. No wholesaler's license shall be issued in any year on a less basis than one hundred dollars per annum unless the applicant for the same shall file with such application a statement duly sworn to by himself or herself, or if applicant is a partnership, by a member of the firm, or if a limited liability company, by a member or manager of the company, or if a corporation, by an officer or manager thereof, that in the past such wholesaler's combined sales of cigars, packages of cigarettes, electronic nicotine delivery systems, and packages of tobacco in every form have not exceeded in the aggregate one hundred fifty thousand dollars annually, and that such sales will not exceed such aggregate amount for the current year for which the license is to issue. Any person swearing falsely in such affidavit shall be guilty of perjury and upon conviction thereof shall be punished as provided by section 28-915 and such wholesaler's license shall be revoked until the full license fee of one hundred dollars is paid. If application for license is made after July 1 of any calendar year, the fee shall be one-half of the fee provided in this section.

Sec. 7. Section 28-1424, Reissue Revised Statutes of Nebraska, is amended to read:

28-1424 The license, provided for in sections 28-1421 and 28-1422 shall, when issued, authorize the sale of cigars, tobacco,
31 electronic nicotine delivery systems, cigarettes, and cigarette material
1 by the licensee and employees, to persons of legal age to purchase such
2 products over the age of eighteen years, at the place of business
3 described in such license for the term therein authorized, unless the
4 license is same be forfeited as provided in section 28-1425.
5 Sec. 8. Section 28-1425, Reissue Revised Statutes of Nebraska, is
6 amended to read:
7 28-1425 Any licensee who shall sell, give, or furnish in any way to
8 any minor person under the age of eighteen years, or who shall willingly
9 allow to be taken from his or her place of business by any minor person
10 under the age of eighteen years, any cigars, tobacco, cigarettes,
11 cigarette material, electronic nicotine delivery systems vapor products,
12 or alternative nicotine products is guilty of a Class III misdemeanor.
13 Any officer, director, or manager having charge or control, either
14 separately or jointly with others, of the business of any corporation
15 which violates sections 28-1418.01, 28-1420 to 28-1429, and
16 28-1429.03, if he or she has knowledge of such violation, shall be
17 subject to the penalties provided in this section. In addition to the
18 penalties provided in this section, such licensee shall be subject to the
19 additional penalty of a revocation and forfeiture of his, her, their, or
20 its license, at the discretion of the court before whom the complaint for
21 violation of such sections may be heard. If such license is revoked and
22 forfeited, all rights under such license shall at once cease and
23 terminate.
24 Sec. 9. Section 28-1427, Reissue Revised Statutes of Nebraska, is
25 amended to read:
26 28-1427 Any minor person under the age of eighteen years who shall
27 obtain cigars, tobacco, cigarettes, cigarette material, electronic
28 nicotine delivery systems vapor products, or alternative nicotine
29 products from a licensee by representing that he or she is not a minor of
30 the age of eighteen years or over is guilty of a Class V misdemeanor.
31 Sec. 10. Section 28-1429.01, Reissue Revised Statutes of Nebraska,
1 is amended to read:
2 28-1429.01 The Legislature finds that the incumbent health risks
3 associated with using smoking tobacco products have been scientifically
4 proven. The Legislature further finds that the growing number of minors
5 who start using tobacco products smoking is staggering, and even more
6 abhorrent are the ages at which such use begins children begin this
deadly habit. The Legislature has established an age restriction on the
7 use of tobacco products by minors. To ensure that the use of tobacco
8 products among minors is discouraged to the maximum extent possible, it
9 is the intent of the Legislature to ban the use of vending machines and
10 similar devices to dispense tobacco products in facilities, buildings, or
11 areas which are open to the general public within Nebraska.
12 Sec. 11. Section 28-1429.02, Reissue Revised Statutes of Nebraska,
14 is amended to read:
15 28-1429.02 (1) Except as provided in subsection (2) of this section,
16 it shall be unlawful to dispense cigarettes, other tobacco products,
17 electronic nicotine delivery systems vapor products, or alternative
18 nicotine products from a vending machine or similar device. Any person
19 violating this section is guilty of a Class III misdemeanor. In addition,
20 upon conviction for a second offense, the court shall order a six-month
21 suspension of the offender's license to sell tobacco, if any, and, upon
22 conviction for a third or subsequent offense, the court shall order the
23 permanent revocation of the offender's license to sell tobacco, if any.
24 (2) Cigarettes, other tobacco products, electronic nicotine delivery
25 systems vapor products, or alternative nicotine products may be dispensed
26 from a vending machine or similar device when such machine or device is
27 located in an area, office, business, plant, or factory which is not open
28 to the general public or on the licensed premises of any establishment
29 having a license issued under the Nebraska Liquor Control Act for the
30 sale of alcoholic liquor for consumption on the premises when such
31 machine or device is located in the same room in which the alcoholic
1 liquor is dispensed.
2 (3) Nothing in this section shall be construed to restrict or
3 prohibit a governing body of a city or village from establishing and
4 enforcing ordinances at least as stringent as or more stringent than the
5 provisions of this section.
6 Sec. 12. Section 28-1429.03, Reissue Revised Statutes of Nebraska,
7 is amended to read:
8 28-1429.03 (1) Except as provided in subsection (2) of this section
9 and section 28-1429.02, it shall be unlawful to sell or distribute
10 cigarettes, cigars, electronic nicotine delivery systems vapor products,
11 alternative nicotine products, or tobacco in any form whatever through a
12 self-service display. Any person violating this section is guilty of a
13 Class III misdemeanor. In addition, upon conviction for a second or
14 subsequent offense within a twelve-month period, the court shall order a
15 six-month suspension of the license issued under section 28-1421.
16 (2) Cigarettes, cigars, electronic nicotine delivery systems vapor
17 products, alternative nicotine products, or tobacco in any form whatever
18 may be sold or distributed in a self-service display that is located in a
19 tobacco specialty store or cigar shop as defined in section 53-103.08.
20 Sec. 13. This act becomes operative on January 1, 2020.
21 Sec. 14. Original sections 28-1418, 28-1418.01, 28-1419, 28-1420,
22 28-1421, 28-1423, 28-1424, 28-1425, 28-1427, 28-1429.01, 28-1429.02, and
23 28-1429.03, Reissue Revised Statutes of Nebraska, are repealed.

Senator Groene filed the following amendment to LB675:
AM1499
(Amendments to Standing Committee amendments, AM1308)
1 1. On page 1, line 12, strike "and fifteen-hundredths".

Senator Chambers filed the following amendment to LB304:
FA56
Strike the enacting clause.
LEGISLATIVE RESOLUTION 94. Introduced by Wishart, 27; Hilgers, 21; La Grone, 49; Lindstrom, 18; Morfeld, 46; Williams, 36.

PURPOSE: The purpose of this interim study is to examine issues surrounding regulatory sandboxes. The issues addressed by this interim study shall include, but not be limited to:

1. How regulatory sandbox programs work;
2. Efforts in other states and countries to establish regulatory sandbox programs in an effort to encourage innovation, entrepreneurship, and economic development; and
3. Federal efforts to establish programs where regulations are mitigated and innovation is encouraged.

The examination of how regulatory sandbox programs work shall be conducted in conjunction with the office of the Attorney General and the Department of Banking and Finance.

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

1. That the Banking, Commerce and Insurance 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.

VISITOR(S)

Visitors to the Chamber were students from Sandy Creek Elementary School, Fairfield; and students from Hawthorne Elementary School, Hastings.

ADJOURNMENT

At 12:13 p.m., on a motion by Senator Albrecht, the Legislature adjourned until 9:00 a.m., Monday, April 29, 2019.

Patrick J. O’Donnell
Clerk of the Legislature
SIXTY-SEVENTH DAY - APRIL 29, 2019

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

SIXTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, April 29, 2019

PRAYER

The prayer was offered by Pastor Russell Lambert, Immanuel Lutheran Church, Coleridge.

ROLL CALL

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

The roll was called and all members were present except Senator M. Hansen who was excused; and Senators Cavanaugh, DeBoer, Halloran, Lindstrom, Vargas, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-sixth day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 26, 2019, at 12:15 p.m. were the following: LBs 23e, 31e, 31Ac, 180, 222, and 252.

(Signed) Laura Gerkin
Clerk of the Legislature's Office

RESOLUTION(S)

LEGISLATIVE RESOLUTION 95. Introduced by Slama, 1.

PURPOSE: The purpose of this interim study is to examine the prevalence and economic costs of methamphetamine use in the state and determine ways to assist local communities in combating this growing problem.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Health and Human Services 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 96. Introduced by Slama, 1.

PURPOSE: The purpose of this interim study is to examine the long-term public power generation and transmission options in the state.

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 - Amendment to LB304

Senator Chambers withdrew his amendment, FA56, found on page 1319, to LB304.

ANNOUNCEMENT

The Chair announced the birthday of Senator McCollister.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 304.

A BILL FOR AN ACT relating to the Nebraska Pure Food Act; to amend sections 81-2,239 and 81-2,245.01, Revised Statutes Cumulative Supplement, 2018; to exempt certain operations from the definition of a food establishment as prescribed; to require registration of certain operations; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 428.

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-648.02, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to the computation of wages; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

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

Voting in the negative, 0.

Excused and not voting, 7:

DeBoer  Hansen, M.  Vargas

Cavanaugh  Halloran  Lindstrom  Wayne

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Voting in the affirmative, 42:

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

Voting in the negative, 0.

Excused and not voting, 7:
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 445.

A BILL FOR AN ACT relating to cities and villages; to amend section 18-1208, Reissue Revised Statutes of Nebraska; to require annual reports relating to occupation taxes as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Albrecht  Clements  Hilgers  Linehan  Scheer
Arch  Crawford  Hilkemann  Lowe  Slama
Blood  Dorn  Howard  McCollister  Stinner
Bolz  Erdman  Hughes  McDonnell  Walz
Bostelman  Friesen  Hunt  Morfeld  Williams
Brandt  Geist  Kolowski  Moser  Wishart
Brewer  Gragert  Koltermann  Murman
Briese  Groene  LaGrone  Pansing Brooks
Chambers  Hansen, B.  Lathrop  Quick

Voting in the negative, 0.

Excused and not voting, 7:

Cavanaugh  Halloran  Lindstrom  Wayne
DeBoer  Hansen, M.  Vargas

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB556 with 33 ayes, 4 nays, 6 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 556. With Emergency Clause.

A BILL FOR AN ACT relating to prescription drugs; to amend section 71-2454, Reissue Revised Statutes of Nebraska, and sections 28-473,
28-474, and 38-101, Revised Statutes Cumulative Supplement, 2018; to transfer provisions to the Uniform Credentialing Act; to change duties for practitioners related to certain prescriptions; to exempt certain prescriptions from requirements; to change provisions relating to the prescription drug monitoring program; to define and redefine terms; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?""

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Excused and not voting, 5:

Halloran  Hansen, M.  Lindstrom  Vargas  Wayne

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**MOTION(S) - Return LB556A to Select File**

Senator Hunt moved to return LB556A to Select File for the following specific amendment:

FA57

Strike the enacting clause.

Senator Hunt withdrew her motion to return.

**BILL ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 556A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to
aid in carrying out the provisions of Legislative Bill 556, One Hundred Sixth Legislature, First Session, 2019; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Present and not voting, 1:

Briese

Excused and not voting, 4:

Halloran       Hansen, M.    Lindstrom     Wayne

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION(S) - Return LB638 to Select File

Senator Cavanaugh moved to return LB638 to Select File for the following specific amendment:
FA58
Strike the enacting clause.

Senator Cavanaugh withdrew her motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 638.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 77-4602, Reissue Revised Statutes of Nebraska; to change provisions
relating to the transfer of excess General Fund net receipts to the Cash Reserve Fund; to provide a qualified limit for such transfers; to provide an operative date; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Halloran  Hansen, M.  Lindstrom  Wayne

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 663.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-118, Reissue Revised Statutes of Nebraska; to change provisions relating to Nebraska adjusted basis; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Albrecht  Chambers  Groene  Lathrop  Quick
Arch      Clements  Hansen, B.  Linehan  Scheer
Blood     Crawford  Hilkemann  Lowe  Slama
Bolz      DeBoer    Howard  McCollister  Stinner
Bostelman Dorn      Hughes  McDonnell  Vargas
Brandt    Erdman    Hunt    Morfeld  Walz
Brewer    Friesen   Kolowski Moser  Williams
Briese    Geist     Kolterman Murman  Wishart
Cavanaugh Gragert  La Grone  Pansing  Brooks
Voting in the negative, 0.

Present and not voting, 1:

Hilgers

Excused and not voting, 4:

Halloran Hansen, M. Lindstrom Wayne

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**MOTION(S) - Return LB698 to Select File**

Senator Chambers moved to return LB698 to Select File for the following specific amendment:

FA60

Strike the enacting clause.

Senator Chambers withdrew his motion to return.

**BILL ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 698.** With Emergency Clause.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,304, Revised Statutes Cumulative Supplement, 2018; to change load provisions and penalties for commercial motor vehicles and commercial trailers; to define terms; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?""

Voting in the affirmative, 44:

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Voting in the negative, 0.

Present and not voting, 1:

Groene

Excused and not voting, 4:

Halloran Hansen, M. Lindstrom Wayne

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 304, 428, 445, 556, 556A, 638, 663, and 698.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 86 and 89 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 86 and 89.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 600. Placed on Select File with amendment.

ER92

1. On page 1, strike beginning with "the" in line 1 through line 4 and insert "government; to amend sections 43-4201, 43-4202, 43-4204, 43-4206, 43-4216, 43-4217, and 68-1212, Reissue Revised Statutes of Nebraska, and sections 43-4203, 43-4207, 43-4218, 43-4513, 43-4701, and 81-8,244, Revised Statutes Cumulative Supplement, 2018; to change and eliminate legislative findings, declarations, and intent relating to the Nebraska Children's Commission; to provide, change, and eliminate provisions relating to the administration, membership, and duties of the commission; to eliminate a termination date; to state intent regarding funding; to provide, change, and eliminate duties of the Department of Health and Human Services and the Office of Probation Administration related to the commission; to change and eliminate reporting requirements; to eliminate certain duties of the Bridge to Independence Advisory Committee; to eliminate obsolete provisions; to change provisions relating to the authority of the deputy public counsel for
16 institutions; to eliminate provisions relating to legislative findings 17 and intent regarding foster care; to harmonize provisions; to provide an 18 operative date; to repeal the original sections; to outright repeal 19 sections 43-4205, 43-4208, 43-4209, 43-4210, 43-4211, 43-4213, and 20 43-4214, Reissue Revised Statutes of Nebraska; and to declare an 21 emergency.

**LEGISLATIVE BILL 460.** Placed on Select File with amendment.

ER91 1. On page 1, strike beginning with "child" in line 1 through line 8 2 and insert "children and families; to amend sections 68-1206, 68-1724, 3 71-1912, and 71-1924, Reissue Revised Statutes of Nebraska; to change 4 provisions relating to transitional child care assistance and cash 5 assistance; to require background checks as prescribed under the Child 6 Care Licensing Act and Children's Residential Facilities and Placing 7 Licensure Act; to provide powers and duties for the Department of Health 8 and Human Services and the Nebraska State Patrol; to define terms; to 9 harmonize provisions; to provide operative dates; to repeal the original 10 sections; and to declare an emergency.

**LEGISLATIVE BILL 460A.** Placed on Select File.

(Signed) Julie Slama, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 209.** Title read. Considered.

Committee AM1432, found on page 1263, was offered.

Senator Albrecht moved for a call of the house. The motion prevailed with 27 ayes, 3 nays, and 19 not voting.

Senator Albrecht requested a roll call vote on the committee amendment.

Voting in the affirmative, 39:

|----------|----------|--------|----------|-------|------|----------|---------|---------|-------|-------|--------|------------|---------|-------|------|------|--------|------|---------|----------|-------|--------|-----------|------|--------|--------|--------|----------|---------|-------|-------|-------|--------|--------|--------|

Voting in the negative, 3:

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Present and not voting, 3:

Cavanaugh      Kolowski      Vargas

Excused and not voting, 4:

Hansen, M.      Lindstrom      Morfeld      Wayne

The committee amendment was adopted with 39 ayes, 3 nays, 3 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Howard offered the following amendment:

AM1524

(Amendments to Standing Committee amendments, AM1432)

1 1. Insert the following new section:
2 Sec. 3. Section 28-345, Reissue Revised Statutes of Nebraska, is
3 amended to read:
4 28-345 The Department of Health and Human Services shall prepare and
5 keep on permanent file compilations of the information submitted on the
6 abortion reporting forms and reporting forms regarding attempts at
7 continuing a woman's pregnancy after taking mifepristone pursuant to such
8 rules and regulations as established by the department, which
9 compilations shall be a matter of public record. Under no circumstances
10 shall the compilations of information include the name of any attending
11 physician or identify in any respect facilities where abortions are
12 performed. The department, in order to maintain and keep such
13 compilations current, shall file with such reports any new or amended
14 information.
15 2. On page 8, after line 18, insert the following new subsection:
16 "(7)(a) The Department of Health and Human Services shall prescribe
17 a reporting form which shall be used for the reporting of every attempt
18 at continuing a woman's pregnancy after taking mifepristone as described
19 in this section performed in this state. Such form shall include the
20 following items:
21 (i) The age of the pregnant woman;
22 (ii) The location of the facility where the service was performed;
23 (iii) The type of service provided;
24 (iv) Complications, if any;
25 (v) The name of the attending medical professional;
26 (vi) The pregnant woman's obstetrical history regarding previous
27 pregnancies, abortions, and live births;
28 (vii) The state of the pregnant woman's legal residence;
29 (viii) Whether an emergency situation caused the physician to waive
30 any of the requirements of section 28-327; and
31 (ix) Such other information as may be prescribed in accordance with
32 section 71-602."
7 (b) The completed form shall be signed by the attending medical 
8 professional and sent to the department within fifteen days after each 
9 reporting month. The completed form shall be an original, typed or 
10 written legibly in durable ink, and shall not be deemed complete unless 
11 the omission of any item of information required shall have been 
12 disclosed or satisfactorily accounted for. Carbon copies shall not be 
13 acceptable. The reporting form shall not include the name of the person 
14 for whom the service was provided. The reporting form shall be 
15 confidential and shall not be revealed except upon the order of a court 
16 of competent jurisdiction in a civil or criminal proceeding.
17 3. Renumber the remaining section and correct the repealer 
18 accordingly.

The Howard amendment was adopted with 35 ayes, 0 nays, 10 present and 
not voting, and 4 excused and not voting.

Pending.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 29, 2019, at 11:15 a.m. were the 
following: LBs 304, 428, 445, 556e, 556Ae, 638, 663, and 698e.

(Signed) Laura Gerkin 
Clerk of the Legislature's Office

VISITOR(S)

Visitors to the Chamber were Representatives Brandon Woodard, Brett 
Parker, and Rui Xu from the Kansas House of Representatives; and a group 
of international journalists and interpreters sponsored by the U.S. State 
Department.

RECESS

At 11:48 a.m., on a motion by Senator Cavanaugh, the Legislature recessed 
until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Foley presiding.

ROLL CALL

The roll was called and all members were present except Senator M. Hansen 
who was excused; and Senators Briese, Crawford, Groene, Hilkemann, 
Howard, Kolterman, Lindstrom, Linehan, and McCollister who were 
excused until they arrive.
LEGISLATIVE BILL 209. Senator Hunt offered the following motion:
MO71
Recommit to the Judiciary Committee.

Pending.

COMMITTEE REPORT(S)
General Affairs

LEGISLATIVE BILL 592. Placed on General File with amendment.
AM1359
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 53-103.13, Reissue Revised Statutes of Nebraska,
4 is amended to read:
5 53-103.13 Farm winery means any enterprise which produces and sells
6 wines produced from grapes, other fruit, or other suitable agricultural
7 products of which at least sixty seventy-five percent of the finished
8 product is grown in this state or which meets the requirements of section
9 53-123.13.
10 Sec. 2. Section 53-123.11, Revised Statutes Cumulative Supplement,
11 2018, is amended to read:
12 53-123.11 (1) A farm winery license shall entitle the holder to:
13 (a) Sell wines produced at the farm winery onsite at wholesale and
14 retail and to sell wines produced at the farm winery at off-premises
15 sites holding the appropriate retail license;
16 (b) Sell wines produced at the farm winery at retail for consumption
17 on the premises;
18 (c) (c)(i) Permit a customer to remove one unsealed bottle of wine
19 for consumption off the premises. The licensee or his or her agent shall
20 (i) (A) securely reseal such bottle and place the bottle in a bag
21 designed so that it is visibly apparent that the resealed bottle of wine
22 has not been opened or tampered with and (ii) (B) provide a dated receipt
23 to the customer and attach to such bag a copy of the dated receipt for
24 the resealed bottle of wine. (ii) If the resealed bottle of wine is
25 transported in a motor vehicle, it must be placed in the trunk of the
26 motor vehicle or the area behind the last upright seat of such motor
27 vehicle if the area is not normally occupied by the driver or a passenger
28 and the motor vehicle is not equipped with a trunk;
29 (d) Ship wines produced at the farm winery by common carrier and
30 sold at retail to recipients in and outside the State of Nebraska, if the
31 output of such farm winery for each calendar year as reported to the
32 commission by December 31 of each year does not exceed thirty thousand
33 gallons. In the event such amount exceeds thirty thousand gallons, the
34 farm winery shall be required to use a licensed wholesaler to distribute
35 its wines for the following calendar year, except that this requirement

9 shall not apply to wines produced and sold onsite at the farm winery pursuant to subdivision (1)(a) of this section;
10 (e) Allow sampling and sale of the wine at the farm winery and at four one branch outlets outlet in the state in reasonable amounts;
11 (f) Sell wines produced at the farm winery to other Nebraska farm winery licensees, in bulk, bottled, labeled, or unlabeled, in accordance with 27 C.F.R. 24.308, 27 C.F.R. 24.309, and 27 C.F.R. 24.314, as such regulations existed on January 1, 2008;
17 (g) Purchase distilled spirits from licensed microdistilleries in Nebraska, in bulk or bottled, made entirely from Nebraska-licensed farm winery wine to be used in the production of fortified wine at the purchasing licensed farm winery; and
13 (h) Store and warehouse products produced at the farm winery in a designated, secure, offsite storage facility if the holder of the farm winery license notifies the commission of the location of the facility and maintains, at the farm winery and at the facility, a separate perpetual inventory of the product stored at the facility. Consumption of alcoholic liquor at the facility is strictly prohibited.
21 (2) No farm winery shall manufacture wine in excess of fifty thousand gallons per year.
29 (3) A farm winery may manufacture and sell hard cider on its licensed premises. A farm winery shall not otherwise distribute the hard cider it manufactures except by sale to a wholesaler licensed under the Nebraska Liquor Control Act.
4 (4) A holder of a farm winery license may obtain a special designated license pursuant to section 53-124.11.
5 (5) A holder of a farm winery license may obtain an annual catering license pursuant to section 53-124.12.
6 Sec. 3. Section 53-123.13, Reissue Revised Statutes of Nebraska, is amended to read:
8 53-123.13 (1) If the operator of a farm winery is unable to produce or purchase sixty-seven percent of the grapes, fruit, or other suitable agricultural products used in the farm winery from within the state due to natural disaster which causes substantial loss to the Nebraska-grown crop, such operator may petition the commission to waive the sixty-seven percent requirement prescribed in section 53-103.13 for one year.
15 (2) It shall be within the discretion of the commission to waive the sixty-seven percent requirement taking into consideration the availability of products used in farm wineries in this area and the ability of such operator to produce wine from products that are abundant within the state.
20 (3) If the operator of a farm winery is granted a waiver, any product purchased as concentrated juice from grapes or other fruits from outside of Nebraska, when reconstituted from concentrate, may not exceed in total volume along with other products purchased the total percentage allowed by the waiver.
24 (4) Any product purchased under the waiver or as part of the forty twenty-five percent of allowable product purchased that is not Nebraska-
27 grown for the production of wine shall not exceed the forty twenty-five
28 percent volume allowed under state law if made from concentrated grapes
29 or other fruit, when reconstituted. The concentrate shall not be reduced
30 to less than twenty-two degrees Brix in accordance with 27 C.F.R. 24.180.
31 Sec. 4. Original sections 53-103.13 and 53-123.13, Reissue Revised
1 Statutes of Nebraska, and section 53-123.11, Revised Statutes Cumulative
2 Supplement, 2018, are repealed.

(Signed) Tom Briese, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 641A. Placed on Select File.

(Signed) Julie Slama, Chairperson

AMENDMENT(S) - Print in Journal

Senator Chambers filed the following amendment to LB209:
FA61
Amend AM1432
Page 1, line 18, strike and show as stricken "unborn child" and insert
"fetus"; in line 20 strike and show as stricken "child" and insert
"pregnancy".

GENERAL FILE

LEGISLATIVE BILL 583. Title read. Considered.

Senator Hilgers withdrew his amendment, AM523, found on page 983.

Senator Hilgers offered the following amendment:
AM1490
1 1. On page 2, line 23, strike "or an eligible county" and insert ", an eligible county, a city of the metropolitan class, or a city of the
2 primary class".
3 2. On page 5, line 12, after "county" insert ", a city of the metropolitan class, or a city of the primary class"; and in line 14 after
4 "county" insert ", city of the metropolitan class, or city of the primary class".
5 3. On page 15, line 9, after "county" insert ", a city of the metropolitan class, or a city of the primary class".

Senator Chambers offered the following motion:
MO72
Bracket until June 5, 2019.
Senator Chambers moved for a call of the house. The motion prevailed with 13 ayes, 1 nay, and 35 not voting.

Senator Chambers requested a roll call vote on the motion to bracket.

Voting in the affirmative, 0.

Voting in the negative, 42:

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Present and not voting, 2:

Chambers    Clements

Excused and not voting, 5:

Halloran    Hansen, M.    Hilkemann    Kolowski    Walz

The Chambers motion to bracket failed with 0 ayes, 42 nays, 2 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO73

Reconsider the vote taken to bracket.

Senator Chambers asked unanimous consent to withdraw his motion, MO73, to reconsider the vote. No objections. So ordered.

The Hilgers amendment, AM1490, 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 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.
AMENDMENT(S) - Print in Journal

Senator Bolz filed the following amendment to LB600:
AM1483 is available in the Bill Room.

VISITOR(S)

Visitors to the Chamber were union members of firefighters, utility workers, teamsters, and electricians from across the state.

The Doctor of the Day was Dr. Douglas Inciarte from Omaha.

ADJOURNMENT

At 4:32 p.m., on a motion by Senator Morfeld, the Legislature adjourned until 9:00 a.m., Tuesday, April 30, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
SIXTY-EIGHTH DAY - APRIL 30, 2019

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

SIXTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 30, 2019

PRAYER

The prayer was offered by Pastor Carl Sirotzki, Thabor Lutheran Church, Wausa.

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 Groene, McCollister, Morfeld, Stinner, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1235, line 11, after "if" insert ", due to a high rate of unemployment combined with a high poverty rate as determined by law,"
Page 1235, line 22, after "if" insert ", due to a high rate of unemployment combined with a high poverty rate as determined by law,"

The Journal for the sixty-second day was approved as corrected.

The Journal for the sixty-seventh day was approved.

COMMITTEE REPORT(S)

Judiciary

LEGISLATIVE BILL 519. Placed on General File with amendment.
AM1460 is available in the Bill Room.

(Signed) Steve Lathrop, Chairperson

SELECT FILE

LEGISLATIVE BILL 641A. Advanced to Enrollment and Review for Engrossment.
LEGISLATIVE BILL 149. Title read. Considered.

Committee AM901, found on page 960, was offered.

Senator Friesen offered his amendment, AM1478, found on page 1286, to the committee amendment.

Senator Lowe moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 2 nays, and 16 not voting.

Senator Friesen moved for a call of the house. The motion prevailed with 24 ayes, 8 nays, and 17 not voting.

Senator Quick requested a roll call vote, in reverse order, on the Friesen amendment.

Voting in the affirmative, 22:

Bolz  Erdman  Howard  McDonnell  Vargas
Brandt  Friesen  Hughes  Murman  Walz
Cavanaugh  Halloran  Kolowski  Pansing  Brooks
Chambers  Hansen, M.  Lathrop  Quick
Dorn  Hilkemann  Linehan  Stinner

Voting in the negative, 25:

Albrecht  Briese  Gragert  Kolterman  Moser
Arch  Clements  Groene  La Grone  Scheer
Blood  Crawford  Hansen, B.  Lindstrom  Slama
Bostelman  DeBoer  Hilgers  Lowe  Wayne
Brewer  Geist  Hunt  Morfeld  Wishart

Present and not voting, 1:

McCollister

Excused and not voting, 1:

Williams

The Friesen amendment lost with 22 ayes, 25 nays, 1 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Pending.
EXPLANATION(S) OF VOTE(S)

Had I been present, I would have voted "aye" on final passage of LBs 304, 428, 445, 556e, 556Ae, 638, 663, and 698e.

(Signed) Matt Hansen

Had I been present, I would have voted "aye" on final passage of LBs 304, 428, 445, 556e, 556Ae, 638, 663, and 698e.

(Signed) Justin Wayne

BILL ON FIRST READING

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

LEGISLATIVE BILL 657A. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 657, One Hundred Sixth Legislature, First Session, 2019; and to declare an emergency.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 184. Placed on Select File with amendment.

ER101

1 1. In the Standing Committee amendments, AM1252:
2 a. On page 1, line 23, after the second "and" insert "the";
3 b. On page 2, line 7, after the comma insert "(a)"; in line 9 strike 4 the second comma and after the second "and" insert "(b)"; in line 13 5 strike the comma; and in line 15 strike "right-of-way" and insert 6 "rights-of-way";
7 c. On page 3, line 8; and page 21, line 13, strike "permit granting" 8 and insert "permit-granting";
9 d. On page 4, line 14, strike beginning with the second comma 10 through "section" and insert "of Historic Places, in accordance with 11 Stipulation"; and strike beginning with the second "the" in line 15 12 through "Antennas" in line 16 and insert "Review of Effects on Historic 13 Properties for Certain Undertakings Approved by the Federal 14 Communications Commission";
15 e. On page 8, line 31, strike "non-discriminatory" and insert 16 "nondiscriminatory"; and 17 f. On page 22, line 15, strike "area" and insert "areas".
LEGISLATIVE BILL 478. Placed on Select File with amendment.
ER94
1 1. On page 1, strike beginning with "civil" in line 1 through line 4
2 and insert "rules of evidence; to amend section 27-412, Reissue Revised
3 Statutes of Nebraska; to prohibit evidence of a minor's consent in any
4 civil proceeding involving certain alleged sex offenses; and to repeal
5 the original section."

LEGISLATIVE BILL 595. Placed on Select File with amendment.
ER95
1 1. On page 1, strike lines 2 through 23 and insert "sections
4 25-2919, 25-2920, 25-2921, 43-245, 43-246, 43-247.03, 43-247.04,
5 43-260.06, 43-275, 43-276, 43-2,108.01, 43-2,108.02, 43-2,108.03,
6 43-2,108.04, 43-2922, 43-2937, 43-2938, 79-209, and 79-258, Reissue
7 Revised Statutes of Nebraska, and sections 43-274 and 43-286, Revised
8 Statutes Cumulative Supplement, 2018; to restate legislative findings; to
9 define and redefine terms; to change provisions relating to the
10 qualifications of the Director of the Office of Dispute Resolution, the
11 membership of the Advisory Council on Dispute Resolution, and the
12 office's and director's duties; to change provisions relating to approved
13 centers, cases accepted for restorative justice and dispute resolution,
14 and qualifications of mediators and restorative justice facilitators; to
15 provide a privilege for communications made in restorative justice as
16 prescribed; to provide for immunity and reparation plan agreements; to
17 change provisions relating to tolling of statutes of limitations.".
18 2. On page 2, line 5, after the first semicolon insert "to provide
19 for licensed attorneys to serve as parenting plan mediators;".

LEGISLATIVE BILL 96. Placed on Select File with amendment.
ER93
1 1. On page 2, line 9, strike "and" and show as stricken.

LEGISLATIVE BILL 538A. Placed on Select File.

LEGISLATIVE BILL 179. Placed on Select File.

LEGISLATIVE BILL 468. Placed on Select File with amendment.
ER96
1 1. On page 1, strike beginning with "the" in line 1 through line 6
2 and insert "government; to amend sections 43-2201, 43-2203, 43-2204,
3 43-2205, and 43-2209, Reissue Revised Statutes of Nebraska, and section
4 68-901, Revised Statutes Supplement, 2017, as amended by section 1,
5 Initiative Law 2018, No. 427; to restate intent; to change and eliminate
6 provisions related to family finding services; to eliminate a pilot
7 project and a termination date; to prohibit coverage of long-term care
8 services and supports under the medicaid managed care program of the
9 Medical Assistance Act as prescribed; to harmonize provisions; to repeal
10 the original sections; and to outright repeal sections 43-2206 and 11 43-2208, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 418. Placed on Select File with amendment.

ER99

1 1. In the Standing Committee amendments, AM1266, on page 9, line 27, 2 strike "claim" and insert "claims".
3 2. On page 1, strike beginning with "the" in line 1 through line 5
4 and insert "state government; to amend sections 48-193, 48-194, 48-195,
5 48-196, 48-197, 48-1,108, 81-8,224, 81-8,239.02, and 81-1021, Reissue
6 Revised Statutes of Nebraska, and sections 48-122 and 48-1,110, Revised
7 Statutes Cumulative Supplement, 2018; to provide for settlement of claims
8 of alien dependents, define a term, provide for applicability of changes,
9 change provisions relating to claims, and prohibit debt collection while
10 a matter is pending before the Nebraska Workers' Compensation Court as
11 prescribed under the Nebraska Workers' Compensation Act; to change
12 provisions relating to tort claims against the state; to change
13 provisions relating to the State Self-Insured Liability Fund and state
14 vehicles; to harmonize provisions; and to repeal the original sections.".

LEGISLATIVE BILL 560. Placed on Select File with amendment.

ER97

1 1. In the Standing Committee amendments, AM1414, on page 8, line 19, 2 strike "(4)" and insert "(7)".
3 2. On page 1, line 2, strike "77-5209, 77-5209.01, and 77-5211" and
4 insert "77-2715.07, 77-5203, 77-5209, 77-5209.01, 77-5211, and 77-5212";
5 and in line 4 after the first semicolon insert "to define a term;".

LEGISLATIVE BILL 433. Placed on Select File with amendment.

ER100

1 1. On page 1, line 2, strike "section 76-1416" and insert "sections
2 76-1416 and 76-1431"; and in line 4 after "damages" insert "and the
3 period of time relating to a written notice to quit" and strike "section"
4 and insert "sections".

LEGISLATIVE BILL 86. Placed on Select File with amendment.

ER98 is available in the Bill Room.

(Signed) Julie Slama, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 97. Introduced by Cavanaugh, 6;
Albrecht, 17; Blood, 3; Bolz, 29; Chambers, 11; Crawford, 45; DeBoer, 10;
Dorn, 30; Friesen, 34; Groene, 42; Hansen, M., 26; Hilkemann, 4; Howard,
9; Hughes, 44; Hunt, 8; Kolowski, 31; Kolterman, 24; La Grone, 49;
Lindstrom, 18; Linehan, 39; McCollister, 20; McDonnell, 5;
WHEREAS, April is Sexual Assault Awareness Month, a time to raise public awareness and educate communities on sexual violence; and
WHEREAS, sexual assault is a serious and widespread issue, as one in three women and one in six men have experienced some form of sexual violence in their lifetime, and one in five women and one in seventy-one men will be raped in their lifetime; and
WHEREAS, silence and lack of knowledge about sexual assault play a large part in why it persists. By building awareness, we can end the shame and stigma with which survivors are burdened; and
WHEREAS, preventing sexual assault means stopping sexual violence before it has a chance to happen and will require changing the social norms, from individual attitudes, values, and behaviors, to laws and institutions; and
WHEREAS, the theme of the National Sexual Violence Resource Center for the 2019 Sexual Assault Awareness Month is "I Ask", which champions the message that asking for consent is a healthy, normal, and necessary part of everyday interactions. By uplifting the importance of consent, we are providing a clear example of what it takes to end sexual harassment, abuse, and assault; and
WHEREAS, sexual assault prevention is everyone's responsibility. We can all work to create and promote safe environments, to intervene to stop concerning behavior, to promote and model healthy attitudes and relationships, and to believe survivors and assist them in finding resources; and
WHEREAS, we can enact public policies and build systems that prevent sexual assault and support survivors in their search for physical and mental health care, safety, and justice.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature recognizes April 2019 as Sexual Assault Awareness Month in Nebraska.
2. That the Legislature encourages Nebraskans to educate and engage policymakers and the public in addressing and preventing sexual assault and to unite in supporting sexual assault survivors.

LEGISLATIVE RESOLUTION 98. Introduced by Lowe, 37; Arch, 14; Blood, 3; Brandt, 32; Briese, 41; Hunt, 8.

PURPOSE: The purpose of this interim study is to examine the special designated license issued by the Nebraska Liquor Control Commission and review potential reforms.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the General 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.

GENERAL FILE

LEGISLATIVE BILL 149. Senator Wayne offered his amendment, AM1228, found on page 1314, to the committee amendment.

SPEAKER SCHEER PRESIDING

PRESIDENT FOLEY PRESIDING

Senator Wayne moved for a call of the house. The motion prevailed with 23 ayes, 5 nays, and 21 not voting.

Senator Wayne requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 21:

Arch  Erdman  Hilgers  Lowe  Wishart
Bostelman  Geist  Hilkemann  McDonnell
Brewer  Groene  Hunt  Scheer
Clements  Halloran  Koltermann  Slama
DeBoer  Hansen, B.  La Grone  Wayne

Voting in the negative, 21:

Albrecht  Dorn  Hughes  Pansing Brooks  Williams
Brandt  Friesen  Lindstrom  Quick
Briese  Gragert  McCollister  Stinner
Cavanaugh  Hansen, M.  Moser  Vargas
Crawford  Howard  Murman  Walz

Present and not voting, 7:

Blood  Chambers  Lathrop  Morfeld
Bolz  Kolowski  Linehan

The Wayne amendment lost with 21 ayes, 21 nays, and 7 present and not
The Chair declared the call raised.

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 99. Introduced by Nebraska Retirement Systems Committee: Kolterman, 24, Chairperson; Bolz, 29; Groene, 42; Kolowski, 31; Lindstrom, 18; Stinner, 48.

WHEREAS, Michael Walden-Newman began serving as the State Investment Officer for the Nebraska Investment Council in December of 2014; and

WHEREAS, at Mr. Walden-Newman's recommendation, the Nebraska Investment Council has initiated a strategic "blank sheet" review of the investment portfolio, focusing on one asset class at a time. The multi-year approach will result in a final investment structure and selection of best-in-class managers in order to keep the portfolio fresh and fine-tuned; and

WHEREAS, under Mr. Walden-Newman's tenure, several honors have been bestowed on council staff and endeavors; and

WHEREAS, the Council was awarded the 2017 Silver Summit Creative Award in the Government Website category in recognition of improved transparency and public access following the redesign of the website. This creative competition drew more than 5,000 submissions from 24 countries in 18 major categories; and

WHEREAS, Joe Spitznagel, a portfolio manager for the Nebraska Investment Council, was named one of the Top 30 Public Pension Institutional Investors in 2018 by Trusted Insight in recognition of being a front runner in the public pension industry by implementing innovative investment strategies to generate alpha and achieve long-term return goals; and

WHEREAS, Jeremiah Garber, a Portfolio Manager for the Nebraska Investment Council, was named one of the Top 30 Institutional Investors in the Midwest in 2018 by Trusted Insight in recognition of his talent as a senior-level investment professional tasked with incorporating long-term investment strategies; and

WHEREAS, Michael Walden-Newman is one of five nominees for the Trusted Insight 2019 Distinguished CIO Award that recognizes chief investment officers who have generously given their time, intellect, and wisdom to encourage the community's innovative efforts, collaboration, and leadership. Other nominees include chief investment officers from the Robert Wood Johnson Foundation, Alaska Permanent Fund, Teacher Retirement System of Texas, New Mexico Educational Retirement Board, and Parkland Management Company; and

WHEREAS, the Nebraska Investment Council, under the guidance of State Investment Officer Michael Walden-Newman and teamwork of the eight-member investment team, JoLynn Winkler, Joseph Jurich, Chris
Sanders, Joyce Schlautman, Jennifer Hatfield, Kathy Dawes, Jeremiah Garber, and Joe Spitznagel, have been recognized nationally for the Council's portfolio performance; and

WHEREAS, the retirement portfolio invested by the Council is currently ranked among the top ten best funded state-administered retirement systems. Plans are funded at the following levels: The County Employees Retirement System is funded at 108%, the State Employees Retirement System is funded at 104%, the Judges Retirement System is funded at 96%, the School Employees Retirement System is funded at 89%, and the Nebraska State Patrol Retirement System is funded at 87%.

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

1. That the Legislature recognizes the important investment work and significant achievements of the Nebraska Investment Council, State Investment Officer, Michael Walden-Newman, and the Council staff.

2. That the Legislature recognizes the contributions of Michael Walden-Newman to the work of the Nebraska Investment Council that have resulted in numerous national and regional awards and recognition.

3. That a copy of this resolution be sent to Michael Walden-Newman and the Nebraska Investment Council.

Laid over.

VISITOR(S)

Visitors to the Chamber were Senator Briese's brother and sister-in-law, Tim and Teresa Briese, from Colorado Springs, CO; students from St. Wenceslaus School, Dodge; students from Emmanuel-Faith Lutheran School, York; Senator Quick's wife, Alice, from Grand Island; students, teacher, and sponsors from Trinity Lutheran Elementary School, Grand Island; students from Deshler Elementary School; and Aya Yoosuf, UNO student body president and student regent.

RECESS

At 11:45 a.m., on a motion by Senator McDonnell, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Foley presiding.

ROLL CALL

The roll was called and all members were present except Senators Hilkemann and McDonnell who were excused until they arrive.
RESOLUTION(S)

LEGISLATIVE RESOLUTION 100. Introduced by Clements, 2.

WHEREAS, Louisville High School received a 2018 NebraskARTS Award presented by Nebraskans for the Arts; and
WHEREAS, Nebraskans for the Arts annually recognizes select schools and school districts that make notable and worthwhile contributions to the arts and arts education in Nebraska; and
WHEREAS, Louisville High School demonstrates high educational standards and provides all students the opportunity to learn through the enjoyment of the arts; and
WHEREAS, Louisville High School provides numerous opportunities for students to improve their craft and share their talents and hard work with the community; and
WHEREAS, Louisville High School was one of only two schools to receive this award for 2018; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Louisville High School for receiving a 2018 NebraskARTS award.
2. That a copy of this resolution be sent to Louisville High School Principal, Brett Schwartz, on behalf of the school's students, teachers, staff, and parents.

Laid over.

MOTION(S) - Override Veto on LB472

Senator Dorn offered his motion, MO68, found on page 1288, that LB472 becomes law notwithstanding the objections of the Governor.

Senator Dorn moved for a call of the house. The motion prevailed with 31 ayes, 8 nays, and 10 not voting.

Senator Dorn requested a roll call vote, in reverse order, on the motion to override the Governor's veto.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?'

Voting in the affirmative, 41:
Voting in the negative, 8:

Albrecht  Erdman  Hilgers  Lowe
Clements  Geist  La Grone  Slama

Not voting, 0.

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

The Chair declared the call raised.

COMMUNICATION

April 30, 2019

The Honorable Robert Evnen
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Secretary:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB472 with a certificate attached thereto signed by the President of the Legislature certifying the passage of LB472, notwithstanding the objections of the Governor.

Sincerely,

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

PIQ:lg
Enc.

CERTIFICATE

Legislative Bill 472, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, has become law this 30th day of April 2019.

(Psigned) Mike Foley
President of the Legislature
Senator Linehan filed the following amendment to LB334:
AM1283
(Amendments to E & R amendments, ER72)
1 1. Insert the following new section:
2 Sec. 7. Section 81-829.42, Revised Statutes Cumulative Supplement,
3 2018, is amended to read:
4 81-829.42 (1) The Legislature recognizes that, while appropriations
5 are adequate to meet the normal needs, the necessity exists for
6 anticipating and making advance provision to care for the unusual and
7 extraordinary burdens imposed on the state and its political subdivisions
8 by disasters, emergencies, or civil defense emergencies. To meet such
9 situations, it is the intention of the Legislature to confer emergency
10 powers on the Governor, acting through the Adjutant General and the
11 Nebraska Emergency Management Agency, and to vest him or her with
12 adequate power and authority within the limitation of available funds
13 appropriated to the Governor's Emergency Program to meet any disaster,
14 emergency, or civil defense emergency.
15 (2) There is hereby established the Governor's Emergency Program.
16 Funds appropriated to the program shall be expended, upon direction of
17 the Governor, for any state of emergency. The state of emergency
18 proclamation shall set forth the emergency and shall state that it
19 requires the expenditure of public funds to furnish immediate aid and
20 relief. The Adjutant General shall administer the funds appropriated to
21 the program.
22 (3) It is the intent of the Legislature that the first recourse
23 shall be to funds regularly appropriated to state and local agencies. If
24 the Governor finds that the demands placed upon these funds are
25 unreasonably great, he or she may make funds available from the
26 Governor's Emergency Program. Expenditures may be made upon the direction
1 of the Governor for any or all emergency management functions or to meet
2 the intent of the state emergency operations plans as outlined in section
3 81-829.41. Expenditures may also be made to state and federal agencies to
4 meet the matching requirement of any applicable assistance programs.
5 (4) Assistance shall be provided from the funds appropriated to the
6 Governor's Emergency Program to political subdivisions of this state
7 which have suffered from a disaster, emergency, or civil defense
8 emergency to such an extent as to impose a severe financial burden
9 exceeding the ordinary capacity of the subdivision affected. Applications
10 for aid under this section shall be made to the Nebraska Emergency
11 Management Agency on such forms as shall be prescribed and furnished by
12 the agency. The forms shall require the furnishing of sufficient
13 information to determine eligibility for aid and the extent of the
14 financial burden incurred. The agency may call upon other agencies of the
15 state in evaluating such applications. The Adjutant General shall review
16 each application for aid under this section and recommend its approval or
17 disapproval, in whole or in part, to the Governor. If the Governor
18 approves, he or she shall determine and certify to the Adjutant General
19 the amount of aid to be furnished. The Adjutant General shall thereupon
20 issue his or her voucher to the Director of Administrative Services who
21 shall issue his or her warrants therefor to the applicant.
22 (5) When a state of emergency has been proclaimed by the Governor,
23 the Adjutant General, upon order of the Governor, shall have authority to
24 expend funds for purposes including, but not limited to:
25 (a) The purposes of the Emergency Management Act, including
26 emergency management functions and the responsibilities of the Governor
27 as outlined in the act;
28 (b) Employing for the duration of the state of emergency additional
29 personnel and contracting or otherwise procuring all necessary
30 appliances, supplies, and equipment;
31 (c) Performing services for and furnishing materials and supplies to
1 state government agencies and local governments with respect to
2 performance of any duties enjoined by law upon such agencies and local
3 governments which they are unable to perform because of extreme climatic
4 phenomena and receiving reimbursement in whole or in part from such
5 agencies and local governments able to pay therefor under such terms and
6 conditions as may be agreed upon by the Adjutant General and any such
7 agency or local government;
8 (d) Performing services for and furnishing materials to any
9 individual in connection with alleviating hardship and distress growing
10 out of extreme climatic phenomena and receiving reimbursement in whole or
11 in part from such individual under such terms as may be agreed upon by
12 the Adjutant General and such individual;
13 (e) Opening up, repairing, and restoring roads and highways;
14 (f) Repairing and restoring bridges;
15 (g) Furnishing transportation for supplies to alleviate suffering
16 and distress;
17 (h) Restoring means of communication;
18 (i) Furnishing medical services and supplies to prevent the spread
19 of disease and epidemics;
20 (j) Quelling riots and civil disturbances;
21 (k) Training individuals or governmental agencies for the purpose of
22 perfecting the performance of emergency management duties as provided in
23 the Nebraska emergency operations plans;
24 (l) Procurement and storage of special emergency supplies or
25 equipment, determined by the Adjutant General to be required to provide
26 rapid response by state government to assist local governments in
27 impending or actual disasters, emergencies, or civil defense emergencies;
28 (m) Clearing or removing debris and wreckage which may threaten
29 public health or safety from publicly owned or privately owned land or
30 water; and
31 (n) Such other measures as are customarily necessary to furnish
1 adequate relief in cases of disaster, emergency, or civil defense
2 emergency.
3 (6) If response to a disaster or emergency is immediately required,
4 the Adjutant General may make expenditures of up to twenty-five thousand
5 dollars per event without a state of emergency proclamation issued by the 6 Governor. Such expenditures shall be used for the purposes as provided in 7 subsection (5) of this section.
8 (7) The Governor may receive such voluntary contributions as may be 9 made from any nonfederal source to aid in carrying out the purposes of 10 this section and shall credit the same to the Governor's Emergency Cash 11 Fund.
12 (8) All obligations and expenses incurred by the Governor in the 13 exercise of the powers and duties vested in the Governor by this section 14 shall be paid by the State Treasurer out of available funds appropriated 15 to the Governor's Emergency Program, and the Director of Administrative 16 Services shall draw his or her warrants upon the State Treasurer for the 17 payment of such sum, or so much thereof as may be required, upon receipt 18 by him or her of proper vouchers duly approved by the Adjutant General.
19 (9) This section shall be liberally construed in order to accomplish 20 the purposes of the Emergency Management Act and to permit the Governor 21 to adequately cope with any disaster, emergency, or civil defense 22 emergency which may arise, and the powers vested in the Governor by this 23 section shall be construed as being in addition to all other powers 24 presently vested in him or her and not in derogation of any existing 25 powers.
26 (10) Such funds as may be made available by the government of the 27 United States for the purpose of alleviating distress from disasters, 28 emergencies, and civil defense emergencies may be accepted by the State 29 Treasurer and shall be credited to a separate and distinct fund unless 30 otherwise specifically provided in the act of Congress making such funds 31 available or as otherwise allowed and provided by state law.
1 (11) It is the intent of the Legislature that the four million 2 dollars saved due to the elimination of funding for the Angel Investment 3 Tax Credit Act be used to increase the appropriation to the Military 4 Department for the Governor's Emergency Program by four million dollars 5 for fiscal year 2020-21.
6 2. On page 11, line 31, strike "2020-21" and insert "2021-22".
7 3. On page 13, line 11, after "50-1209," insert "81-829.42,.
8 4. Renumber the remaining sections accordingly.

Senator Linehan filed the following amendment to LB334A:
AM1281
1 1. On page 2, line 11, strike "Department of Economic Development" 2 and insert "Military Department" and strike "603" and insert "192"; and 3 after line 18 insert:
4 "Expenditures from this program shall not be restricted to state aid 5 if other expenditures are necessary to fulfill the goals of the 6 Governor's Emergency Program."
GENERAL FILE

LEGISLATIVE BILL 149. Senator Quick offered the following amendment to the committee amendment:

FA62
Amend AM901
Strike sections 13, 14, 15, and 16. Renumber the following sections accordingly and correct the repealer accordingly.

The Quick amendment was adopted with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

The committee amendment, AM901, as amended, was adopted with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 532. Title read. Considered.

Committee AM674, found on page 1175, was adopted with 41 ayes, 0 nays, and 8 present and not voting.

Senator Cavanaugh withdrew her amendment, AM54, found on page 437.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, and 8 present and not voting.

LEGISLATIVE BILL 532A. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, and 15 present and not voting.

LEGISLATIVE BILL 492. Title read. Considered.

Committee AM628, found on page 1238, was offered.

SPEAKER SCHEER PRESIDING

Senator La Grone offered the following amendment to the committee amendment:

AM1552 is available in the Bill Room.

Senator La Grone withdrew his amendment.

Pending.
Enrollment and Review

LEGISLATIVE BILL 470. Placed on Select File with amendment.
ER102
1 1. On page 1, strike lines 2 through 10 and insert "77-103, 77-105,
2 77-202, 77-1374, 77-1375, 77-2716, 77-5007, 85-1807, 85-1808, and
3 85-1810, Reissue Revised Statutes of Nebraska; to redefine terms; to
4 exempt dwelling complexes and any related amenities located on a United
5 States Department of Defense military installation from property taxes as
6 prescribed; to provide for payments in lieu of taxes as prescribed; to
7 change provisions relating to the assessment of improvements on leased
8 lands; to provide tax deductions for certain contributions to the
9 Nebraska educational savings plan trust as prescribed; to provide that
10 certain contributions to the Nebraska educational savings plan trust not
11 be recognized as income for certain purposes; to harmonize provisions; to
12 provide a duty for the Revisor of Statutes; to provide operative dates;
13 and to repeal the original sections."

(Signed) Julie Slama, Chairperson

LEGISLATIVE BILL 138. Placed on Final Reading.
LEGISLATIVE BILL 177. Placed on Final Reading.

LEGISLATIVE BILL 227. Placed on Final Reading.
ST18
The following changes, required to be reported for publication in the
Journal, have been made:
   1. On page 1, lines 2 through 4 have been struck and "sections 2-4403 and
      2-4404, Reissue Revised Statutes of Nebraska; to change nuisance
      provisions and provide for a limitation on nuisance actions; to provide for
      applicability; to update an act reference; and to repeal the original sections."
      inserted.

LEGISLATIVE BILL 237. Placed on Final Reading.
LEGISLATIVE BILL 237A. Placed on Final Reading.
LEGISLATIVE BILL 496. Placed on Final Reading.
LEGISLATIVE BILL 616. Placed on Final Reading.
LEGISLATIVE BILL 641A. Placed on Final Reading.
LEGISLATIVE BILL 693. Placed on Final Reading.

(Signed) Julie Slama, Chairperson
Senator Cavanaugh filed the following amendment to LB397:
AM1528 is available in the Bill Room.

Senator Lathrop filed the following amendment to LB538:
AM1544
(Amendments to AM1278)

1. Insert the following new sections:
2. Sec. 4. No cash device shall be operated using a credit card, charge card, or debit card. No person under nineteen years of age shall play or participate in any way in the operation of a cash device. No operator or employee or agent of any operator shall knowingly permit any individual under nineteen years of age to play or participate in any way in the operation of a cash device.
3. Sec. 10. Section 77-5601, Reissue Revised Statutes of Nebraska, is amended to read:
4. 77-5601 (1) From August 1, 2004, through October 31, 2004, there shall be conducted a tax amnesty program with regard to taxes due and owing that have not been reported to the Department of Revenue. Any person applying for tax amnesty shall pay all unreported taxes that were due on or before April 1, 2004. Any person that applies for tax amnesty and is accepted by the Tax Commissioner shall have any penalties and interest waived on unreported and delinquent taxes notwithstanding any other provisions of law to the contrary.
5. (2) To be eligible for the tax amnesty provided by this section, the person shall apply for amnesty within the amnesty period, file a return for each taxable period for which the amnesty is requested by December 31, 2004, if no return has been filed, and pay in full all taxes for which amnesty is sought with the return or within thirty days after the application if a return was filed prior to the amnesty period. Tax amnesty shall not be available for any person that is under civil or criminal audit, investigation, or prosecution for unreported or delinquent taxes by this state or the United States Government on or before April 16, 2004.
6. (3) The department shall not seek civil or criminal prosecution against any person for any taxable period for which amnesty has been granted. The Tax Commissioner shall develop forms for applying for the tax amnesty program, develop procedures for qualification for tax amnesty, and conduct a public awareness campaign publicizing the program.
7. (4) If a person elects to participate in the amnesty program, the election shall constitute an express and irrevocable relinquishment of all administrative and judicial rights to challenge the imposition of the tax or its amount. Nothing in this section shall prohibit the department from adjusting a return as a result of any state or federal audit.
8. (5)(a) Except for any local option sales tax collected and returned to the appropriate municipality and any motor vehicle fuel, diesel fuel, and compressed fuel taxes, which shall be deposited in the Highway Trust Fund or Highway Allocation Fund as provided by law, no less than eighty
16 percent of all revenue received pursuant to the tax amnesty program shall be deposited in the General Fund and ten percent, not to exceed five hundred thousand dollars, shall be deposited in the Department of Revenue Enforcement Technology Fund. Any amount that would otherwise be deposited in the Department of Revenue Enforcement Fund or the Department of Revenue Enforcement Technology Fund that is in excess of the five-hundred-thousand-dollar limitation shall be deposited in the General Fund.

(b) For fiscal year 2005-06, all proceeds in the Department of Revenue Enforcement Fund shall be appropriated to the department for purposes of employing investigators, agents, and auditors and otherwise increasing personnel for enforcement of the Nebraska Revenue Act of 1967. For fiscal year 2005-06, all proceeds in the Department of Revenue Enforcement Technology Fund shall be appropriated to the department for the purposes of acquiring lists, software, programming, computer equipment, and other technological methods for enforcing the act.

(c) For fiscal years after fiscal year 2005-06, twenty percent of all proceeds received during the previous calendar year due to the efforts of auditors and investigators hired pursuant to subdivision (5)(b) of this section, not to exceed seven hundred fifty thousand dollars, shall be deposited in the Department of Revenue Enforcement Fund for purposes of employing investigators and auditors or continuing such employment for purposes of increasing enforcement of the act.

(d) Ten percent of all proceeds received during each calendar year due to the contracts entered into pursuant to section 77-367 shall be deposited in the Department of Revenue Enforcement Fund for purposes of identifying nonfilers of returns, underreporters, nonpayers of taxes, and improper or fraudulent payments.

(6)(a) The department shall prepare a report by April 1, 2005, and by February 1 of each year thereafter detailing the results of the tax amnesty program and the subsequent enforcement efforts. For the report due April 1, 2005, the report shall include (i) the amount of revenue obtained as a result of the tax amnesty program broken down by tax program, (ii) the amount obtained from instate taxpayers and from out-of-state taxpayers, and (iii) the amount obtained from individual taxpayers and from business enterprises.

(b) For reports due in subsequent years, the report shall include (i) the number of personnel hired for purposes of subdivision (5)(b) of this section and their duties, (ii) a description of lists, software, programming, computer equipment, and other technological methods acquired pursuant to such subdivision and the purposes of each, and (iii) the amount of new revenue obtained as a result of the new personnel and acquisitions during the prior calendar year, broken down into the same categories as described in subdivision (6)(a) of this section.

(7) The Department of Revenue Enforcement Fund is and the Department of Revenue Enforcement Technology Fund are created. Transfers may be made from the Department of Revenue Enforcement Fund to the General Fund at the direction of the Legislature. The Department of Revenue Enforcement
Fund may receive transfers from the Civic and Community Center Financing Fund at the direction of the Legislature for the purpose of administering the Sports Arena Facility Financing Assistance Act. The Department of Revenue Enforcement Fund shall include any money credited to the fund under the Mechanical Amusement Device Tax Act, and such money shall be used by the department to defray the costs incurred to enforce such act. Any money in the Department of Revenue Enforcement Fund and the Department of Revenue Enforcement Technology Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. The Department of Revenue Enforcement Technology Fund shall terminate on July 1, 2006. Any unobligated money in the fund at that time shall be deposited in the General Fund.

For purposes of this section, taxes mean any taxes collected by the department, including, but not limited to state and local sales and use taxes, individual and corporate income taxes, financial institutions deposit taxes, motor vehicle fuel, diesel fuel, and compressed fuel taxes, cigarette taxes, transfer taxes, and charitable gaming taxes.

On page 1, strike lines 11 through 20 and insert the following new subsection:

"(2) The owner or operator of a retail establishment who is not a manufacturer, distributor, or seller of mechanical amusement devices as defined under the Mechanical Amusement Device Tax Act shall not be subject to prosecution for possession of a gambling device or entering into a transaction affecting or designed to affect ownership, custody, or use of any gambling device if:

(a) Such owner or operator does not own the device and the only connection of the owner or operator to the device is entering into an agreement for payment or profit-sharing in exchange for placement of the device in such owner's or operator's retail establishment; and

(b) Such owner or operator does not have actual knowledge that the operation of the device in the owner's or operator's retail establishment constitutes unlawful gambling activity or violates the Mechanical Amusement Device Tax Act."

On page 4, line 26, after the first "a" insert "cash".

On page 9, after line 6 insert the following new subsections:

"(10)(a) Before any rules and regulations adopted and promulgated to carry out this section become effective, any manufacturer, distributor, or owner may continue to manufacture, sell, transport, place, possess, or enter into a transaction involving (i) cash devices already in operation at an establishment as of May 1, 2019, or (ii) other cash devices that are functionally identical to those already in operation at an establishment as of May 1, 2019.

(b) After any rules and regulations adopted and promulgated to carry out this section become effective, until any determination of compliance or noncompliance by the department, any manufacturer, distributor, or owner may continue to manufacture, sell, transport, place, possess, or enter into a transaction involving cash devices described in subdivision (10)(a) of this section if, within ninety days after the date when any
such rules and regulations become effective, the manufacturer or
distributor files an application with the department for such a
determination.
(c) If a manufacturer or distributor receives a determination from
the department that a device described in subdivision (10)(a) of this
section is not in compliance with the Mechanical Amusement Device Tax
Act, such manufacturer or distributor shall have thirty days after the
issuance of that determination to remove any such device from operation
in Nebraska.
(11) Application fees collected under subsection (2) of this section
and annual decal fees collected under section (8) of this section shall
be remitted to the State Treasurer for credit to the Department of
Revenue Enforcement Fund.”.
5. On page 10, line 15, strike "section 3" and insert "sections 3
and 4"; and in line 19 strike "and 77-3011" and insert "77-3011, and
77-5601".
6. Renumber the remaining sections accordingly.

VISITOR(S)

Visitors to the Chamber were students from Blue Sage Elementary School,
Elkhorn; Lisa Albers of the Grand Island Public Schools Board of
Education; students and teachers from Litchfield Elementary School;
students from Woodland Park Elementary School, Norfolk; and Pamela
Sorgen, Amanda Bohm, and Elizabeth Power from Omaha and Susan
Thurman from La Vista.

The Doctor of the Day was Dr. Trisha Sams from Utica.

ADJOURNMENT

At 4:38 p.m., on a motion by Senator Bostelman, the Legislature adjourned
until 9:00 a.m., Wednesday, May 1, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
The prayer was offered by Pastor Adam DeMike, Faith Missionary Church, Weeping Water.

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 Bostelman, M. Hansen, Morfeld, Pansing Brooks, Wayne, and Wishart who were excused until they arrive.

The Journal for the sixty-eighth day was approved.

Pursuant to Rule 4, Sec. 5(b), LR 90 and 91 were adopted.

While the Legislature was in session and capable of transacting business, the President signed the following: LR 90 and 91.

Senator Cavanaugh offered her amendment, AM 1528, found on page 1355.

Senator Briese requested a ruling of the Chair on whether the Cavanaugh amendment is germane to the bill.

The Chair ruled the Cavanaugh amendment is not germane to the bill.
Senator Cavanaugh challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

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

Senator Cavanaugh requested a roll call vote, in reverse order, on the motion to overrule the Chair.

Voting in the affirmative, 20:

Blood
Chambers
Howard
Lathrop
Quick
Bolz
Crawford
Hunt
McCullister
Vargas
Brandt
DeBoer
Kolowski
Morfeld
Walz
Cavanaugh
Hansen, M.
Kolterman
Pansing
Brooks
Wishart

Voting in the negative, 27:

Albrecht
Dorn
Halloran
Linehan
Slama
Arch
Erdman
Hansen, B.
Lowe
Stinner
Bostelman
Friesen
Hilgers
McDonnell
Williams
Brewer
Geist
Hilkemann
Moser
Briese
Gragert
Hughes
Murman
Clements
Groene
Lindstrom
Scheer

Present and not voting, 1:

La Gron
e

Excused and not voting, 1:

Wayne

The Cavanaugh motion to overrule the Chair failed with 20 ayes, 27 nays, 1 present and not voting, and 1 excused and not voting.

The Chair was sustained.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO75
Bracket until June 6, 2019.

Pending.
RESOLUTION(S)

LEGISLATIVE RESOLUTION 101. Introduced by Scheer, 19.

WHEREAS, Norfolk High School received a 2018 NebraskARTS Award presented by Nebraskans for the Arts; and
WHEREAS, Nebraskans for the Arts annually recognizes select schools and school districts that make notable and worthwhile contributions to the arts and arts education in Nebraska; and
WHEREAS, Norfolk High School is home to a diverse student population supported by an outstanding staff focused on providing quality academic and extra-curricular programs in the arts; and
WHEREAS, Norfolk High School's arts programs have developed partnerships with businesses and the community, providing students with the ability to enhance their creative skills and career opportunities; and
WHEREAS, Norfolk High School was one of only two schools to receive this award for 2018; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates Norfolk High School for receiving a 2018 NebraskARTS award.
2. That a copy of this resolution be sent to Norfolk High School Principal, Derek Ippensen, on behalf of the school's students, teachers, staff, and parents.

Laid over.

LEGISLATIVE RESOLUTION 102. Introduced by Howard, 9.

WHEREAS, Thomas Rogers Kimball was born April 19, 1862 in Linwood, Ohio, moved to Omaha with his family in 1871, and graduated from Omaha High School in 1878; and
WHEREAS, Thomas Rogers Kimball continued his study in architecture and fine arts at the University of Nebraska, the Cowles School of Art in Boston, the Massachusetts Institute of Technology, and the L'École des Beaux Arts in Paris before co-founding the publishing firm Bates and Kimball; and
WHEREAS, Bates and Kimball founded, edited, and published the Technology Architectural Review for the Massachusetts Institute of Technology, a predecessor to The Architectural Review, an industry magazine still in circulation today; and
WHEREAS, after forming the Boston architectural partnership Walker and Kimball, Thomas Rogers Kimball and his wife Annie returned to Nebraska, becoming involved in the Omaha Chamber of Commerce, the Omaha Civic League, the Association of Professional Men's Clubs, and the Omaha Club; and
WHEREAS, Thomas Rogers Kimball first attained national prominence when his partnership was selected as architect in chief of the 1898 Trans-Mississippi and International Exposition in Omaha. He went on to design many notable Nebraska buildings on his own, including St. Cecilia Cathedral in Omaha, the Hall County Courthouse in Grand Island, the Holdrege Public Library, the Omaha World-Herald Building, the Burlington Station in Omaha, and the Omaha Country Club; and
WHEREAS, Thomas Rogers Kimball was recognized for his architectural achievements with election to the American Institute of Architects College of Fellows and was the first Nebraskan to serve as national president of the American Institute of Architects for 1919-1920; and
WHEREAS, Thomas Rogers Kimball's greatest and most enduring contribution to Nebraska was his service as professional advisor for the Capitol Commission, where he administered the construction of the state capitol, retaining his position for 14 years, from 1919 to 1932; and
WHEREAS, Thomas Rogers Kimball pioneered a double-blind competition process to choose an architect for the state capitol, keeping the names of both the jurors and competing architectural firms anonymous, thereby encouraging the nation's top architectural firms to compete without the potential for corruption, political patronage, or cronyism. This process is still used as the standard for architectural competitions; and
WHEREAS, Thomas Rogers Kimball was inducted into the Nebraska Hall of Fame in 2019 by the Nebraska Hall of Fame Commission.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates the family of Thomas Rogers Kimball on his induction into the Nebraska Hall of Fame.
2. That copies of this resolution be sent to the family of Thomas Rogers Kimball and to the Nebraska Hall of Fame Commission.

Laid over.

LEGISLATIVE RESOLUTION 103. Introduced by Lowe, 37; Arch, 14; Cavanaugh, 6; Dorn, 30; Hansen, B., 16; Howard, 9; Murman, 38; Walz, 15; Williams, 36.

PURPOSE: The purpose of this interim study is to review staffing concerns, including, but not limited to, staff retention, at the Beatrice State Developmental Center, the Lincoln Regional Center, the Youth Rehabilitation and Treatment Center-Geneva, and the Youth Rehabilitation and Treatment Center-Kearney.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Health and Human Services 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 Albrecht filed the following amendment to LB595:

AM1510

(AMendments to Standing Committee amendments, AM1164)

1 1. Strike sections 33 and 34 and insert the following new sections:

Sec. 33. Section 43-2,108.02, Reissue Revised Statutes of Nebraska, as amended by section 3, Legislative Bill 354, One Hundred Sixth Legislature, First Session, 2019, is amended to read:

By January 1, 2020, the Supreme Court shall promulgate a written notice that:

(a) States in developmentally appropriate language that, for a juvenile described in section 43-2,108.01, the juvenile's record will be automatically sealed if (i) no charges are filed as a result of the determination of the prosecuting attorney, (ii) the charges are dismissed, (iii) the juvenile has satisfactorily completed the diversion, mediation, restorative justice, probation, supervision, or other treatment or rehabilitation program provided under the Nebraska Juvenile Code, or (iv) the juvenile has satisfactorily completed the county court diversion program, probation ordered by the court, or sentence ordered by the court;

(b) States in developmentally appropriate language that, if the record is not sealed as provided in subdivision (1)(a) of this section, the juvenile or the juvenile's parent or guardian may file a motion to seal the record with the court when the juvenile reaches the age of majority or six months have passed since the case was closed, whichever occurs sooner; and

(c) Explains in developmentally appropriate language what sealing the record means.

Sec. 34. Section 43-2,108.03, Reissue Revised Statutes of Nebraska, as amended by section 4, Legislative Bill 354, One Hundred Sixth Legislature, First Session, 2019, is amended to read:

If a juvenile described in section 43-2,108.01 was taken into custody, arrested, cited in lieu of arrest, or referred for prosecution without citation but no juvenile petition or criminal complaint was filed against the juvenile with respect to the arrest or custody, the county attorney or city attorney shall notify the government agency responsible for the arrest, custody, citation in lieu of arrest, or referral for prosecution without citation that no criminal charge or juvenile court petition was filed. The county attorney or city attorney shall attach a copy of the notice to any juvenile petition or criminal complaint.
shall provide written notification to the juvenile that no juvenile petition or criminal complaint was filed and provide the juvenile with the notice described in section 43-2,108.02.

(b) If a juvenile described in subdivision (1)(a) of this section discovers that his or her record was not automatically sealed, such juvenile may notify the county attorney, who shall cause the record to be sealed by providing the notice required by subdivision (1)(a) of this section.

(2)(a) If the county attorney or city attorney offered and a juvenile described in section 43-2,108.01 has agreed to pretrial diversion, or mediation, or restorative justice, the county attorney or city attorney shall notify the government agency responsible for the arrest or custody when the juvenile has satisfactorily completed the resulting diversion, or mediation, or restorative justice. At the time the juvenile is offered diversion or mediation, the county attorney or city attorney shall provide the notice described in section 43-2,108.02 to the juvenile. The county attorney or city attorney shall also provide written notification to the juvenile of his or her satisfactory or unsatisfactory completion of diversion, or mediation, or restorative justice.

(b) If a juvenile who was satisfactorily discharged from diversion, or mediation, or restorative justice discovers that his or her record was not automatically sealed, the juvenile may notify the county attorney, who shall cause the record to be sealed by providing the notice required by subdivision (2)(a) of this section.

(3)(a) If the juvenile was taken into custody, arrested, cited in lieu of arrest, or referred for prosecution without citation and charges were filed but the case was dismissed by the court, the court shall seal the record as set forth in section 43-2,108.05.

(b) If a juvenile described in subdivision (3)(a) discovers that his or her record was not automatically sealed, the juvenile may notify the court, which shall seal the record as set forth in section 43-2,108.05.

(4)(a) If a juvenile described in section 43-2,108.01 has satisfactorily completed the probation, supervision, or other treatment or rehabilitation program provided under the Nebraska Juvenile Code or if the juvenile has satisfactorily completed the probation or sentence ordered by a county court, the court shall seal the records as set forth in section 43-2,108.05.

(b) If a juvenile described in subdivision (4)(a) discovers that his or her record was not automatically sealed, the juvenile may notify the court, which shall seal the record as set forth in section 43-2,108.05.

(5) A government agency or court that receives notice under subdivision (1)(a) or (2)(a) of this section shall, upon such receipt, immediately seal all records housed at that government agency or court pertaining to the citation, arrest, record of custody, complaint, disposition, diversion, or mediation, or restorative justice.

(6) When a juvenile described in section 43-2,108.01 whose records have not been automatically sealed as provided in subsection (1), (2), (3), or (4) of this section reaches the age of majority or six months...
31 have passed since the case was closed, whichever occurs sooner, such
1 juvenile or his or her parent or guardian may file a motion in the court
2 of record asking the court to seal the record pertaining to the offense
3 which resulted in disposition, adjudication, or diversion in juvenile
court or diversion or sentence of the county court. The motion shall set
5 forth the facts supporting the argument that the individual who is the
6 subject of the juvenile petition or criminal complaint has been
7 satisfactorily rehabilitated.
8 2. On page 51, line 11, strike "43-2,108.02, 43-2,108.03,"; in line
9 12, strike the second "and"; and in line 13 after the last comma insert
10 "and sections 43-2,108.02 and 43-2,108.03, Reissue Revised Statutes of
11 Nebraska, as amended by sections 3 and 4, respectively, Legislative Bill
12 354, One Hundred Sixth Legislature, First Session, 2019".

Senator Friesen filed the following amendment to LB184:
AM1470
(Amendments to Standing Committee amendments, AM1252)
1 1. On page 2, line 26, strike "or" and insert "and".
2 2. On page 9, line 31, after "and" insert "to".
3 3. On page 10, line 1, after "of" insert "a" and strike "poles" and
4 insert "pole".
5 4. On page 16, line 17; and page 18, line 4, strike "permit" and
6 insert "permitting".

Senator Howard filed the following amendment to LB460:
AM1505
(Amendments to Standing Committee amendments, AM1211)
1 1. On page 6, line 29; and page 7, lines 4, 5, and 6, strike
2 "September" and insert "October".
3 2. On page 7, line 31, after "expense" insert "not less than once
4 during each five-year period".
5 3. On page 8, line 14, after "check" insert "or a background check";
6 and in line 16 after "check" insert "or a background check described in
7 this subsection;"; and in line 30 strike "subject to federal" and insert
8 "and information from background checks described in this subsection
9 subject to state or federal".
10 4. On page 10, line 15, after "checks" insert "not less than once
11 during each five-year period".

Senator M. Hansen filed the following amendment to LB464:
AM1440
(Amendments to Standing Committee amendments, AM895)
1 1. Strike section 2 and insert the following new section:
2 Sec. 2. The following sums of money, or so much thereof as may be
3 required, are hereby appropriated from the General Fund or from other
4 funds as indicated in the state treasury, not otherwise appropriated, for
5 the payment of tort claims which have been settled by the State Claims
6 Board and approved by the district court, which have been settled by the
7 Attorney General in the district court, or in which court judgments have
8 been entered and which require the approval of the Legislature for
9 payment.
10 $35,000.00 for Tort Claim Number 2016-15465, against the State of
11 Nebraska, pay to Donald Johnson and Mark D. Kratina, Mark D. Kratina,
12 P.C., 300 Jackson Place, 514 South 13th Street, Omaha, NE 68102-2837, out
13 of the General Fund.
14 $11,560.30 for Tort Claim Number 2016-15753, against the State of
15 Nebraska, pay to Gerald Burkinshaw and Vincent M. Powers & Associates,
16 411 South 3rd Street, Suite 300, Lincoln, NE 68508, out of the State
17 Building Revolving Fund.
18 The claims included in this section shall be paid through Program
19 591 in Agency 65.
20 For informational purposes only, the appropriations contained in
21 this section and fund source:
22 FUND SOURCE                  DOLLAR AMOUNT
23 GENERAL FUND                  $35,000.00
24 CASH FUND                    $11,560.30
25 REVOLVING FUND               $0-
26 TOTAL                        $46,560.30

Senator Vargas filed the following amendment to LB478:
AM1507
(Amendments to Standing Committee amendments, AM1216)
1 1. Insert the following new section:
2 Sec. 3. Since an emergency exists, this act takes effect when passed
3 and approved according to law.

Senator Cavanaugh filed the following amendment to LB397:
AM1569 is available in the Bill Room.

LEGISLATIVE BILL 583. Placed on Select File with amendment.
ER103
1 1. On page 1, line 6, strike "counties" and insert "certain cities,
2 counties,"

(Signed) Julie Slama, Chairperson

VISITOR(S)

Visitors to the Chamber were Emery Erikson from Lincoln; Rich Groene
and Claudia Stuben, Senator Groene's brother and sister and Senator
B. Hansen's uncle and aunt, from Omaha; students from Malcolm
Elementary School; students from Beals Elementary School, Omaha;
students from Tri County Public Schools, DeWitt; students and teachers
from Florence Elementary School, Omaha; and elementary and junior high
students with the University of Nebraska-Kearney's string project.
RECESS

At 12:08 p.m., on a motion by Senator Arch, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Foley presiding.

ROLL CALL

The roll was called and all members were present except Senators Friesen, M. Hansen, Howard, Morfeld, and Stinner who were excused until they arrive.

COMMITTEE REPORT(S)

Transportation and Telecommunications

LEGISLATIVE BILL 378. Placed on General File.

LEGISLATIVE BILL 462. Placed on General File with amendment. AM1568
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 76-2301, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 76-2301 Sections 76-2301 to 76-2331 and sections 4, 6, 8, 9, 10, 15,
6 and 16 of this act shall be known and may be cited as the One-Call
7 Notification System Act.
8 Sec. 2. Section 76-2303, Reissue Revised Statutes of Nebraska, is
9 amended to read:
10 76-2303 For purposes of the One-Call Notification System Act, the
11 definitions found in sections 76-2303.01 to 76-2317 and sections 4 and 6
12 of this act shall be used.
13 Sec. 3. Section 76-2305, Reissue Revised Statutes of Nebraska, is
14 amended to read:
15 76-2305 Center means a call shall mean the statewide one-call
16 notification center which shall have as its principal purpose the
17 statewide receipt and dissemination to participating operators of
18 information on a fair and uniform basis concerning intended excavations
19 by excavators in areas where operators have underground facilities.
20 Sec. 4. Locator means a person who identifies and marks underground
21 facilities for an operator, including a contractor who performs such
22 location services for an operator.
23 Sec. 5. Section 76-2315, Reissue Revised Statutes of Nebraska, is
24 amended to read:
25 76-2315 Person means shall mean an individual, partnership, limited
26 liability company, association, municipality, state, county, political
27 subdivision, utility, joint venture, or corporation and shall include the
Sec. 6. Ticket means the compilation of data received by the center in the notice of excavation and the facility locations provided to the center and which is assigned a unique identifying number.

Sec. 7. Section 76-2319, Reissue Revised Statutes of Nebraska, is amended to read:

76-2319 (1) The center shall be governed by a board of directors who shall oversee operation of the center pursuant to rules and regulations adopted and promulgated by the State Fire Marshal to carry out the One-Call Notification System Act. The board of directors shall have the authority to propose rules and regulations which may be adopted and promulgated pursuant to this section and have such other authority as provided by rules and regulations adopted and promulgated by the State Fire Marshal that are not inconsistent with the One-Call Notification System Act.

(2) The board of directors shall also establish a competitive bidding procedure to select a vendor to provide the notification service, establish a procedure by which members of the center share the costs of the center on a fair, reasonable, and nondiscriminatory basis, and do all other things necessary to implement the purpose of the center. Any agreement between the center and a vendor for the notification service may be modified from time to time by the board of directors, and any agreement shall be reviewed by the board of directors at least once every three years, with an opportunity to receive new bids if desired by the board of directors.

(3) The rules and regulations adopted and promulgated by the State Fire Marshal to carry out subsection (2) of this section may provide for:

(a) Any requirements necessary to comply with United States Department of Transportation programs;

(b) The qualifications, appointment, retention, and composition of the board of directors; and

(c) Best practices for the marking, location, and notification of proposed excavations which shall govern the center, excavators, and operators of underground facilities.

(4) Any rule or regulation adopted and promulgated by the State Fire Marshal pursuant to subdivision (3)(c) of this section shall originate with the board of directors.

Sec. 8. Any locator acting as a contractor for an operator to perform location services shall be trained in locator standards and practices applicable to the industry. The board may review locator training materials provided by operators, locators, and excavators and may make recommendations regarding best practices for locators, if deemed appropriate.

Sec. 9. Notwithstanding any other provision of the One-Call Notification System Act, any plastic or nonmetallic underground facilities installed underground on or after January 1, 2021, shall be installed in such a manner as to be locatable, either by mapping or by use of tracer wire, by the operator for purposes of the act.

Sec. 10. The board of directors shall assess the effectiveness of
enforcement programs, enforcement actions, and its damage prevention and
public awareness programs and make a report to the Governor and the
Legislature no later than December 1, 2021, and by December 1 every odd-
cnumbered year thereafter. The report to the Legislature shall be made
electronically.
Sec. 11. Section 76-2322, Reissue Revised Statutes of Nebraska, is
amended to read:
76-2322 An excavator shall serve notice of intent to excavate upon
the center by submitting a locate request using a method provided by the
center. The center shall inform the excavator of all operators to whom
such notice will be transmitted and shall promptly transmit such notice
to every operator having an underground facility in the area of intended
excavation. The notice shall be transmitted to operators and excavators
as a ticket. The center shall assign an identification number to each
notice received, which number shall be evidenced on the ticket.
Sec. 12. Section 76-2323, Reissue Revised Statutes of Nebraska, is
amended to read:
76-2323 (1) Upon receipt of the information contained in the notice
pursuant to section 76-2321, an operator shall advise the excavator of
the approximate location of underground facilities in the area of the
proposed excavation by marking or identifying the location of the
underground facilities with stakes, flags, paint, or any other clearly
identifiable marking or reference point and shall indicate if the
underground facilities are subject to section 76-2331. The location of
the underground facility given by the operator shall be within a strip of
land eighteen inches on either side of the marking or identification plus
one-half of the width of the underground facility. If in the opinion of
the operator the precise location of a facility cannot be determined and
marked as required, the operator shall provide all pertinent information
and field locating assistance to the excavator at a mutually agreed to
time. The location shall be marked or identified using color standards
prescribed by the center. The operator shall respond no later than two
business days after receipt of the information in the notice or at a time
mutually agreed to by the parties.
(2) The marking or identification shall be done in a manner that
will last for a minimum of five business days on any nonpermanent surface
and a minimum of ten business days on any permanent surface. If the
excavation will continue for longer than five business days, the operator
shall remark or reidentify the location of the underground facility upon
the request of the excavator. The request for remarking or
reidentification shall be made through the center.
(3) An operator who determines that such operator does not have
any underground facility located in the area of the proposed excavation
shall notify the center excavator of the determination prior to the date
of commencement of the excavation, or prior to two full business days
after transmittal of the ticket, whichever occurs sooner. All ticket
responses made under this subsection shall be transmitted to the operator
by the center.
Sec. 13. Section 76-2324, Reissue Revised Statutes of Nebraska, is
amended to read:
An excavator who fails to give notice of an excavation pursuant to section 76-2321 or who fails to comply with section 76-2331 and who damages an underground facility by such excavation shall be strictly liable to the operator of the underground facility for the cost of all repairs to the underground facility. An excavator who gives the notice and who damages an underground facility shall be liable to the operator for the cost of all repairs to the underground facility unless the damage to the underground facility was due to the operator's failure to comply with section 76-2323. An operator who gives notice pursuant to section 76-2321 and who damages an underground facility that is operated by the excavator shall not be in violation of the One-Call Notification System Act.

In addition to any liability provided in this section an operator of a damaged underground facility shall be entitled to any other remedies available at law or in equity provided by statute or otherwise.

Sec. 14. Section 76-2325, Reissue Revised Statutes of Nebraska, is amended to read:

76-2325  (1) Any person who violates the provisions of section 76-2320, 76-2321, 76-2322, 76-2323, 76-2326, 76-2330, or 76-2331 or section 8 or 9 of this act shall be subject to a civil penalty as follows:

(a) (1) For a violation by an excavator or an operator related to a gas or hazardous liquid underground pipeline facility or a fiber optic telecommunications facility, an amount not to exceed ten thousand dollars for each violation for each day the violation persists, up to a maximum of five hundred thousand dollars; and

(b) (2) For a violation by an excavator or an operator related to any other underground facility, an amount not to exceed five thousand dollars for each day the violation persists, up to a maximum of fifty thousand dollars.

(2) An action to recover a civil penalty shall be brought by the Attorney General or a prosecuting attorney on behalf of the State of Nebraska in any court of competent jurisdiction of this state. The trial shall be before the court, which shall consider the nature, circumstances, and gravity of the violation and, with respect to the person found to have committed the violation, the degree of culpability, the absence or existence of prior violations, whether the violation was a willful act, any good faith attempt to achieve compliance, and such other matters as justice may require in determining the amount of penalty imposed. All penalties shall be remitted to the State Treasurer for distribution in accordance with Article VII, section 5, of the Constitution of Nebraska.

Sec. 15. The Attorney General shall make an annual report to the Legislature, the State Fire Marshal, and the board by each March 15 on the number of complaints filed and the number of such complaints prosecuted under section 76-2325 during the previous calendar year. The report to the Legislature shall be made electronically.

Sec. 16. The State Fire Marshal may, by rule and regulation, define
occurrences relating to damage of an underground facility that creates an
emergency condition that requires an excavator to immediately notify an
operator or a locator, if applicable, and the center regarding the
location and extent of damage to an underground facility.
Sec. 17. Section 86-101, Reissue Revised Statutes of Nebraska, is
amended to read:
86-101 Sections 86-101 to 86-165 and sections 19 and 20 of this act
shall be known and may be cited as the Nebraska Telecommunications
Regulation Act.
Sec. 18. Section 86-103, Reissue Revised Statutes of Nebraska, is
amended to read:
86-103 For purposes of the Nebraska Telecommunications Regulation
Act, unless the context otherwise requires, the definitions found in
sections 86-103.01 to 86-121 and sections 19 and 20 of this act apply.
Sec. 19. Internet-protocol-enabled service or IP-enabled service
means any service, capability, functionality, or application provided
using Internet protocol, or any successor protocol, that enables a
service user to send or receive a communication in Internet protocol
format, including, but not limited to, voice, data, or video.
Sec. 20. Voice over Internet protocol service means an
interconnected voice over Internet protocol service as defined in 47
C.F.R. part 9, as such regulations existed on January 1, 2019.
Sec. 21. Section 86-124, Reissue Revised Statutes of Nebraska, is
amended to read:
86-124 (1) The commission shall not regulate the following:
(a) One-way broadcast or cable television transmission of
television or radio signals; and
(b) Mobile radio services, radio paging services, and wireless
telecommunications service;
(c) Interexchange services; and
(d) Internet-protocol-enabled service and voice over Internet
protocol service, including rates, service or contract terms, conditions,
or requirements for entry for such service.
(2) This section shall not affect or modify:
(a) The enforcement of criminal or civil laws, including, but not
limited to, laws concerning consumer protection and unfair or deceptive
trade practices which apply generally to the conduct of business;
(b) Any entity's obligations or rights or commission authority
under section 86-122 and under 47 U.S.C. 251 and 252, as such sections
existed on January 1, 2019, and (ii) any carrier-to-carrier tariff rates,
service quality standards, interconnection agreements, or other
obligations for which the commission has jurisdiction under state or
federal law;
(c) Any requirement to contribute to any fund administered by the
commission authorized by the Enhanced Wireless 911 Services Act or the
Nebraska Telecommunications Universal Service Fund Act;
(d) Any commission jurisdiction over intrastate switched access
rates, terms, and conditions, including the resolution of disputes
arising from, and implementation of federal and state law with respect
to, intercarrier compensation;
(e) The eligibility and requirements for the receipt of funds from the Nebraska Telecommunications Universal Service Fund and the rules, regulations, and orders under the Nebraska Telecommunications Universal Service Fund Act or the receipt of funds from the federal universal service fund, regardless of the unregulated status of the provider's service under this section; and

(f) Any entity's rights and obligations with respect to (i) registration under section 86-125, (ii) the use of public streets, roads, highways, and rights-of-way, or (iii) a certificate of public convenience and necessity or a permit.

Sec. 22. Section 86-144, Reissue Revised Statutes of Nebraska, is amended to read:

86-144 Telecommunications (1) (a) Except as provided in subdivision (b) of this subsection, in an exchange in which local competition does not exist, telecommunications companies shall file rate lists which, for all telecommunications service, The rate lists except for basic local exchange rates, shall be effective after ten days' notice to the commission.

(b) Notwithstanding any other provision of Chapter 86, a telecommunications company shall not be required to file rate lists, tariffs, or contracts for any telecommunications service, including local exchange and interexchange services, provided as a business service. Upon written notice to the commission, a telecommunications company may withdraw any rate list, tariff, or contract not required to be filed under this section subdivision if the telecommunications company posts the rates, terms, and conditions of its telecommunications service on the company's web site.

(2) In an exchange in which local competition does not exist, basic local exchange rates may be increased by a telecommunications company only after ninety days' notice to all affected subscribers. Such notice of increase shall include (a) the reasons for the rate increase, (b) a description of the affected telecommunications service, (c) an explanation of the right of the subscriber to petition the commission for a public hearing on the rate increase, (d) a list of exchanges which are affected by the proposed rate increase, and (e) the dates, times, and places for the public informational meetings required by this section.

(3) A telecommunications company which proposes to increase its basic local exchange rates shall hold at least one public informational meeting in each public service commissioner district as established by section 75-101.01 in which there is an exchange affected by the proposed rate increase.

Sec. 23. Original sections 76-2301, 76-2303, 76-2305, 76-2315, 76-2319, 76-2322, 76-2323, 76-2324, 76-2325, 86-101, 86-103, 86-124, and 86-144, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 24. The following section is outright repealed: Section 76-2316, Reissue Revised Statutes of Nebraska.

(Signed) Curt Friesen, Chairperson
LEGISLATIVE BILL 657A. Title read. Considered.

Senator Lowe moved for a call of the house. The motion prevailed with 15 ayes, 6 nays, and 28 not voting.

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

Voting in the affirmative, 41:

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

Voting in the negative, 4:

Albrecht  Clements  Erdman  Lowe

Present and not voting, 1:

Groene

Excused and not voting, 3:

Gragert  Howard  Stinner

Advanced to Enrollment and Review Initial with 41 ayes, 4 nays, 1 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 209. Senator Hunt renewed her motion, MO71, found on page 1333, to recommit to the Judiciary Committee.

Senator Chambers offered the following motion:

MO76  Bracket until June 6, 2019.

Pending.
MESSAGE(S) FROM THE GOVERNOR

May 1, 2019

Patrick J. O’Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O’Donnell:

Engrossed Legislative Bills 23e, 31e, 31Ae, 180, 222, and 252 were received in my office on April 26, 2019.
Engrossed Legislative Bills 304, 428, 445, 556e, 556Ae, 638, 663, and 698e were received in my office on April 29, 2019.
These bills were signed and delivered to the Secretary of State on May 1, 2019.

Sincerely,
(Signed) Pete Ricketts
Governor

RESOLUTION(S)

LEGISLATIVE RESOLUTION 104. Introduced by Walz, 15; Bolz, 29; Cavanaugh, 6; Friesen, 34; Halloran, 33; Kolterman, 24; Linehan, 39; McCollister, 20; Quick, 35; Stinner, 48; Vargas, 7; Wishart, 27.

WHEREAS, an individual residing at Life Quest at the Coolidge Center, a state-licensed care facility in Palmer, died on September 3, 2017, after three days of life-threatening symptoms; and
WHEREAS, the Department of Health and Human Services produced an eighty-one page report of violations found during inspections in June and July of 2017 and another six-page report after a visit in September of 2017. These reports were not released until officials revoked the facility's mental health care license on October 5, 2017, a month after the incident occurred. The revocation took effect fifteen days later; and
WHEREAS, the report indicates that the Department of Health and Human Services had known about multiple violations in the months preceding the closure of this facility. If more immediate action had been taken to remedy these violations or draw attention to the inequities in quality of care standards, a life could have been saved; and
WHEREAS, the circumstances surrounding this event have garnered media attention throughout Nebraska, along with scrutiny from the public. This care facility, along with multiple others in the past few years, including Hotel Pawnee in North Platte and Park View Villa in Gothenburg, have been
shut down due to violations regarding maintenance, cleanliness, and personnel issues; and
WHEREAS, the individuals affected by these policies are some of the most vulnerable in our community. The citizens of Nebraska have a right to know the standard of care to which our governmental organizations are held, including, but not limited to, policies, procedures, and regulations regarding oversight of assisted living facilities and mental health centers; and
WHEREAS, under Title II of the Americans with Disabilities Act (ADA) it is illegal for public entities, namely state and local governments, to deny the benefits of programs, services, or activities to qualified individuals with disabilities; and
WHEREAS, the regulations which implement Title II mandate that state governments administer services "in the most integrated settings appropriate to the needs of qualified individuals with disabilities"; and
WHEREAS, the integration mandate in the ADA is implicated when a public entity administers its programs in a manner that results in unjustified segregation of persons with disabilities; and
WHEREAS, a public entity may violate the integration mandate in the ADA when it: (1) Directly or indirectly operates facilities or programs that segregate individuals with disabilities; (2) finances the segregation of individuals with disabilities in private facilities; or (3) through planning, service system design, funding choices, or service implementation practices, promotes or relies upon the segregation of individuals with disabilities in private facilities or programs.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature hereby calls for the Executive Board of the Legislative Council to meet forthwith and appoint a special committee of the Legislature to be known as the State-Licensed Care Facilities Investigative Committee of the Legislature. The committee shall consist of seven members of the Legislature appointed by the Executive Board. The committee shall elect a chairperson and vice-chairperson from the membership of the committee. The Executive Board is hereby authorized to provide the committee with a legal counsel, committee clerk, and other staff as required by the committee from existing legislative staff. The Executive Board is also authorized to hire outside legal counsel, consultants, and investigators as required by the committee. The committee shall be an investigative committee and is hereby authorized to hold hearings and issue subpoenas as deemed necessary by the committee.
2. The State-Licensed Care Facilities Special Investigative Committee of the Legislature shall limit the scope of its inquiry to assisted living facilities where many of the residents are diagnosed with a mental illness. The oversight committee shall also examine the closures of the mental health centers known as Life Quest, located in Palmer and Blue Hill.
3. The State-Licensed Care Facilities Special Investigative Committee of the Legislature is hereby authorized to study the lack of adequate conditions of state-licensed care facilities, the treatment of individuals residing in such facilities, the effectiveness of regulation and licensure by the Division of
Public Health in providing oversight, and how the Department of Health and Human Services implements and administers its behavioral health services through the behavioral health regions to address the needs of this vulnerable population. The committee shall also investigate what steps the department has taken to advance the recommendations proposed by the Technical Assistance Collaborative as a consultant to the department, namely, the reasons that assisted living facilities are the primary residential options for individuals with severe and persistent mental illness and alternatives such as permanent supportive housing and services do not exist. The committee shall also investigate whether the department is taking adequate steps to ensure behavioral health services are administered in the most integrated setting pursuant to the ADA. The committee shall utilize existing studies, reports, and legislation developed to address the current conditions. The committee shall not be limited to such studies, reports, or legislation.

4. The State-Licensed Care Facilities Special Investigative Committee of the Legislature shall issue a report with its findings and recommendations to the Legislature on or before December 15, 2019.

Laid over.

**SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR104 was referred to the Reference Committee.

**RESOLUTION(S)**

LEGISLATIVE RESOLUTION 105. Introduced by Health and Human Services Committee: Howard, 9, Chairperson; Arch, 14; Cavanaugh, 6; Hansen, B., 16; Murman, 38; Walz, 15.

PURPOSE: The purpose of this interim study is to investigate the eligibility requirements applied to children for the home and community-based waiver for aged and disabled persons under the Medical Assistance Act.

WHEREAS, the purpose of the aged and disabled waiver is to provide care in a community-based setting to adults and children with disabilities who would otherwise require such care in a nursing facility and who do not traditionally qualify for the Medicaid program; and

WHEREAS, to be eligible under the aged and disabled waiver a person must first have a disability determination. If there is a disability determination, the person is then evaluated by the Department of Health and Human Services to see if they meet a specified institutional level of care; and

WHEREAS, prior to 2015, the Department of Health and Human Services used a tool for determining the institutional level of care for children that was not promulgated in rules or regulations for use as an evaluation tool and that was different than the level of care determination for adults; and

WHEREAS, in 2015, the Nebraska Supreme Court in Merie B. on behalf of Brayden O. v. State, 290 Neb. 919 (2015), found that the children's
institutional level of care tool the department was using was improper in part because the requirements had not been properly promulgated. There already existed detailed eligibility requirements for an institutional level of care which applied to both adults and children in 471 Neb. Admin. Code 12. Therefore, the Supreme Court instructed the Department of Health and Human Services to use the eligibility requirements that had already been properly promulgated; and

WHEREAS, the Nebraska Supreme Court also found the children's institutional level of care tool the department had been using was arbitrary and overly restrictive. The court found that the standards used by the department for a children's level of care resulted in the unreasonable exclusion of profoundly disabled children. The department followed the ruling of the court and used the existing level of care promulgated in 471 Neb. Admin. Code 12 to determine eligibility for both adults and children from 2015 through 2018; and

WHEREAS, in December 2018, the department promulgated rules and regulations to codify the pre-2015 children's institutional level of care requirements, which the Nebraska Supreme Court had found to be arbitrary and overly restrictive. The department began assessing the eligibility of children for the aged and disabled waiver using these more restrictive regulations in January 2019. Children with disabilities currently admitted under the waiver have been deemed ineligible under the new standards and have lost needed services.

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

(1) Current eligibility requirements for the Medical Assistance Act under the aged and disabled waiver, including the institutional level of care determination applied to children;

(2) The independent evaluation of the children's institutional level of care eligibility requirements being conducted by the Department of Health and Human Services;

(3) Effects of the eligibility requirements and the resulting loss of coverage;

(4) The benefits of providing disabled children early intervention services and therapies which could result in an improved quality of life and possibly result in less dependence on services as adults; and

(5) The best use of resources in the medical assistance program to provide quality of life and care for children with disabilities.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Health and Human Services Committee shall conduct the study and investigation pursuant to Rule 3 of the Rules of the Nebraska Unicameral Legislature.
3. 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.


PURPOSE: The purpose of this interim study is to review the Boiler Safety Code Advisory Board and occupational regulations for boiler inspectors. Such a review is required by section 84-948 and this study shall fulfill the requirements of the Occupational Board Reform Act. The study shall include an examination of the transition of duties under the Boiler Inspection Act from the Department of Labor to the State Fire Marshall.

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.

SPEAKER'S MAJOR PROPOSAL

April 30, 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 LB294 be designated as a 2019 Speaker Major Proposal.

Respectfully,

(Signed) Senator Mike Hilgers
Chair, Executive Board

C: Speaker Jim Scheer
COMMITTEE REPORT(S)
Health and Human Services

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

Roger A. Wells - Nebraska Rural Health Advisory Commission


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

Frances Beaurivage - Commission for the Deaf and Hard of Hearing
Sandra Shaw - Commission for the Deaf and Hard of Hearing


(Signed) Sara Howard, Chairperson

GENERAL FILE

LEGISLATIVE BILL 209. The Chambers motion, MO76, found in this day's Journal, to bracket until June 6, 2019, was renewed.

Pending.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 657A. Placed on Select File.

(Signed) Julie Slama, Chairperson

AMENDMENT(S) - Print in Journal

Senator Wishart filed the following amendment to LB209:
FA63
Amend AM1432
On page 7, line 5, strike "Materials" and insert "Medically accurate materials" On page 8, line 5, after "site" insert "medically accurate".

Senator Wishart filed the following amendment to LB209:
FA64
Amend AM1432
On page 7, line 5, strike "Materials" and insert "Medically accurate materials". On page 8, line 5, after "site" insert "medically accurate".

Senator Walz filed the following amendment to LB570:

AM1480

(Amendments to E&R amendments, ER69)

1 1. On page 3, line 31, strike the new matter.
2 2. On page 4, strike lines 1 through 4, show the old matter as struck, and insert "shall, in collaboration with the Department of Correctional Services, the Department of Economic Development, the Department of Labor, the Department of Transportation, the Department of Veterans' Affairs, the State Department of Education, the University of Nebraska, and the Equal Opportunity Commission."); in lines 8 through 19 strike the new matter and insert "chief executive officer of the Department of Health and Human Services"; and in line 20 strike "as".
10 3. On page 5, line 2, after the comma insert "the Public Service Commission"; and in line 29 strike "November 1" and insert "December 15".

Senator Wishart filed the following amendment to LB610:

AM1554 is available in the Bill Room.

Senator Wayne filed the following amendment to LB657:

AM1541 is available in the Bill Room.

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Wayne has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

VISITOR(S)

Visitors to the Chamber were David and Ann Bruntz from Friend; Representative Isaac Latteral from the South Dakota House of Representatives and Neal Dutenhoffer from Kearney; students from Edison Elementary School, Omaha; Virginia Hill from Manassas, VA; and students from Amherst Public School.

The Doctor of the Day was Dr. Alexis Erbst from Omaha.

ADJOURNMENT

At 4:32 p.m., on a motion by Senator Bolz, the Legislature adjourned until 9:00 a.m., Wednesday, May 1, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
SEVENTIETH DAY - MAY 2, 2019

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

SEVENTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, May 2, 2019

PRAYER

The prayer was offered by Father Brian Connor, North American Martyrs Catholic Church, Lincoln.

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 Pansing Brooks and Vargas who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-ninth day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of May 1, 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

Benson, Brandon
Convention of States Action (Withdrawn 04/30/2019)

Cooley, Bethanne
CTIA - The Wireless Association

Davidson Tribbs, Emma
Secure Democracy (Withdrawn 04/30/2019)

Kelley Plucker, LLC
Bird Rides, Inc. (Withdrawn 05/01/2019)

Lautenbaugh, Scott
Wolf-PAC

Phillippi, Patrick
The National Council for Behavioral Health (Withdrawn 04/30/2019)
Wheeler, Douglas A.
New York Life Insurance Company (Withdrawn 04/29/2019)
Winston, Kenneth C.
Nebraska Interfaith Power & Light

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

RESOLUTION(S)
Pursuant to Rule 4, Sec. 5(b), LR93 was adopted.

PRESIDENT SIGNED
While the Legislature was in session and capable of transacting business, the President signed the following: LR93.

ANNOUNCEMENT
The Chair announced the birthday of Senator Slama.

BILLS ON FINAL READING
The following bill was read and put upon final passage:

LEGISLATIVE BILL 6.
A BILL FOR AN ACT relating to postsecondary education; to amend section 85-502, Revised Statutes Cumulative Supplement, 2018; to change residency requirements for college tuition purposes for spouses or legal dependents of persons on active duty with the armed services as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:
Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB130 with 37 ayes, 7 nays, 4 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 130.

A BILL FOR AN ACT relating to building construction standards; to amend sections 71-6403, 71-6404, 71-6406, 76-3501, 76-3502, 76-3503, 76-3504, and 76-3505, Reissue Revised Statutes of Nebraska; to change provisions relating to the state building code; to provide radon resistant new construction standards; to provide, change, and eliminate definitions; to restate intent; to eliminate a task force; to provide reporting requirements for the Department of Health and Human Services; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 40:
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 130A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 130, One Hundred Sixth Legislature, First Session, 2019.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 40:

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Voting in the negative, 4:

| Clements | Erdman | Groene | Lowe |

Present and not voting, 4:

| Arch     | Hilgers | Hughes | La Grone |

Excused and not voting, 1:

| Vargas |

Clements Erdman Groene Lowe
Present and not voting, 4:

Arch      Hilgers      Hughes      La Grone

Excused and not voting, 1:

Vargas

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB138 with 36 ayes, 7 nays, 5 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 138.

A BILL FOR AN ACT relating to government; to amend section 60-3,102, Reissue Revised Statutes of Nebraska, and sections 55-601, 60-301, 60-393, 60-395, 60-396, 60-3,104, 60-3,122, 60-3,122.02, 60-3,122.03, 60-3,122.04, 60-3,123, 60-3,124, 60-3,125, and 60-3,130.04, Revised Statutes Cumulative Supplement, 2018; to state intent; to create a veterans' program coordinator in the Department of Labor and provide duties; to provide duties for the Department of Veterans' Affairs and the Department of Labor related to veterans employment; to add a member to the Commission on Military and Veteran Affairs; to change and eliminate certain armed services-related license plate fees; to eliminate obsolete provisions; to provide for additional Military Honor Plates and Support Our Troops Plates; to create a fund; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 227.**

A BILL FOR AN ACT relating to the Nebraska Right to Farm Act; to amend sections 2-4403 and 2-4404, Reissue Revised Statutes of Nebraska; to change nuisance provisions and provide for a limitation on nuisance actions; to provide for applicability; to update an act reference; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

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Voting in the negative, 2:

| Howard | Hunt |

Excused and not voting, 1: Vargas

Voting in the negative, 0.
Present and not voting, 1:

Gragert

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

 Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB237 with 34 ayes, 7 nays, and 8 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 237.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2703 and 77-5601, Reissue Revised Statutes of Nebraska; to change provisions relating to sales and use tax collection fees; to authorize the use of certain fees for revenue enforcement; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

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

Voting in the negative, 4:

Clements    Erdman      Lowe        Moser

Present and not voting, 1:

Hansen, B.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.
The following bill was read and put upon final passage:

**LEGISLATIVE BILL 237A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 237, One Hundred Sixth Legislature, First Session, 2019.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Albrecht  Chambers  Hilgers  Lindstrom  Slama
Arch  Crawford  Hilkemann  Linehan  Stinner
Blood  DeBoer  Howard  McCollister  Vargas
Bolz  Dorn  Hughes  McDonnell  Walz
Bostelman  Fiesen  Hunt  Morfeld  Wayne
Brandt  Geist  Kolowski  Murman  Williams
Briese  Gragert  Kolterman  Pansin  Wishart
Cavanaugh  Hansen, M.  La Grone  Quick

Voting in the negative, 5:

Clements  Erdman  Groene  Lowe  Moser

Present and not voting, 1:

Hansen, B.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB356 with 34 ayes, 7 nays, and 8 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 356.**

A BILL FOR AN ACT relating to government; to amend sections 37-811 and 60-3,127, Reissue Revised Statutes of Nebraska, and sections 60-301, 60-393, 60-395, 60-396, 60-3,100, 60-3,104, 60-3,104.01, 60-3,119, 60-3,122.03, 60-3,122.04, 60-3,128, 60-3,130.04, 60-3,226, 60-3,227,
SEVENTIETH DAY - MAY 2, 2019

60-3,230, 60-3,231, 60-3,232, 60-3,233, 60-3,234, and 60-3,235, Revised Statutes Cumulative Supplement, 2018; to provide funding for the Wildlife Conservation Fund; to change provisions relating to fee distribution, fee amounts, and semitrailers under the Motor Vehicle Registration Act; to provide powers and duties to the Department of Motor Vehicles regarding discontinuance of certain license plates as prescribed; to provide for Wildlife Conservation Plates, Prostate Cancer Awareness Plates, and Sammy's Superheroes license plates; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 6, 130, 130A, 138, 227, 237, 237A, and 356.

MOTION(S) - Return LB405 to Select File

Senator Lowe moved to return LB405 to Select File for the following specific amendment:
FA65
Strike the enacting clause.

SPEAKER SCHEER PRESIDING

Senator Lowe withdrew his motion to return.
The following bills were read and put upon final passage:

**LEGISLATIVE BILL 405.**

A BILL FOR AN ACT relating to buildings; to amend sections 71-6403, 71-6406, 72-804, 72-805, 72-806, 81-1608, 81-1609, 81-1611, 81-1614, 81-1618, and 81-1622, Reissue Revised Statutes of Nebraska; to change provisions relating to building and energy codes; to adopt updates to building and energy codes; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 30:

Blood    Dorn    Hunt    McCollister    Stinner
Brandt    Geist   Kolowski  McDonnell   Vargas
Cavanaugh Gragert Koltermann Morfeld   Walz
Chambers  Hansen, M. Lathrop Pansing Brooks Wayne
Crawford  Hilkemann Lindstrom Quick    Williams
DeBoer    Howard  Linehan  Scheer     Wishart

Voting in the negative, 11:

Albrecht  Erdman  Halloran  Murman
Bostelman Friesen Lowe Slama
Clements  Groene  Moser

Present and not voting, 7:

Arch  Briese  Hilgers  La Grone
Brewer  Hansen, B. Hughes

Excused and not voting, 1:

Bolz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 496.**

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-916.01, 28-919, 28-922, 29-1912, 29-1914, 29-1916, 29-1917, 29-1918, 29-1919, 29-1923, and 29-1924, Reissue Revised Statutes of Nebraska; to
change penalties for tampering with witnesses or informants, jury tampering, and tampering with physical evidence; to change provisions relating to discovery in criminal cases; to redefine terms; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Bolz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 524.**

A BILL FOR AN ACT relating to the Nebraska Budget Act; to amend section 79-1074, Reissue Revised Statutes of Nebraska, and section 13-509, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to annexations; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 585.

A BILL FOR AN ACT relating to renewable fuels; to define terms; to create the Renewable Fuel Infrastructure Program; to provide for grants; to create a fund; and to provide an operative date.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 616.**

A BILL FOR AN ACT relating to state highways and bridges; to amend section 39-1349, Reissue Revised Statutes of Nebraska, and section 81-1701, Revised Statutes Cumulative Supplement, 2018; to provide an interest payment exception for certain construction contracts as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Present and not voting, 1:

Williams

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 693.**

A BILL FOR AN ACT relating to telecommunications; to prohibit the selling, renting, or conveying of telephone numbers as prescribed; to adopt the Neighbor Spoofing Protection Act; and to provide a civil penalty.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 49:
Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**WITHDRAW - Amendment to LB177**

Senator Briese withdrew his amendment, AM1428, found on page 1244, to LB177.

**BILL ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 177.**

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3226.14, Reissue Revised Statutes of Nebraska; to change a termination date; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 35:

Arch Dorn Hughes McCollister Scheer
Blood Friesen Hunt McDonnell Stinner
Bolz Geist Kolowski Morfeld Vargas
Brandt Gragert Kolterman Moser Walz
Cavanaugh Hansen, M. Lathrop Murman Wayne
Crawford Hilkemann Lindstrom Pansing Brooks Williams
DeBoer Howard Linehan Quick Wishart

Voting in the negative, 8:
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 405, 496, 524, 585, 616, 693, and 177.

SELECT FILE

LEGISLATIVE BILL 411. ER52, found on page 917, was adopted.

Senator Brewer offered his amendment, AM1379, found on page 1261.

The Brewer amendment was adopted with 42 ayes, 0 nays, and 7 present and not voting.

Senator Linehan offered the following amendment:

AM1577

(Amendments to AM1379)

1 1. Strike section 70 and insert the following new section:
2 Sec. 8. Section 23-2507, Revised Statutes Cumulative Supplement, 3 2018, is amended to read:
4 23-2507 (1) The commission may prescribe the following: (a) General 5 employment policies and procedures; (b) regulations for recruiting, 6 examination, and certification of qualified applicants for employment and 7 the maintenance of registers of qualified candidates for employment for 8 all employees governed by the County Civil Service Commission Act 9 sections 23-2501 to 23-2516; (c) a system of personnel records containing 10 general data on all employees and standards for the development and 11 maintenance of personnel records to be maintained within the offices 12 governed by the act sections 23-2501 to 23-2516; (d) regulations 13 governing such matters as hours of work, promotions, transfers, 14 demotions, probation, terminations, and reductions in force; (e) 15 regulations for use by all offices governed by the act sections 23-2501 16 to 23-2516 relating to such matters as employee benefits, vacation, sick 17 leave, and holidays.
18 (2) The commission shall require department heads to provide 19 sufficient criteria to enable the commission to properly conduct 20 employment examinations.
21 (3) The commission shall require department heads to supply to the
(4) Individual personnel records shall be available for inspection only by the employee involved, the employee's department head, and such other persons as the commission shall authorize. The commission shall have such other powers as are necessary to effectuate the purposes of the act sections 23-2501 to 23-2516.

(5) The commission shall have such other powers as are necessary to effectuate the purposes of the act sections 23-2501 to 23-2516. All acts of the commission pursuant to the authority conferred in this section shall be binding on all county department heads governed by the County Civil Service Commission Act sections 23-2501 to 23-2516.

2. On page 1, line 2, strike "17" and insert "18".
3. On page 5, line 19, strike "May 21, 1971", show as stricken, and insert "the operative date of this section".
4. On page 7, line 20, strike "10" and insert "11" and strike "11" and insert "12".
5. On page 13, line 19, strike "20" and insert "19"; and in line 21 strike "68, and 70" and insert "67, and 69".
6. On page 14, line 2, after the first comma insert "23-2507,"
7. Renumber the remaining sections accordingly.

The Linehan amendment was adopted with 37 ayes, 0 nays, and 12 present and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 570.** ER69, found on page 1114, was adopted.

Senator Walz offered her amendment, AM1480, found on page 1380.

The Walz amendment was adopted with 38 ayes, 0 nays, and 11 present and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 570A.** ER70, found on page 1117, was adopted.

Senator Howard offered her amendment, AM1249, found on page 1118.

The Howard amendment was adopted with 33 ayes, 0 nays, and 16 present and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 375.** Advanced to Enrollment and Review for Engrossment.
LEGISLATIVE BILL 155. ER89, found on page 1258, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 460. ER91, found on page 1330, was adopted.

Senator Howard withdrew her amendment, AM1505, found on page 1365.

Senator Howard offered the following amendment:
AM1592
(Amendments to Standing Committee amendments, AM1211)
1 1. On page 6, line 29; and page 7, lines 4, 5, and 6, strike
2 "September" and insert "October".
3 2. On page 7, line 31, after "expense" insert "not less than once
4 during each five-year period".
5 3. On page 8, line 14, after "check" insert "or a background check";
6 in line 16 after "check" insert "or a background check described in this
7 subsection"; and in line 30 strike "subject to federal" and insert "and
8 information from background checks described in this subsection subject
9 to state or federal".
10 4. On page 10, line 15, after "checks" insert "not less than once
11 during each five-year period".

The Howard amendment was adopted with 33 ayes, 0 nays, and 16 present
and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 460A. Senator Howard offered the following amendment:
AM1586
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. There is hereby appropriated $12,480 from federal funds
4 for FY2020-21 to the Department of Health and Human Services, for Program
5 33, to aid in carrying out the provisions of Legislative Bill 460, One
6 Hundred Sixth Legislature, First Session, 2019.
7 No expenditures for permanent and temporary salaries and per diems
8 shall be made from funds appropriated in this
9 section.
10 Sec. 2. There is hereby appropriated (1) $1,469,893 from federal
11 funds for FY2019-20 and (2) $1,959,858 from federal funds for FY2020-21
12 to the Department of Health and Human Services, for Program 347, to aid
13 in carrying out the provisions of Legislative Bill 460, One Hundred Sixth
14 Legislature, First Session, 2019.
15 No expenditures for permanent and temporary salaries and per diems
16 shall be made from funds appropriated in this
17 section.
Sec. 3. There is hereby appropriated (1) $509,553 from the General Fund and $637,016 from the Nebraska State Patrol Cash Fund for FY2019-20 and (2) $205,853 from the General Fund and $624,295 from the Nebraska State Patrol Cash Fund for FY2020-21 to the Nebraska State Patrol, for Program 100, to aid in carrying out the provisions of Legislative Bill 460, One Hundred Sixth Legislature, First Session, 2019.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $486,026 for FY2019-20 or $486,026 for FY2020-21.

Sec. 4. Since an emergency exists, this act takes effect when passed 1 and approved according to law.

The Howard amendment was adopted with 29 ayes, 0 nays, and 20 present and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 184.** ER101, found on page 1341, was adopted.

Senator Geist offered the Friesen amendment, AM1470, found on page 1365.

The Friesen amendment was adopted with 27 ayes, 0 nays, and 22 present and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 478.** ER94, found on page 1342, was adopted.

Senator Vargas offered his amendment, AM1507, found on page 1366.

The Vargas amendment was adopted with 34 ayes, 0 nays, and 15 present and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 595.** ER95, found on page 1342, was adopted.

Senator Albrecht offered her amendment, AM1510, found on page 1363.

The Albrecht amendment was adopted with 35 ayes, 0 nays, and 14 present and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 96.** ER93, found on page 1342, was adopted.

Advanced to Enrollment and Review for Engrossment.
LEGISLATIVE BILL 179. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 418. ER99, found on page 1343, was adopted.
Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 560. ER97, found on page 1343, was adopted.
Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 86. ER98, found on page 1343, was adopted.
Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 657. ER87, found on page 1206, was adopted.
Senator Wayne offered his amendment, AM1541, found on page 1380.
The Wayne amendment was adopted with 28 ayes, 3 nays, 16 present and not voting, and 2 excused and not voting.

Senator Lowe offered the following amendment:
AM1585
(Amendments to AM1541)
1 1. On page 16, line 4, strike "may" and insert "shall"; and in line 2 5 strike "and may" and insert "or shall".

The Lowe amendment lost with 2 ayes, 19 nays, 24 present and not voting, and 4 excused and not voting.

Senator Lowe offered the following amendment:
AM1583
(Amendments to AM1541)
1 1. On page 4, line 6; page 9, line 4; and page 15, line 10, strike 2 "may" and insert "shall".

The Lowe amendment lost with 1 aye, 23 nays, 20 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 657A. Advanced to Enrollment and Review for Engrossment.
PRESENTED TO THE GOVERNOR

Presented to the Governor on May 2, 2019, at 11:45 a.m. were the following: LBs 6, 130, 130A, 138, 227, 237, 237A, 356, 405, 496, 524, 585, 616, 693, and 177.

(Signed) Laura Gerkin
Clerk of the Legislature's Office

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 149. Placed on Select File with amendment.
ER104
1 1. In the Standing Committee amendments, AM 901, on page 10, line 2, 2 after the last comma insert "and"; and in line 3 strike "71-5716, 3 71-5718, and 71-5727."
4 1. On page 1, line 1, strike "vapor products" and insert "tobacco";
5 in line 3 strike "71-5716, 71-5718, and 71-5727" and insert "and
6 28-1429.03"; strike beginning with "and" in line 4 through "liquids" in 7 line 6 and insert "provisions relating to the legal age to buy or use,
8 and the sale and use of, tobacco or electronic nicotine delivery systems 9 or alternative nicotine products"; in line 7 strike "vapor products" and 10 insert "electronic nicotine delivery systems"; and strike beginning with 11 the first "to" in line 8 through the semicolon in line 9.

LEGISLATIVE BILL 532. Placed on Select File.
LEGISLATIVE BILL 532A. Placed on Select File.

(Signed) Julie Slama, Chairperson

COMMITTEE REPORT(S)

Revenue

LEGISLATIVE BILL 289. Placed on General File with amendment.
AM1572 is available in the Bill Room.

(Signed) Lou Ann Linehan, Chairperson

Appropriations

LEGISLATIVE BILL 295. Placed on General File.
LEGISLATIVE BILL 299. Placed on General File.

LEGISLATIVE BILL 293. Placed on General File with amendment.
AM1503 is available in the Bill Room.

LEGISLATIVE BILL 294. Placed on General File with amendment.
AM1329 is available in the Bill Room.
LEGISLATIVE BILL 296. Placed on General File with amendment. AM1481 is available in the Bill Room.

LEGISLATIVE BILL 297. Placed on General File with amendment. AM1482 is available in the Bill Room.

LEGISLATIVE BILL 298. Placed on General File with amendment. AM1498 is available in the Bill Room.

(Signed) John Stinner, Chairperson

BILL ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 86A. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 86, One Hundred Sixth Legislature, First Session, 2019.

LEGISLATIVE BILL 600A. Introduced by Walz, 15.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 600, One Hundred Sixth Legislature, First Session, 2019; and to declare an emergency.

AMENDMENT(S) - Print in Journal

Senator Bolz filed the following amendment to LB600:
AM1575 is available in the Bill Room.

Senator Lathrop filed the following amendment to LB300A:
AM1579

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. There is hereby appropriated (1) $39,773 from the
4 General Fund for FY2019-20 and (2) $81,324 from the General Fund for
5 FY2020-21 to the Supreme Court, for Program 3, to aid in carrying out the
6 provisions of Legislative Bill 300, One Hundred Sixth Legislature, First
7 Session, 2019.
8 Sec. 2. There is hereby appropriated (1) $32,482 from the General
9 fund for FY2019-20 and (2) $66,439 from the General Fund for FY2020-21 to
10 the Supreme Court, for Program 4, to aid in carrying out the provisions
14 of Legislative Bill 300, One Hundred Sixth Legislature, First Session, 2019.
15 Total expenditures for permanent and temporary salaries and per
16 diem from funds appropriated in this section shall not exceed $30,147
17 for FY2019-20 or $61,199 for FY2020-21.
18 Sec. 3. There is hereby appropriated (1) $359,002 from the General
19 Fund for FY2019-20 and (2) $734,453 from the General Fund for FY2020-21
20 to the Supreme Court, for Program 6, to aid in carrying out the
21 provisions of Legislative Bill 300, One Hundred Sixth Legislature, First
22 Session, 2019.
23 Total expenditures for permanent and temporary salaries and per
24 diem from funds appropriated in this section shall not exceed $332,677
26 Sec. 4. There is hereby appropriated (1) $298,428 from the General
27 Fund for FY2019-20 and (2) $610,652 from the General Fund for FY2020-21
28 to the Supreme Court, for Program 7, to aid in carrying out the
29 provisions of Legislative Bill 300, One Hundred Sixth Legislature, First
30 Session, 2019.
31 Total expenditures for permanent and temporary salaries and per
32 diem from funds appropriated in this section shall not exceed $276,085
33 for FY2019-20 or $560,452 for FY2020-21.
34 Sec. 5. There is hereby appropriated (1) $36,956 from the
35 Compensation Court Cash Fund for FY2019-20 and (2) $75,606 from the
36 Compensation Court Cash Fund for FY2020-21 to the Workers' Compensation
37 Court, for Program 526, to aid in carrying out the provisions of
38 Legislative Bill 300, One Hundred Sixth Legislature, First Session, 2019.
39 Total expenditures for permanent and temporary salaries and per
40 diem from funds appropriated in this section shall not exceed $34,246
41 for FY2019-20 or $69,520 for FY2020-21.
42 Sec. 6. This act becomes operative on July 1, 2019.
43 Sec. 7. Since an emergency exists, this act takes effect when
44 passed and approved according to law.

Senator Hunt filed the following amendment to LB209:
AM1535
(Amendments to Standing Committee amendments, AM1432)
1 1. On page 2, lines 2 and 31, strike "immediate" and insert
2 "timely".

RESOLUTION(S)


WHEREAS, the Omaha Healthy Kids Alliance has received the Environmental Protection Agency's (EPA) National Environmental Leadership Award in Asthma Management. This award is the EPA's highest recognition a program and its leaders can receive for delivering excellent environmental asthma management; and
WHEREAS, the EPA's National Environmental Leadership Award in Asthma Management is given annually to a health plan, health care provider, and a community in action, to showcase the highest standards in asthma care and management; and
WHEREAS, in 2015, six percent of Omaha area children had asthma, with the highest rates among those in very low income households and among African-American and Latino children; and
WHEREAS, since 2014 the Omaha Healthy Kids Alliance has administered the Asthma In-Home Response Program, performing home assessments and designing home construction interventions for families who have children with asthma. The alliance also educates families to eliminate environmental triggers, leading to a reduction in missed school days, emergency room visits, and symptomatic days; and
WHEREAS, the Omaha Healthy Kids Alliance helps families make connections between health and housing issues by assessing homes, educating families, making informed referrals, and connecting clients to home repair services to reduce health and safety risks.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates the Omaha Healthy Kids Alliance on receiving the National Environmental Leadership Award in Asthma Management.
2. That a copy of this resolution be sent to the Omaha Healthy Kids Alliance.

Laid over.

VISITOR(S)

Visitors to the Chamber were students from Dodge Elementary School, Grand Island; students from Knickrehm Elementary School, Grand Island; students from St. Michael's School, Albion; Marilyn Zehring, Peg Jeffres, Sue Murphy, and Anne Kallesen from Columbus; students and teachers from Ord Junior Senior High School; and students and teachers from Oakland-Craig Schools.

The Doctor of the Day was Dr. Aaron Lanik from Wahoo.

ADJOURNMENT

At 12:16 p.m., on a motion by Senator Halloran, the Legislature adjourned until 10:00 a.m., Tuesday, May 7, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
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

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. 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:

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Voting in the negative, 5:

| Chambers       | Hansen, M. | Hunt   | Morfeld   | Pansing Brooks |

Present and not voting, 4:

| Cavanaugh     | Howard    | Kolowski | McCollister |

Excused and not voting, 3:

| Blood         | Vargas    | Wishart  |        |

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; Koltermann, 24; LaGrone, 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
SEVENTY-FIRST DAY - MAY 7, 2019

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 amended to read:
3 28-710 (1) Sections 28-710 to 28-727 shall be known and may be cited as the Child Protection and Family Safety Act.
4 (2) For purposes of the Child Protection and Family Safety Act:
5 (a) Alternative response means a comprehensive assessment of (i) child safety, (ii) the risk of future child abuse or neglect, (iii)
6 family strengths and needs, and (iv) the provision of or referral for 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 abused; or 24 (vi) Placed in a situation to be sexually exploited through 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;
LEGISLATIVE JOURNAL

3 (i) Traditional response means an investigation by a law enforcement agency or the department pursuant to section 28-713 which requires a 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 the report means the person or persons identified in the report as responsible for the child abuse or neglect.

2. Renumber the remaining sections and correct the repealer 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 are" and strike "Section" and insert "Sections"; and in line 25 after "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 amended to read:
A tax is hereby imposed upon the first owner of tobacco products to be sold in this state.

The tax on cigars, cheroots, and stogies shall be twenty percent of (i) the purchase price of the cigars, cheroots, or stogies paid by the first owner or (ii) the price at which a first owner who made, manufactured, or fabricated the cigars, cheroots, or stogies sells the items to others, except that the maximum tax imposed under this subdivision (b) shall be fifty cents for each cigar, cheroot, or stogie.

The tax on snuff shall be forty-four cents per ounce and a proportionate tax at the like rate on all fractional parts of an ounce.

The tax on tobacco products other than cigars, cheroots, stogies, and snuff shall be twenty percent of (i) the purchase price of such tobacco products paid by the first owner or (ii) the price at which a first owner who made, manufactured, or fabricated the tobacco product sells the items to others, except that the maximum tax imposed under this subdivision (d) shall be twenty-five cents per ounce.

The tax on tobacco products shall be in addition to all other taxes.

Whenever any person who is licensed under section 77-4009 purchases tobacco products from another person licensed under section 77-4009, the seller shall be liable for the payment of the tax.

Amounts collected pursuant to this section shall be used and distributed pursuant to section 77-4025.

Renumber the remaining sections and correct internal references accordingly.

Correct the operative date and repealer sections so that the section added by this amendment becomes operative on July 1, 2019.

Senator Wayne filed the following amendment to LB289:

(Amendments to Standing Committee amendments, AM1572)

1. Strike section 16 and insert the following new section:

Sec. 16. Section 77-2715.07, Reissue Revised Statutes of Nebraska, is amended to read:

There shall be allowed to qualified resident individuals as a nonrefundable credit against the income tax imposed by the Nebraska Revenue Act of 1967:

(a) A credit equal to the federal credit allowed under section 22 of the Internal Revenue Code; and

(b) A credit for taxes paid to another state as provided in section 77-2730.

There shall be allowed to qualified resident individuals against the income tax imposed by the Nebraska Revenue Act of 1967:

(a) For returns filed reporting federal adjusted gross incomes of greater than twenty-nine thousand dollars, a nonrefundable credit equal to twenty-five percent of the federal credit allowed under section 21 of the Internal Revenue Code of 1986, as amended, except that for taxable income
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; and 21 and 22 (e)(i) 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 32 Session, 2019; or 33 (II) Thirteen percent of the federal credit allowed under section 32 34 of the Internal Revenue Code of 1986, as amended, if the taxpayer does 35 not reside in such an area.
36 (ii) For except that for taxable years beginning or deemed to begin 37 on or after January 1, 2015, the refundable credit provided in 38 subdivision (2)(e)(i) of this section shall be allowed only if the 39 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
For all taxable years beginning on or after January 1, 2009, under the Internal Revenue Code of 1986, as amended, there shall be allowed to each partner, shareholder, member, or beneficiary of a partnership, subchapter S corporation, limited liability company, or estate or trust a nonrefundable credit against the income tax imposed by the Nebraska Revenue Act of 1967 equal to the partner's, shareholder's, member's, or beneficiary's portion of the amount of franchise tax paid to the state under sections 77-3801 to 77-3807 by a financial institution. Each partner, shareholder, member, or beneficiary shall report his or her share of the credit in the same manner and proportion as he or she reports the partnership, subchapter S corporation, limited liability company, or estate or trust income. If any partner, shareholder, member, or beneficiary cannot fully utilize the credit for that year, the credit may not be carried forward or back.

There shall be allowed to all individuals nonrefundable credits against the income tax imposed by the Nebraska Revenue Act of 1967 as provided in section 77-3604 and refundable credits against the income tax imposed by the Nebraska Revenue Act of 1967 as provided in section 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 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
SEVENTY-SECOND DAY - MAY 8, 2019

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

SEVENTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 8, 2019

PRAYER

The prayer was offered by Reverend Dr. Klaus Raab, Trinity Lutheran Church, Martinsburg.

ROLL CALL

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

The roll was called and all members were present except Senator Vargas who was excused; and Senators Briese, Cavanaugh, Howard, Morfeld, Pansing Brooks, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-first day was approved.

GENERAL FILE

LEGISLATIVE BILL 295. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 2 nays, 5 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 296. Title read. Considered.

Committee AM1481, found on page 1401, was adopted with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

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

LEGISLATIVE BILL 297. Title read. Considered.

Committee AM1482, found on page 1401, was adopted with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.
Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 293.** Title read. Considered.

Committee AM1503, found on page 1400, was adopted with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 298.** Title read. Considered.

Committee AM1498, found on page 1401, was offered.

Senator Friesen offered the following amendment to the committee amendment:

AM1666

(Amendments to Standing Committee amendments, AM1498)

1 1. Strike sections 3 and 4.
2 2. On page 1, lines 3 and 7, strike "$247,000,000" and insert $275,000,000".
3 3. Renumber the remaining sections accordingly.

Senator Friesen withdrew his amendment.

Senator Linehan offered the following amendment to the committee amendment:

FA67

Amend AM1498

Strike sections 3 and 4.

On page 1, lines 3 and 7, strike "$247,000,000" and insert "$272,000,000".

Renumber the remaining sections accordingly.

**SPEAKER SCHEER PRESIDING**

Senator Linehan moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Senator Linehan requested a roll call vote on her amendment.

Voting in the affirmative, 28:
The Linehan amendment was adopted with 28 ayes, 8 nays, 12 present and not voting, and 1 excused and not voting.

The committee amendment, as amended, was adopted with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 44 ayes, 0 nays, 4 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

**COMMITTEE REPORT(S)**

**Enrollment and Review**

**LEGISLATIVE BILL 209.** Placed on Select File with amendment.

ER105

1 1. In the Standing Committee amendments, AM1432, on page 8, line 19, strike "and 28-327.01" and insert ", 28-327.01, and 28-345."

3 2. On page 1, strike beginning with "and" in line 1 through 4 "abortion" in line 4 and insert ", 28-327.01, and 28-345, Reissue Revised Statutes of Nebraska; to provide requirements for the provision of information and materials regarding finding medical assistance and continuing a viable pregnancy after taking mifepristone; to provide duties for the Department of Health and Human Services; to require a confidential reporting form as prescribed".

(Signed) Julie Slama, Chairperson
Senator Lathrop filed the following amendment to LB427:

AM705
1. Insert the following new section:
2. 2. Section 71-640.01, Reissue Revised Statutes of Nebraska, is amended to read:
3. 71-640.01 (1) Except as provided in subdivision (2)(a) of this section, each spouse in a marital relationship shall be entered on the certificate as a parent of the child if such spouses were married at the time of either conception or birth or at any time between conception and birth.
4. (2) The information pertaining to the identification of the father at the time of birth of an infant born in this state and reported on a birth certificate, filled out and filed pursuant to the Vital Statistics Act, shall comply with the following:
5. (a) If the mother was married at the time of either conception or birth or at any time between conception and birth:
6. (i) To a man, the name of such the husband shall be entered on the certificate as the father of the child unless (A) (a) paternity has been determined otherwise by a court of competent jurisdiction, (B) (b) the mother and the mother’s husband execute affidavits attesting that the husband is not the father and that the putative father is the father, the putative father executes an affidavit attesting that he is the father, and the husband executes an affidavit attesting that he is not the father. In such event, the putative father shall be shown as the father on the certificate. For affidavits executed under subdivision (B) (b) or (C) (c) of this subdivision, each signature shall be individually notarized; and
7. (ii) To a woman, both the mother and such woman shall be listed as parents on the birth certificate. In such case, the name of the father shall not be entered on the certificate without the written consent of both women and the person named as the father;
8. (b) If the mother was not married at the time of either conception or birth or at any time between conception and birth, the name of the father shall not be entered on the certificate without the written consent of the father.
9. (c) In any case in which paternity of a child is determined by a court of competent jurisdiction, the name of the father shall be entered on the certificate in accordance with the finding of the court; and
10. (d) If the father is not named on the certificate, no other information about the father shall be entered thereon.
11. (3) The identification of the father as provided in this section shall not be deemed to affect the legitimacy of the child or duty to support as set forth in sections 42-377 and 43-1401.
12. 2. Renumber the remaining section and correct the repealer accordingly.
RESOLUTION(S)

LEGISLATIVE RESOLUTION 115. Introduced by Williams, 36; Hilgers, 21; La Grone, 49; Lindstrom, 18; Morfeld, 46; Wishart, 27.

PURPOSE: The purpose of this interim study is to examine the Nebraska Banking Act, the Securities Act of Nebraska, and other laws within the jurisdiction of the Nebraska Department of Banking and Finance to determine the need to update such laws to address rapidly changing innovations in the regulation of finance, financial institutions, and financial professionals. The issues addressed by this interim study should include:

1. Best practices from other jurisdictions;
2. The balance between innovation and consumer protection;
3. Depository institution supervision and non-bank supervision;
4. Securities regulation;
5. FinTech and regtech;
6. Regulatory sandboxes; and
7. Innovations in payment, lending, and investment delivery.

In order to carry out the purpose of this resolution, the study committee should seek the assistance of the Department of Banking and Finance and consider the input of interested persons as the committee deems necessary and appropriate.

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

1. That the Banking, Commerce and Insurance 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 116. Introduced by Cavanaugh, 6.

PURPOSE: The Nebraska Health Care Cash Fund was initially created with a $50 million endowment for health care programs using the principal and investment income from the Nebraska Tobacco Settlement Trust Fund and the Nebraska Medicaid Intergovernmental Trust Fund. The purpose of this endowment was to create an ongoing funding mechanism for health care in Nebraska.

The purpose of this interim study is to examine the long-term fiscal sustainability of the Nebraska Health Care Cash Fund. This study shall include:

1. A review of the annual Nebraska Health Care Cash Fund reports provided by the Department of Health and Human Services;
(2) Input from interested parties regarding the funds necessary to continue using the Nebraska Health Care Cash Fund to pay for health care and related services; and

(3) Recommendations as to any statutory or funding changes that the Legislature should make in order to protect the ongoing viability of the Nebraska Health Care Cash Fund.

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

1. That the Health and Human Services 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 117. Introduced by Howard, 9.

PURPOSE: The purpose of this interim study is to examine matters related to cemeteries, specifically statutory definitions of perpetual care and perpetual care funds and allowable uses of such funds.

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

1. That the General 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.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator McCollister name added to LB690.

VISITOR(S)

Visitors to the Chamber were former Senator Roy Baker from Lincoln; Senator Briese's wife, Jo Briese, from Albion and Senator Briese's daughter, son-in-law, and grandson, Ashley, Cameron, and Jackson Jones, from Bennington; students from Christ Lutheran School, Norfolk; members of the
At 11:48 a.m., on a motion by Senator McDonnell, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Foley presiding.

ROLL CALL

The roll was called and all members were present except Senator Vargas who was excused; and Senators Howard and Morfeld who were excused until they arrive.

NOTICE OF COMMITTEE HEARING(S)

General Affairs
Room 1510

Wednesday, May 15, 2019 12:30 p.m.

Amy Haddad - Nebraska Arts Council
Walter Seiler - Nebraska Arts Council
Susan Lutz - Nebraska Commission on Problem Gambling
George Morrissey - State Electrical Board

(Signed) Tom Briese, Chairperson

GENERAL FILE

LEGISLATIVE BILL 294. Title read. Considered.

Committee AM1329, found on page 1400, was offered.

Senator Friesen offered the following amendment to the committee amendment:
AM1667
(Amendments to Standing Committee amendments, AM1329)

1. On page 29, lines 1 and 2 strike each occurrence of "250,000,000" and insert "275,000,000"; and in lines 4 and 6 strike "$250,000,000" and insert "$275,000,000".

Pending.
LEGISLATIVE BILL 295. Placed on Select File.
LEGISLATIVE BILL 296. Placed on Select File.
LEGISLATIVE BILL 297. Placed on Select File.

LEGISLATIVE BILL 293. Placed on Select File with amendment.
ER106
1 1. On page 1, line 2, after the fourth comma insert "67, 68, 69, 70, 2 94, ".

(Signed) Julie Slama, Chairperson

GENERAL FILE

LEGISLATIVE BILL 294. The Friesen amendment, AM1667, found in this day's Journal, to the committee amendment, was renewed.

The Friesen amendment was adopted with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

Committee AM1329, found on page 1400 and considered in this day's Journal, as amended, was renewed.

The committee amendment, as amended, was adopted with 41 ayes, 1 nay, 6 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 4 nays, 2 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 299. Title read. Considered.

Advanced to Enrollment and Review Initial with 47 ayes, 0 nays, 1 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 464. Title read. Considered.

Committee AM895, found on page 1014, was offered.

Senator M. Hansen offered his amendment, AM1440, found on page 1365, to the committee amendment.

The M. Hansen amendment was adopted with 44 ayes, 0 nays, 4 present and not voting, and 1 excused and not voting.

The committee amendment, as amended, was adopted with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.
Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Cavanaugh has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

GENERAL FILE

LEGISLATIVE BILL 300. Title read. Considered.

Senator Lathrop offered his amendment, AM1500, found on page 1299.

Senator Chambers offered the following amendment to the Lathrop amendment:

FA68
Amend AM1500
Page 1, line 16 strike "one cent" and insert "two cents".

SPEAKER SCHEER PRESIDING

Senator Chambers requested a roll call vote on his amendment.

The Chambers amendment lost with 7 ayes, 24 nays, 15 present and not voting, and 3 excused and not voting.

Senator Chambers offered the following motion:

MO79
Reconsider the vote taken on FA68.

SENATOR PANSING BROOKS PRESIDING

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 298. Placed on Select File with amendment.

ER107
1 1. On page 1, strike beginning with "61-218" in line 1 through the 2 first "to" in line 5 and insert "2-4018, 61-218, 66-1334, 71-7611, and 3 86-563, Reissue Revised Statutes of Nebraska, and sections 9-1,101, 4 45-621, 81-1426.01, 81-15,175, and 84-1227, Revised Statutes Cumulative 5 Supplement, 2018; to provide, change, and eliminate sources, uses, and
6 transfers of funds; to create and".

(Signed) Julie Slama, Chairperson

NOTICE OF COMMITTEE HEARING(S)
Executive Board
Room 1507

Wednesday, May 15, 2019 12:00 p.m.

LR104

(Signed) Mike Hilgers, Chairperson

AMENDMENT(S) - Print in Journal

Senator Friesen filed the following amendment to LB462:
AM1670
(Amendments to Standing Committee amendments, AM1568)
1 1. Strike section 13.
2 2. Renumber the remaining sections and correct internal references
3 and the repealer accordingly.

Senator Wayne filed the following amendment to LB155:
AM1611
(Amendments to Brewer amendments, AM1380)
1 1. Insert the following new sections:
2 Sec. 3. Section 70-2002, Reissue Revised Statutes of Nebraska, is
3 amended to read:
4 70-2002 For purposes of sections 70-2001 to 70-2005:
5 (1) Customer-generator means an end-use electricity customer that
6 generates electricity on the customer's side of the meter from a
7 qualified facility;
8 (2) Interconnection agreement means an agreement between a local
9 distribution utility and a customer-generator that establishes the
10 financial, interconnection, safety, performance, and reliability
11 requirements relating to the installation and operation of a qualified
12 facility in accordance with the standards prescribed in sections 70-2001
13 to 70-2005;
14 (3) Local distribution system means the equipment and facilities
15 used for the distribution of electric energy to the end-use electricity
16 customer;
17 (4) Local distribution utility means the owner or operator of the
18 local distribution system;
19 (5) Net excess generation means the net amount of energy, if any, by
20 which the output of a qualified facility exceeds a customer-generator's
21 total electricity requirements during a billing period;
22 (6) Net metering means a system of metering electricity in which a
23 local distribution utility:
24 (a) Credits a customer-generator at the applicable retail rate for
25 each kilowatt-hour produced by a qualified facility during a billing
26 period up to the total of the customer-generator's electricity
27 requirements during that billing period. A customer-generator that
28 generates more than five kilowatts may be charged a separate net-metering
29 monthly administrative fee based on the actual cost for administering the
30 reading of the energy produced by customer-generators. Each local
31 distribution utility shall have the authority to set the monthly
32 administrative fee. Such fee shall be implemented as a fixed rate not to
33 exceed more than the actual cost to the local distribution to calculate
34 the net-metering credits, plus ten percent. No other fee shall be charged
35 to a net-metering customer, including, but not limited to, minimum
36 monthly fee that is the same as other noncustomer-generators in the same
37 rate class but shall not be charged any additional standby, capacity,
38 demand, interconnection, or other fee or charge; and
39 (b) Compensates the customer-generator for net excess generation
40 during the billing period at a rate equal to the local distribution
41 utility's avoided cost of electric supply over the billing period. The
42 monetary credits shall be applied to the bills of the customer-generator
43 for the preceding billing period and shall offset the cost of energy owed
44 by the customer-generator. If the energy portion of the customer-
45 generator's bill is less than zero in any month, monetary credits shall
46 be carried over to future bills of the customer-generator until the
47 balance is zero. At the end of each annualized period, any excess
48 monetary credits shall be paid out to coincide with the final bill of
49 that period; and
50 (7) Qualified facility means a facility for the production of
51 electrical energy that:
52 (a) Uses as its energy source either methane, wind, solar resources,
53 biomass, hydropower resources, or geothermal resources;
54 (b) Is controlled by the customer-generator and is located on
55 premises owned, leased, or otherwise controlled by the customer-
56 generator;
57 (c) Interconnects and operates in parallel with the local
58 distribution system;
59 (d) Is intended to meet or offset the customer-generator's
60 requirements for electricity based on the average monthly usage in
61 kilowatt hours for the previous calendar year;
62 (e) Is not intended to offset or provide credits for electricity
63 consumption at another location owned, operated, leased, or otherwise
64 controlled by the customer-generator or for any other customer;
65 (f) Has a rated capacity of up to one hundred ten percent of the
66 customer-generator's average monthly usage. The local distribution
67 utility has authority to modify the generator size down to ninety percent
68 of the customer-generator's average monthly usage if the customer-
69 generator or developer proposes a generator size in excess of the
70 customer-generator's average monthly usage or down to twenty-five percent
71 of the customer-generator's average monthly usage if the local
distribution utility can show a risk to its local distribution system or grid reliability. For purposes of this subdivision, developer means a person or entity who develops or constructs a qualified facility at or below twenty-five kilowatts.

(g) Meets all applicable safety, performance, interconnection, and reliability standards established by the National Electrical Code filed with the Secretary of State and adopted by the State Electrical Board under subdivision (5) of section 81-2104, the National Electrical Safety Code, the Institute of Electrical and Electronics Engineers, and the Underwriters Laboratories, Inc.; and

(h) Is equipped to automatically isolate the qualified facility from the electrical system in the event of an electrical power outage or other conditions where the line is de-energized.

Sec. 4. Section 70-2003, Reissue Revised Statutes of Nebraska, is amended to read:

70-2003 (1) A local distribution utility shall interconnect the qualified facility of any customer-generator that enters into an interconnection agreement with the local distribution utility, satisfies the requirements for a qualified facility and all other requirements of sections 70-2001 to 70-2005, and pays for costs incurred by the local distribution utility for equipment or services required for interconnection that would not be necessary if the qualified facility were not interconnected to the local distribution system, except as provided in subsection (2) of this section and as may be provided for in the utility's aid in construction policy.

(2) A local distribution utility shall provide at no additional cost to any customer-generator with a qualified facility a metering system that is capable of measuring the flow of electricity in both directions and may be accomplished through use of a single, bidirectional electric revenue meter that has only a single register for billing purposes, a smart metering system, or another meter configuration that can easily be read by the customer-generator.

(3) A local distribution utility may, at its own expense, install additional monitoring equipment to separately monitor the flow of electricity in each direction as may be necessary to accomplish the reporting requirements of sections 70-2001 to 70-2005.

(4) Subject to the requirements of sections 70-2001 to 70-2005 and the interconnection agreement, a local distribution utility shall provide net metering to any customer-generator with a qualified facility. The local distribution utility shall allow a customer-generator's retail electricity consumption to be offset by a qualified facility that is interconnected with the local distribution system. A qualified facility's electricity consumption to be offset by a qualified facility that is interconnected with the local distribution system. A qualified facility's net excess generation during a billing period, if any, shall be determined by the local distribution utility in accordance with section 70-2002 and shall be credited to the customer-generator at a rate equal to the local distribution utility's avoided cost of electricity supply during the billing period, and the monetary credits shall be carried forward from billing period to billing period and credited against the customer-generator's retail electric bills in subsequent billing periods.
Any excess monetary credits shall be paid out to coincide with the final bill at the end of each annualized period or within sixty days after the date the customer-generator terminates its retail service.

(5) A local distribution utility shall not be required to provide net metering to additional customer-generators, regardless of the output of the proposed generation unit, after the date during a calendar year on which the total generating capacity of all customer-generators using net metering served by such local distribution utility is equal to or exceeds one percent of the capacity necessary to meet the local distribution utility's average aggregate customer monthly peak demand forecast for that calendar year.

(6) No local distribution utility may require a customer-generator whose qualified facility meets the standards established under sections 70-2001 to 70-2005 to:

(a) Comply with additional safety or performance standards or pay additional charges for equipment or services for interconnection that are additional to those necessary to meet the standards established under sections 70-2001 to 70-2005;

(b) Perform or pay for additional tests; or

(c) Purchase additional liability insurance if all safety and interconnection requirements are met.

(7) Nothing in sections 70-2001 to 70-2005 prevents a local distribution utility from entering into other arrangements with customers desiring to install electric generating equipment or from providing net metering to customer-generators having renewable generation units with a rated capacity above the limitations in subdivision (7)(f) of section 70-2002 twenty-five kilowatts.

2. On page 6, line 30, strike "and 70-1015" and insert ", 70-1015, 70-2002, and 70-2003".

31 3. Renumber the remaining section accordingly.

Senator Stinner filed the following amendment to LB4:

1. Insert the following new section:

Sec. 4. Since an emergency exists, this act takes effect when passed and approved according to law.

2. On page 1, line 4, strike "and"; and in line 5 after "sections" insert "; and to declare an emergency".

GENERAL FILE

LEGISLATIVE BILL 300. Senator Chambers renewed his motion, MO79, found in this day's Journal, to reconsider the vote taken on FA68.

Senator Chambers asked unanimous consent to withdraw his motion, MO79, to reconsider the vote. No objections. So ordered.

The Lathrop amendment, AM1500, found on page 1299 and considered in
this day's Journal, was adopted with 30 ayes, 1 nay, 11 present and not voting, and 7 excused and not voting.

Senator Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 37:

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Voting in the negative, 1:

Chambers

Present and not voting, 5:

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Advanced to Enrollment and Review Initial with 37 ayes, 1 nay, 5 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 300A.** Title read. Considered.

Senator Lathrop offered his amendment, AM1579, found on page 1401.

Senator Chambers requested a record vote on the Lathrop amendment.

Voting in the affirmative, 38:

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The Lathrop amendment was adopted with 38 ayes, 1 nay, 4 present and not voting, and 6 excused and not voting.

Senator Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 37:

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Voting in the negative, 1:

Chambers

Present and not voting, 5:

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Advanced to Enrollment and Review Initial with 37 ayes, 1 nay, 5 present and not voting, and 6 excused and not voting.
MESSAGE(S) FROM THE GOVERNOR

May 8, 2019

Patrick J. O’Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O’Donnell:

Engrossed Legislative Bills 6, 130, 130A, 138, 177, 227, 237, 237A, 356, 405, 496, 524, 585, 616, and 693 were received in my office on May 2, 2019. These bills were signed and delivered to the Secretary of State on May 8, 2019.

Sincerely,
(Signed) Pete Ricketts
Governor

VISITOR(S)

Visitors to the Chamber were students from Spring Ridge Elementary School, Elkhorn; students with Lutheran Family Services from Omaha; students from Immanuel Lutheran School, Hadar; and students from Emerson-Hubbard Elementary School.

ADJOURNMENT

At 5:38 p.m., on a motion by Senator Dorn, the Legislature adjourned until 9:00 a.m., Thursday, May 9, 2019.

Patrick J. O’Donnell
Clerk of the Legislature
The prayer was offered by Pastor Jeremy Wissink, Community Bible Church, Omaha.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Scheer presiding.

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

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-second day was approved.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 101 and 102 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 101 and 102.

ANNOUNCEMENT

The Chair announced the birthday of Senator Hunt.

GENERAL FILE

LEGISLATIVE BILL 492. Committee AM628, found on page 1238 and considered on page 1353, was renewed.

SENATOR WILLIAMS PRESIDING
Senator Wayne offered the following amendment to the committee amendment:

AM1657
(Amendments to Standing Committee amendments, AM628)
1. On page 1, line 7, after "areas" insert "or combined statistical areas"; and in line 22 after "area" insert "or combined statistical area".
2. On page 2, after line 8 insert the following new subdivision:
"(2) Combined statistical area means two or more adjacent metropolitan statistical areas or micropolitan statistical areas delineated by the United States Office of Management and Budget as a combined statistical area under standards developed using data from the 2010 Census of Population by the United States Bureau of the Census, and data from the 2006-2010 American Community Survey 5-Year Estimate by the United States Bureau of the Census, as such delineations existed on April 10, 2018;"; in line 9 strike "(2)" and insert "(3)"; strike lines 11 through 15 and insert the following new subdivisions:
"(4) Metropolitan statistical area means a core-based statistical area delineated by the United States Office of Management and Budget as a metropolitan statistical area under standards developed using data from the 2010 Census of Population by the United States Bureau of the Census, and data from the 2006-2010 American Community Survey 5-Year Estimate by the United States Bureau of the Census, as such delineations existed on April 10, 2018;"; in line 16 strike "(4)" and insert "(6)"; in line 17 strike "(5)" and insert "(7)"; in line 20 strike "(6)" and insert "(8)"; and in line 25 after "area" insert "or combined statistical area".
3. On page 3, line 3, strike "or" and after "area" insert "or combined statistical area"; in line 14 after "(2)" insert "(a)"; in line 17 after "area" insert "or combined statistical area"; in line 18 strike the first "vote" and insert "decide"; and after line 24 insert the following new subdivision:
"(b) At any time after a municipality has joined a regional metropolitan transit authority pursuant to subdivision (2)(a) of this section, such municipality may decide, by a two-thirds vote of its governing body, to leave such regional metropolitan transit authority. Following such vote, the governing body shall transmit a copy of the resolution to leave the regional metropolitan transit authority to the board of such regional metropolitan transit authority. As provided in subsection (2) of section 8 of this act, the operating jurisdiction of such regional metropolitan transit authority shall no longer extend to areas within the boundaries of such municipality."
19 4. On page 4, line 13, after "area" insert "or combined statistical area".
20 5. On page 5, line 26, strike "subsection (2)" and insert
21 "subdivision (2)(a)" and after the comma insert "or upon a municipality
22 leaving such regional metropolitan transit authority by vote pursuant to
23 subdivision (2)(b) of section 4 of this act,"; in lines 28 and 29 strike
25 "newly established" and insert "redrawn"; and in line 30 after "joining"
26 insert "or leaving".

The Wayne amendment was adopted with 26 ayes, 0 nays, 20 present and
not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 28 ayes, 0 nays,
17 present and not voting, and 4 excused and not voting.

Senator La Grone moved for a call of the house. The motion prevailed with
23 ayes, 9 nays, and 17 not voting.

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

Voting in the affirmative, 26:

Blood DeBoer Kolowski McDonnell Williams
Bolz Dorn Kolterman Morfeld Wishart
Brandt Hansen, M. Lathrop Quick
Cavanaugh Hilkemann Lindstrom Scheer
Chambers Howard Linehan Stinner
Crawford Hunt McCollister Wayne

Voting in the negative, 9:

Bostelman Clements Groene La Grone Moser
Brewer Erdman Hilgers Lowe

Present and not voting, 9:

Albrecht Briese Geist Halloran Murman
Arch Friesen Gragert Hughes

Excused and not voting, 5:

Hansen, B. Pansing Brooks Slama Vargas Walz

Advanced to Enrollment and Review Initial with 26 ayes, 9 nays, 9 present
and not voting, and 5 excused and not voting.

The Chair declared the call raised.
LEGISLATIVE BILL 690. Title read. Considered.

Committee AM1488, found on page 1314, was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Senator Cavanaugh moved for a call of the house. The motion prevailed with 19 ayes, 2 nays, and 28 not voting.

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

AMENDMENT(S) - Print in Journal

Senator Wishart filed the following amendment to LB519:
AM1591 is available in the Bill Room.

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Moser has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Blood name added to LB690.

VISITOR(S)

Visitors to the Chamber were students from Elmwood-Murdock Elementary School; students from Shoemaker Elementary School, Grand Island; and students from St. Bonaventure School, Columbus.

RECESS

At 11:49 a.m., on a motion by Senator Hunt, 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 Howard, Pansing Brooks, and Vargas who were excused; and Senators Dorn, Groene, Hilkemann, and Linehan who were excused until they arrive.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 675. Placed on Select File with amendment. ER108 is available in the Bill Room.

LEGISLATIVE BILL 294. Placed on Select File with amendment. ER109
1 1. In the Standing Committee amendments, AM1329:
2 a. On page 39, line 8, strike "14,653,804" and insert "12,653,804";
3 b. On page 47, line 26, strike "$2,734,288" and insert "$2,734,444";
4 c. On page 53, line 8, after "Health" insert "Care";
5 d. On page 55, line 24, strike the second occurrence of "17,613,382" and insert "18,226,294";
7 e. On page 64, line 15, strike "cost" and insert "costs"; and
8 f. On page 141, line 19, strike "FY2016-17" and insert "FY2018-19".

LEGISLATIVE BILL 299. Placed on Select File.

LEGISLATIVE BILL 464. Placed on Select File.

(Signed) Julie Slama, Chairperson

SENATOR HUGHES PRESIDING

GENERAL FILE

LEGISLATIVE BILL 424. Committee AM509, found on page 705 and considered on pages 1198 and 1199, was renewed.

Senator Hilgers renewed his amendment, AM1401, found on page 1199 and considered on page 1207, to the committee amendment.

SPEAKER SCHEER PRESIDING

SENATOR HUGHES PRESIDING

Senator Chambers offered the following motion:
MO80
Bracket until June 6, 2019.

Senator Chambers withdrew his motion to bracket.
Senator La Grone offered the following motion:
MO82
Bracket until June 5, 2019.

Senator La Grone withdrew his motion to bracket.

Senator Quick offered the following motion:
MO81
Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Quick moved for a call of the house. The motion prevailed with 31 ayes, 5 nays, and 13 not voting.

Senator Quick requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 31:

Arch Crawford Hughes McDonnell Wayne
Blood DeBoer Hunt Morfeld Williams
Bolz Dorn Kolowski Moser Wishart
Brandt Friesen Kolterman Quick
Briese Gragert Lathrop Scheer
Cavanaugh Hansen, M. Lindstrom Stinner
Chambers Hilkemann McCollister Walz

Voting in the negative, 10:

Bostelman Erdman Groene Hilgers Lowe
Clements Geist Halloran La Grone Slama

Present and not voting, 5:

Albrecht Brewer Hansen, B. Linehan Murman

Excused and not voting, 3:

Howard Pansing Brooks Vargas

The Quick motion to invoke cloture failed with 31 ayes, 10 nays, 5 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 118. Introduced by Hunt, 8; Blood, 3; Bolz, 29; Bostelman, 23; Brandt, 32; Briese, 41; Cavanaugh, 6; Chambers, 11; Crawford, 45; DeBoer, 10; Dorn, 30; Geist, 25; Groene, 42; Halloran,
WHEREAS, a 2006 Federal Bureau of Investigation assessment defined a white supremacist as a pro-white person who believes that the white race is superior to all other races and was created to rule them. White supremacists view non-whites as subhuman and usually refer to them in derogatory terms; and

WHEREAS, the same 2006 intelligence assessment describes the domestic white-nationalist movement as seeking to promote, honor, and defend the white race. A white nationalist believes the white race is under attack from Jewish interests that dominate the media, banking, entertainment industries, and the government, which white nationalists refer to as the Zionist Occupied Government or ZOG, and that such interests act to the detriment of the white race. White nationalists view multiculturalism, diversity, and illegal immigration as direct assaults on the white race and race-mixing as akin to white genocide. White nationalists hope to appeal to mainstream whites, believing that the majority of white people do not understand the imminent or long-term threat to their race. Many white nationalists contend that a race war, often referred to as RAHOWA, or Racial Holy War, is a certainty; and

WHEREAS, white supremacy and white nationalism are contrary to the ideals of the United States of America, which was established according to the principle stated in the Declaration of Independence that all men are created equal, a principle that was updated in 1848 in Seneca Falls, New York, to include all people; and

WHEREAS, while our country has often fallen short of these ideals, patriotic Americans have sought to embody the founding values of our country by rejecting white nationalism and white supremacy, embracing inclusive patriotism, and welcoming immigrants from across the globe who have continuously enriched our nation; and

WHEREAS, on April 27, 2019, a domestic terrorist armed with an assault rifle opened fire on worshipers in Chabad of Poway, a synagogue in Poway, near San Diego, California, killing Lori Kaye, 60, and injuring three others; and

WHEREAS, the perpetrator of this act of terrorism has also been linked to an arson blaze that blackened the walls of the Islamic Center of Escondido, a mosque in San Diego; and

WHEREAS, the perpetrator was motivated by white supremacy and white nationalism ideologies and inspired by the white-nationalist terrorist who killed fifty people in attacks on mosques in Christchurch, New Zealand at Friday prayer on March 15, 2019; and

WHEREAS, according to FBI statistics, hate crimes nationwide, including those in places of worship, increased in 2015, in 2016, and in 2017, the three most recent years for which data is available.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature condemns racist violence and domestic terrorist attacks motivated by white supremacy and white nationalism.

2. That the Legislature recognizes Lori Kaye of Poway, California, who was killed in the domestic terrorist attack in San Diego, California, and the three other individuals injured in such attack, and offers condolences to the family and friends of Lori Kaye and sympathy to those individuals recovering from injuries sustained during such attacks.

3. That the Legislature recognizes the hundreds of other individuals killed and injured in attacks motivated by religious hatred.

4. That the Legislature offers support for communities victimized by demonstrations of violent bigotry.

5. That the Legislature rejects groups that espouse racism, extremism, xenophobia, anti-Semitism, Islamophobia, white supremacy, and white nationalism as hateful groups of intolerance contrary to the values of Nebraskans.

6. That a copy of this resolution be sent to the Vice President of the United States, the President pro tempore of the Senate, the Speaker of the House of Representatives, and each member of Nebraska's congressional delegation.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR118 was referred to the Reference Committee.

AMENDMENT(S) - Print in Journal

Senator Hilgers filed the following amendment to LB424:

AM1404

(Amendments to Standing Committee amendments, AM509)

1. Insert the following new amendment:

2. On page 12, line 14, after the semicolon insert "and"; strike lines 15 through 18 and show as stricken; and in line 19 strike ",(r)," show as stricken, and insert ",(q),".

Senator Hilgers filed the following amendment to LB424:

AM1402

(Amendments to Standing Committee amendments, AM509)

1. Insert the following new amendments:

2. On page 11, strike lines 28 through 30 and show as stricken; and in line 31 strike "(l)," show as stricken, and insert ",(k),".

3. On page 12, line 2, strike "(m)," show as stricken, and insert "(l),"; in line 5 strike "(n)," show as stricken, and insert "(m),"; in line 7 strike "(o)," show as stricken, and insert "(m),"; in line 13...
7 strike "(p)", show as stricken, and insert "(q)"; in line 15 strike
8 "(q)", show as stricken, and insert "(p)"; and in line 19 strike "(r)",
9 show as stricken, and insert "(q)".

Senator Hilgers filed the following amendment to LB424:
AM1400
(Amendment to Standing Committee amendments, AM509)
1 1. Insert the following new amendment:
2 2. On page 20, line 12; and page 22, line 11, after the period
3 insert "No automatically accepted bid shall be given on or after the
4 effective date of this act."

Senator Friesen filed the following amendment to LB462:
AM1736
(Amendments to Standing Committee amendments, AM1568)
1 1. Strike section 13.
2 2. On page 5, line 4, after "operator" insert "and excavator".
3 3. Renumber the remaining sections and correct internal references
4 and the repealer accordingly.

VISITOR(S)

Visitors to the Chamber were students from Paddock Road Elementary
School, Omaha; students from Exeter-Milligan Elementary School; students
and teachers from Lincoln Northeast High School; students from Plainview
Elementary School; and students from Ansley Elementary School.

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

ADJOURNMENT

At 4:43 p.m., on a motion by Senator Walz, the Legislature adjourned until
9:00 a.m., Friday, May 10, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
SEVENTY-FOURTH DAY - MAY 10, 2019

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

SEVENTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, May 10, 2019

PRAYER

The prayer was offered by Pastor Brian Loy, First United Methodist Church, O'Neill.

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 Howard, Hunt, and Pansing Brooks who were excused; and Senators Dorn, Friesen, B. Hansen, McCollister, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-third day was approved.

MESSAGE(S) FROM THE GOVERNOR

May 9, 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 State Personnel Board:

Sharon Rues, SPHR, SPHR-SCP, 20178 Nina Street, Omaha, NE 68130

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

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 9, 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

Antonich, John
   Nebraska Association of Public Employees NAPE/AFSCME Local 61
   (Withdrawn 05/07/2019)
Cavanaugh & Associates, P.C., L.L.O.
   National Confectioners Association
Fellers, Trent
   Windstream Communications
Hays, Chloe
   Legal Momentum
Heartland Strategy Group, LLC
   Nebraska Occupational Therapy Association
Owen, Kathleen
   Legal Momentum

GENERAL FILE

LEGISLATIVE BILL 427. Title read. Considered.

Senator Lathrop withdrew his amendment, AM705, found on page 1434.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 7 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 447. Title read. Considered.

Committee AM548, found on page 716, was adopted with 40 ayes, 0 nays, 3 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.

**LEGISLATIVE BILL 447A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 3 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 315.** Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 281.** Title read. Considered.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 454.** Title read. Considered.

Committee AM501, found on page 634, was adopted with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

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

**LEGISLATIVE BILL 260.** Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 726.** Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 476.** Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 505.** Title read. Considered.

Committee AM125, found on page 720, was adopted with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 3 present and not voting, and 6 excused and not voting.
LEGISLATIVE BILL 374. Title read. Considered.

Committee AM335, found on page 721, was adopted with 40 ayes, 0 nays, 3 present and not voting, and 6 excused and not voting.

Senator Brewer offered his amendment, AM980, found on page 1005.

The Brewer amendment was adopted with 41 ayes, 0 nays, 2 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 248. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 571. Title read. Considered.

Committee AM609, found on page 793, was adopted with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 571A. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 561. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 525. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 609. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 719. Title read. Considered.

Committee AM258, found on page 824, 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 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 719A. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 62. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 559. Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 220. Title read. Considered.

Committee AM660, found on page 966, was adopted with 40 ayes, 0 nays, 3 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.

LEGISLATIVE BILL 135. Title read. Considered.

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

LEGISLATIVE BILL 244. Title read. Considered.

Committee AM1214, found on page 1099, 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 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 308. Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.
LEGISLATIVE BILL 392. Title read. Considered.
Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 564. Title read. Considered.
Committee AM1276, found on page 1238, was adopted with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.
Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 123. Title read. Considered.
Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 414. Title read. Considered.
Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 533. Title read. Considered.
Committee AM414, found on page 1313, was adopted with 27 ayes, 7 nays, 10 present and not voting, and 5 excused and not voting.
Advanced to Enrollment and Review Initial with 26 ayes, 6 nays, 12 present and not voting, and 5 excused and not voting.

COMMITTEE REPORT(S)
Revenue

LEGISLATIVE BILL 720. Placed on General File with amendment. AM1614 is available in the Bill Room.
(Signed) Lou Ann Linehan, Chairperson
Judiciary

LEGISLATIVE BILL 110. Placed on General File with amendment. AM1680 is available in the Bill Room.

LEGISLATIVE BILL 630. Placed on General File with amendment. AM1635 is available in the Bill Room.
LEGISLATIVE BILL 680. Placed on General File with amendment.

AM1537

1 1. Strike the original sections and insert the following new
sections:
3 Section 1. Sections 1 to 8 of this act shall be known and may be
cited as the Uniform Civil Remedies for Unauthorized Disclosure of
Intimate Images Act.
5 Sec. 2. In the Uniform Civil Remedies for Unauthorized Disclosure
of Intimate Images Act:
8 (1) Consent means affirmative, conscious, and voluntary
authorization by an individual with legal capacity to give authorization.
10 (2) Depicted individual means an individual whose body is shown in
11 whole or in part in an intimate image.
12 (3) Disclosure means transfer, publication, or distribution to
another person. Disclose has a corresponding meaning.
14 (4) Identifiable means recognizable by a person other than the
15 depicted individual:
16 (A) from an intimate image itself; or
17 (B) from an intimate image and identifying characteristic displayed
in connection with the intimate image.
19 (5) Identifying characteristic means information that may be used to
identify a depicted individual.
21 (6) Individual means a human being.
22 (7) Intimate image means a photograph, film, video recording, or
other similar medium that shows:
24 (A) the uncovered genitals, pubic area, anus, or female post-
25 pubescent nipple of a depicted individual; or
26 (B) a depicted individual engaging in or being subjected to sexual
conduct.
28 (8) Person means an individual, estate, business or nonprofit
entity, public corporation, government or governmental subdivision,
agency, or instrumentality, or other legal entity.
(9) Sexual conduct includes:
(A) masturbation;
(B) genital, anal, or oral sex;
(C) sexual penetration of, or with, an object;
(D) bestiality; or
(E) the transfer of semen onto a depicted individual.
Sec. 3. (a) In this section:
1 (1) Harm includes physical harm, economic harm, and emotional
distress whether or not accompanied by physical or economic harm.
2 (2) Private means:
4 (A) created or obtained under circumstances in which a depicted
5 individual had a reasonable expectation of privacy; or
6 (B) made accessible through theft, bribery, extortion, fraud, false
7 pretenses, voyeurism, or exceeding authorized access to an account,
8 message, file, device, resource, or property.
9 (b) Except as otherwise provided in section 4 of this act, a
10 depicted individual who is identifiable and who suffers harm from a
person's intentional disclosure or threatened disclosure of an intimate  
image that was private without the depicted individual's consent has a  
cause of action against the person if the person knew or acted with  
reckless disregard for whether:  
(1) the depicted individual did not consent to the disclosure;  
(2) the intimate image was private; and  
(3) the depicted individual was identifiable.  
(c) The following conduct by a depicted individual does not  
establish by itself that the individual consented to the disclosure of  
the intimate image which is the subject of an action under this act or  
that the individual lacked a reasonable expectation of privacy:  
(1) consent to creation of the image; or  
(2) previous consensual disclosure of the image.  
(d) A depicted individual who does not consent to the sexual conduct  
or uncovering of the part of the body depicted in an intimate image of  
the individual retains a reasonable expectation of privacy even if the  
image was created when the individual was in a public place.  
Sec. 4. (a) In this section:  
(1) Child means an unemancipated individual who is less than  
nineteen years of age.  
(2) Parent means an individual recognized as a parent under law of  
this state other than the Uniform Civil Remedies for Unauthorized  
(b) A person is not liable under the act if the person proves that  
disclosure of, or a threat to disclose, an intimate image was:  
(1) made in good faith in:  
(A) law enforcement;  
(B) a legal proceeding; or  
(C) medical education or treatment;  
(2) made in good faith in the reporting or investigation of:  
(A) unlawful conduct; or  
(B) unsolicited and unwelcome conduct;  
(3) related to a matter of public concern or public interest; or  
(4) reasonably intended to assist the depicted individual.  
(c) Subject to subsection (d) of this section, a defendant who is a  
parent, legal guardian, or individual with legal custody of a child is  
not liable under the act for a disclosure or threatened disclosure of an  
intimate image, as defined in subdivision (7)(A) of section 2 of this  
act, of the child.  
(d) If a defendant asserts an exception to liability under  
subsection (c) of this subsection, the exception does not apply if the  
plaintiff proves the disclosure was:  
(1) prohibited by law other than the act; or  
(2) made for the purpose of sexual arousal, sexual gratification,  
humiliation, degradation, or monetary or commercial gain.  
(e) Disclosure of, or a threat to disclose, an intimate image is not  
a matter of public concern or public interest solely because the depicted  
individual is a public figure.  
Sec. 5. (a) In an action under the Uniform Civil Remedies for
Unauthorized Disclosure of Intimate Images Act, a prevailing plaintiff may recover as compensation:

1. (A) economic and noneconomic damages proximately caused by the defendant's disclosure or threatened disclosure, including damages for emotional distress whether or not accompanied by other damages; or
2. (B) if the actual damages are incapable of being quantified or difficult to quantify, presumed damages not to exceed ten thousand dollars against each defendant in an amount that bears a reasonable relationship to the probable damages incurred by the prevailing plaintiff. In determining the amount of presumed damages under subdivision (a)(1)(B) of this section, consideration must be given to the age of the parties at the time of the disclosure or threatened disclosure, the number of disclosures or threatened disclosures made by the defendant, the breadth of distribution of the image by the defendant, and other exacerbating or mitigating factors; and
3. (2) an amount equal to any monetary gain made by the defendant from disclosure of the intimate image.

(b) In an action under the act, the court may award a prevailing plaintiff:
1. (1) reasonable attorney's fees and costs; and
2. (2) additional relief, including injunctive relief.

(c) The act does not affect a right or remedy available under law of this state other than the act.

Sec. 6. (a) An action under subsection (b) of section 3 of this act for:
1. (1) an unauthorized disclosure may not be brought later than four years from the date the disclosure was discovered or should have been discovered with the exercise of reasonable diligence; and
2. (2) a threat to disclose may not be brought later than four years from the date of the threat to disclose.

(b) This section is subject to section 25-213.

Sec. 7. (a) In an action brought under the Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act, no provider or user of an interactive computer service shall be treated as a person disclosing any information provided by another information content provider unless the provider or user of such interactive computer service is responsible, in whole or in part, for the creation or development of the information provided through the Internet or any other interactive service.

(b) No provider or user of an interactive computer service shall be held liable under the act on account of:
1. (1) any action voluntarily taken in good faith to restrict access to or availability of material that the provider or user considers to be obscene, lewd, lascivious, filthy, excessively violent, harassing, or otherwise objectionable, whether or not such material is constitutionally protected; or
2. (2) any action taken to enable or make available to any information content provider or others the technical means to restrict access to material described in subdivision (b)(1) of this section.
Nothing in the Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act shall be construed to impose liability on an interactive computer service for content provided by another person.

The Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act must be construed to be consistent with 47 U.S.C. 230, as such section existed on January 1, 2019.

The act may not be construed to alter the law of this state on sovereign immunity.

For purposes of this section, information content provider and interactive computer service have the same meanings as in 47 U.S.C. 230, as such section existed on January 1, 2019.

In applying and construing the Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

In any action brought pursuant to the Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act, a plaintiff may request to use a pseudonym instead of his or her legal name in all court proceedings and records. Upon finding that the use of a pseudonym is proper, the court shall ensure that the pseudonym is used in all court proceedings and records.

Sec. 8. In applying and construing the Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

Sec. 9. In any action brought pursuant to the Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act, a plaintiff may request to use a pseudonym instead of his or her legal name in all court proceedings and records. Upon finding that the use of a pseudonym is proper, the court shall ensure that the pseudonym is used in all court proceedings and records.

Sec. 10. Section 25-213, Reissue Revised Statutes of Nebraska, is amended to read:

Except as provided in sections 76-288 to 76-298, if a person entitled to bring any action mentioned in Chapter 25, the Political Subdivisions Tort Claims Act, the Nebraska Hospital-Medical Liability Act, the State Contract Claims Act, the State Tort Claims Act, or the State Miscellaneous Claims Act, or the Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act, except for a penalty or forfeiture, for the recovery of the title or possession of lands, tenements, or hereditaments, or for the foreclosure of mortgages thereon, is, at the time the cause of action accrued, within the age of twenty years, a person with a mental disorder, or imprisoned, every such person shall be entitled to bring such action within the respective times limited by Chapter 25 after such disability is removed. For the recovery of the title or possession of lands, tenements, or hereditaments or for the foreclosure of mortgages thereon, every such person shall be entitled to bring such action within twenty years from the accrual thereof but in no case longer than ten years after the termination of such disability. Absence from the state, death, or other disability shall not operate to extend the period within which actions in rem are to be commenced by and against a nonresident or his or her representative.

Sec. 11. If any section in this act or any part of any section is declared invalid or unconstitutional, the declaration shall not affect the validity or constitutionality of the remaining portions.

Sec. 12. Original section 25-213, Reissue Revised Statutes of Nebraska, is repealed.

(Signed) Steve Lathrop, Chairperson
COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 300. Placed on Select File.

LEGISLATIVE BILL 300A. Placed on Select File with amendment.

ER110
1 1. In the Lathrop amendments, AM1579, on page 2, line 10, after
2 "the" insert "Nebraska".

(Signed) Julie Slama, Chairperson

AMENDMENT(S) - Print in Journal

Senator M. Hansen filed the following amendment to LB433:
AM1729
1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 76-1416, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 76-1416 (1) A landlord may not demand or receive security, however
6 denominated, in an amount or value in excess of one month's periodic
7 rent, except that a pet deposit not in excess of one-fourth of one
8 month's periodic rent may be demanded or received when appropriate, but
9 this subsection shall not be applicable to housing agencies organized or
10 existing under the Nebraska Housing Agency Act.
11 (2) Upon termination of the tenancy, property or money held by the
12 landlord as prepaid rent and security may be applied to the payment of
13 rent and the amount of damages which the landlord has suffered by reason
14 of the tenant's noncompliance with the rental agreement or section
15 76-1421. The balance, if any, and a written itemization shall be
16 delivered or mailed to the tenant within fourteen days after the date of
17 termination of the tenancy. If no mailing address or instructions are
18 provided by the tenant to the landlord, the landlord shall mail, by
19 first-class mail, the balance of the security deposit to be returned, if
20 any, and a written itemization of the amount of the security deposit not
21 returned to the tenant's last-known mailing address. If the mailing is
22 returned as undeliverable, or if the returned balance of the security
23 deposit remains outstanding thirty days after the date of the mailing,
24 the landlord shall, not later than sixty days after the date of the
25 mailing, remit the outstanding balance of the security deposit to the
26 State Treasurer for disposition pursuant to the Uniform Disposition of
27 Unclaimed Property Act demand and designation of the location where
1 payment may be made or mailed.
2 (3) If the landlord fails to comply with subsection (2) of this
3 section, the tenant may recover the property and money due him or her,
4 court costs, and reasonable attorney's fees. In addition, if the
5 landlord's failure to comply with subsection (2) of this section is
6 willful and not in good faith, the tenant may recover an amount equal to
one month's periodic rent or two times the amount of the security deposit, whichever is less, as liquidated damages.

(4) This section does not preclude the landlord or tenant from recovering other damages to which he or she may be entitled under the Uniform Residential Landlord and Tenant Act. However, a tenant shall not be liable for damages directly related to the tenant's removal from the premises by order of any governmental entity as a result of the premises not being fit for habitation due to the negligence or neglect of the landlord.

(5) The holder of the landlord's interest in the premises at the time of the termination of the tenancy is bound by this section.

Sec. 2. Section 76-1431, Reissue Revised Statutes of Nebraska, is amended to read:

76-1431 (1) Except as provided in the Uniform Residential Landlord and Tenant Act, if there is a noncompliance with section 76-1421 materially affecting health and safety or a material noncompliance by the tenant with the rental agreement or any separate agreement, the landlord may deliver a written notice to the tenant specifying the acts and omissions constituting the breach and that the rental agreement will terminate upon a date not less than thirty days after receipt of the notice if the breach is not remedied in fourteen days, and the rental agreement shall terminate as provided in the notice subject to the following. If the breach is remediable by repairs or the payment of damages or otherwise and the tenant adequately remedies the breach prior to the date specified in the notice, the rental agreement will not terminate. If substantially the same act or omission which constituted a prior noncompliance of which notice was given recurs within six months, the landlord may terminate the rental agreement upon at least fourteen days' written notice specifying the breach and the date of termination of the rental agreement.

(2) If rent is unpaid when due and the tenant fails to pay rent within seven calendar days after written notice by the landlord of nonpayment and his or her intention to terminate the rental agreement if the rent is not paid within that period of time, the landlord may terminate the rental agreement.

(3) Except as provided in the Uniform Residential Landlord and Tenant Act, the landlord may recover damages and obtain injunctive relief for any noncompliance by the tenant with the rental agreement or section 76-1421. If the tenant's noncompliance is willful, the landlord may recover reasonable attorney's fees.

(4) Notwithstanding subsections (1) and (2) of this section or section 25-21,221, a landlord may, after five days' written notice of termination of the rental agreement and without the right of the tenant to cure the default, file suit and have judgment against any tenant or occupant for recovery of possession of the premises if the tenant, occupant, member of the tenant's household, guest, or other person who is under the tenant's control or who is present upon the premises with the tenant's consent, engages in any violent criminal activity on the premises, the illegal sale of any controlled substance on the premises,
25 or any other activity that threatens the health or safety of other
26 tenants, the landlord, or the landlord's employees or agents. Such
27 activity shall include, but not be limited to, any of the following
28 activities of the tenant, occupant, member of the tenant's household,
29 guest, or other person who is under the tenant's control or who is
30 present upon the premises with the tenant's consent: (a) Physical assault
31 or the threat of physical assault; (b) illegal use of a firearm or other
1 weapon or the threat of illegal use of a firearm or other weapon; (c)
2 possession of a controlled substance if the tenant knew or should have
3 known of the possession, unless such controlled substance was obtained
4 directly from or pursuant to a medical order issued by a practitioner
5 legally authorized to prescribe while acting in the course of his or her
6 professional practice; or (d) any other activity or threatened activity
7 which would otherwise threaten the health or safety of any person or
8 involving threatened, imminent, or actual damage to the property.
9 (5) Subsection (4) of this section does not apply to a tenant if the
10 violent criminal activity, illegal sale of any controlled substance, or
11 other activity that threatens the health or safety of other tenants, the
12 landlord, or the landlord's employees or agents, as set forth in
13 subsection (4) of this section, is conducted by a person on the premises
14 other than the tenant and the tenant takes at least one of the following
15 measures against the person engaging in such activity:
16 (a) The tenant seeks a protective order, restraining order, or other
17 similar relief which would apply to the person conducting such activity;
18 or
19 (b) The tenant reports such activity to a law enforcement agency in
20 an effort to initiate a criminal action against the person conducting the
21 activity.
22 Sec. 3. Original sections 76-1416 and 76-1431, Reissue Revised
23 Statutes of Nebraska, are repealed.

Senator Hilkemann filed the following amendments to LB378:
AM1663
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 60-6,279, Revised Statutes Cumulative Supplement,
4 2018, is amended to read:
5 60-6,279 (1) A person shall not operate an autocycle, a motorcycle,
6 or moped on any highway in this state unless such person is wearing eye
7 protection.
8 (2) Except as otherwise provided in subsection (3) of this section,
9 a person shall not operate or be a passenger in an autocycle described
10 in subsection (4) (2) of this section, on a motorcycle other than an
11 autocycle, or on a moped on any highway in this state unless such person
12 is wearing a protective helmet of the type and design manufactured for
13 use by operators of such vehicles and unless such helmet is secured
14 properly on his or her head with a chin strap while the vehicle is in
15 motion. All such protective helmets shall be designed to reduce injuries
16 to the user resulting from head impacts and shall be designed to protect
the user by remaining on the user's head, deflecting blows, resisting penetration, and spreading the force of impact. Each such helmet shall consist of lining, padding, and chin strap and shall meet or exceed the standards established in the United States Department of Transportation's Federal Motor Vehicle Safety Standard No. 218, 49 C.F.R. 571.218, for motorcycle helmets.

(3) For purposes of this section, eye protection means glasses that cover the orbital region of a person's face, a protective face shield attached to a protective helmet, goggles, or a windshield on the motorcycle or moped that protects the operator's and passenger's horizontal line of vision in all operating positions.

(4) This section applies to an autocycle that has a seating area that is not completely enclosed.

Sec. 2. Original section 60-6,279, Revised Statutes Cumulative Supplement, 2018, is repealed.

1. On page 2, lines 6 and 22, strike "(2)" and insert "(2)(a)"; and after line 20 insert the following new subdivision:

"(b) A person shall not be a passenger on a motorcycle or moped on any highway in this state unless such person is at least sixteen years of age."

1. Insert the following new section:

Section 1. Section 60-3,153, Reissue Revised Statutes of Nebraska, is amended to read:

60-3,153 For the registration of every motorcycle, the fee shall be one hundred six dollars.

2. Renumber the remaining sections and correct the repealer accordingly.

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

Section 1. Section 60-6,279, Revised Statutes Cumulative Supplement, 2018, is amended to read:

60-6,279 (1) A person shall not operate an autocycle, a motorcycle, or moped on any highway in this state unless such person is wearing eye protection and hearing protection.

(2) Except as otherwise provided in subsections (3) and (4) of this section, a person shall not operate or be a passenger in an autocycle described in subsection (5) of this section, on a motorcycle other than an autocycle, or on a moped on any highway in this state unless such person is wearing a protective helmet of the type and design manufactured for use by operators of such vehicles and unless such helmet is secured properly on his or her head with a chin strap while the vehicle is in motion. All such protective helmets shall be designed to reduce injuries to the user resulting from head impacts and shall be designed to protect...
the user by remaining on the user's head, deflecting blows, resisting
penetration, and spreading the force of impact. Each such helmet shall
consist of lining, padding, and chin strap and shall meet or exceed the
standards established in the United States Department of Transportation's
Federal Motor Vehicle Safety Standard No. 218, 49 C.F.R. 571.218, for
motorcycle helmets.
(3) A person who is at least twenty-one years of age is exempt from
subdivision (2) of this section.
(4) For purposes of this section:
(a) Eye protection means glasses that cover the orbital region of a
person's face, a protective face shield attached to a protective helmet,
goggles, or a windshield on the motorcycle or moped that protects the
operator's and passenger's horizontal line of vision in all operating
positions; and
(b) Hearing protection means disposable foam plugs or reusable
custom-molded devices that reduce noise.
(5) This section applies to an autocycle that has a seating area
that is not completely enclosed.
Sec. 2. Original section 60-6,279, Revised Statutes Cumulative
Supplement, 2018, is repealed.

AM1665
1. Insert the following new section:
Section 1. Section 60-494, Revised Statutes Cumulative Supplement,
2018, is amended to read:
40-494 (1) Each operator's license and state identification card
shall include a special notation on the front of the license or card if
the licensee or cardholder is at least sixteen years of age and indicates
on the application or issuance certificate under section 60-484 or
60-4,144 his or her wish to be an organ and tissue donor. If the licensee
is at least sixteen years of age and a holder of a Class M license or an
operator's license with a Class M endorsement, the licensee shall be
required to be an organ or tissue donor, unless prohibited by a medical
condition or religious practice.
(2) The status as an organ and tissue donor shall continue until
amended or revoked by the licensee or cardholder as provided in
subsection (4) of this section or section 71-4829. The status as an organ
cancellation, revocation, or impoundment of the license or card.
(3) Any person whose operator's license or state identification card
indicates his or her status as an organ and tissue donor may obtain a
replacement license or card without a notation of such status. The fee
for such replacement license or card shall be the fee provided in section
60-4,115.
(4) A licensee or cardholder may change his or her status as a donor
by indicating the desire that his or her name not be included in the
Donor Registry of Nebraska on an application for an operator's license, a
state identification card, or a replacement license or card under
subdivision (3) of this section. A licensee or cardholder may also change
1 or limit the extent of his or her status as a donor by (a) Internet
2 access to the Donor Registry of Nebraska, (b) telephone request to the
3 registry, or (c) other methods approved by the federally designated organ
4 procurement organization for Nebraska.
5 (5) The department shall electronically transfer to the federally
6 designated organ procurement organization for Nebraska all information
7 which appears on the face of an original or replacement operator's
8 license or state identification card except the image and signature of
9 each person whose license or card includes the notation described in
10 subsection (1) of this section.
11 2. Renumber the remaining sections and correct the repealer
12 accordingly.

Senator Hilgers filed the following amendment to LB532:
AM1596
(Amendments to Standing Committee amendments, AM674)
1 1. On page 3, lines 23 and 24; and page 15, lines 23 and 24, strike
2 "The court shall admit into evidence the petition and affidavit at any
3 show-cause hearing" and insert "The petition and affidavit shall be
deemed to have been offered into evidence at any show-cause hearing. The
petition and affidavit shall be admitted into evidence unless
specifically excluded by the court".
7 2. On page 8, line 31, strike the new matter.
8 3. On page 9, line 1, strike the new matter and insert "The petition
9 and affidavit shall be deemed to have been offered into evidence at any
10 show-cause hearing. The petition and affidavit shall be admitted into
evidence unless specifically excluded by the court".

Senator Quick filed the following amendment to LB149:
AM1679
1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 28-1418, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 28-1418 Whoever, being a person minor under the age of nineteen
6 eighteen years, shall smoke cigarettes or cigars, use electronic nicotine
delivery systems vapor products, or alternative nicotine products, or use
8 tobacco in any form whatever, in this state, shall be guilty of a Class V
9 misdemeanor. Any person minor charged with a violation of this section
10 may be free from prosecution if he or she furnishes evidence for the
11 conviction of the person or persons selling or giving him or her the
12 cigarettes, cigars, electronic nicotine delivery systems vapor products,
13 alternative nicotine products, or tobacco.
14 Sec. 2. Section 28-1418.01, Reissue Revised Statutes of Nebraska, is
15 amended to read:
16 28-1418.01 For purposes of sections 28-1418 to 28-1429.03:
17 (1) Alternative nicotine product means any noncombustible product
18 containing nicotine that is intended for human consumption, whether
19 chewed, absorbed, dissolved, or ingested by any other means. Alternative
nicotine product does not include any electronic nicotine delivery system, cigarette, cigar, or other tobacco product, or any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act;

(2) Cigarette means any product that contains nicotine, is intended to be burned or heated under ordinary conditions of use, and consists of or contains (a) any roll of tobacco wrapped in paper or in any substance not containing tobacco, (b) tobacco, in any form, that is functional in the product which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette, or (c) any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in subdivision (2)(a) of this section;

(3)(a) Electronic nicotine delivery system means any product or device containing nicotine, tobacco, or tobacco derivatives that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, to simulate smoking by delivering the nicotine, tobacco, or tobacco derivatives in vapor, fog, mist, gas, or aerosol form to a person inhaling from the product or device.

(b) Electronic nicotine delivery system includes, but is not limited to, the following:

(i) Any substance containing nicotine, tobacco, or tobacco derivatives, whether sold separately or sold in combination with a product or device that is intended to deliver to a person nicotine, tobacco, or tobacco derivatives in vapor, fog, mist, gas, or aerosol form;

(ii) Any product or device marketed, manufactured, distributed, or sold as an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, electronic hookah, or similar products, names, descriptors, or devices; and

(iii) Any component, part, or accessory of such a product or device that is used during operation of the product or device when sold in combination with any substance whether or not it contains nicotine, tobacco, or tobacco derivatives.

(c) Electronic nicotine delivery system does not include an alternative nicotine product, cigarette, cigar, or other tobacco product, or any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act;

(4) Self-service display means a retail display that contains a tobacco product, a tobacco-derived product, an electronic nicotine delivery system, a vapor product, or an alternative nicotine product and is located in an area openly accessible to a retailer's customers and from which such customers can readily access the product without the assistance of a salesperson. Self-service display does not include a
display case that holds tobacco products, electronic nicotine delivery systems, or alternative nicotine products behind locked doors; and
(5) Tobacco specialty store means a retail store that (a) derives at least seventy-five percent of its revenue from tobacco products, tobacco-derived products, electronic nicotine delivery systems, or alternative nicotine products and (b) does not permit persons minors under the age of nineteen eighteen years to enter the premises unless accompanied by a parent or legal guardian; and
(4) Vapor product means any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. Vapor product includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. Vapor product does not include an alternative nicotine product, cigarette, cigar, or other tobacco product, or any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the federal Food, Drug, and Cosmetic Act.
Sec. 3. Section 28-1419, Reissue Revised Statutes of Nebraska, is amended to read:
28-1419 Whoever shall sell, give, or furnish, in any way, any tobacco in any form whatever, or any cigarettes, cigarette paper, electronic nicotine delivery systems, or alternative nicotine products, to any person minor under nineteen eighteen years of age, is guilty of a Class III misdemeanor for each offense.
Sec. 4. Section 28-1420, Reissue Revised Statutes of Nebraska, is amended to read:
28-1420 It shall be unlawful for any person, partnership, limited liability company, or corporation to sell, keep for sale, or give away in course of trade, any cigars, tobacco, cigarettes, electronic nicotine delivery systems, or cigarette material to anyone without first obtaining a license as provided in sections 28-1421 and 28-1422. It shall also be unlawful for any wholesaler to sell or deliver any cigars, tobacco, cigarettes, electronic nicotine delivery systems, or cigarette material to any person, partnership, limited liability company, or corporation who, at the time of such sale or delivery, is not the recipient of a valid tobacco license for the current year to retail the same as provided in such sections. It shall also be unlawful for any person, partnership, limited liability company, or corporation to purchase or receive, for purposes of resale, any cigars, tobacco, cigarettes, electronic nicotine delivery systems, or cigarette material if such person, partnership, limited liability company, or corporation is not the recipient of a valid tobacco license to retail such tobacco products at the time the same are purchased or received. Whoever shall be found guilty of violating this
29 section shall be guilty of a Class III misdemeanor for each offense.
30 Sec. 5. Section 28-1421, Reissue Revised Statutes of Nebraska, is
31 amended to read:
1 28-1421 Licenses for the sale of cigars, tobacco, cigarettes,
2 electronic nicotine delivery systems, and cigarette material to persons
3 nineteen years of age or over the age of eighteen years shall be issued
4 to individuals, partnerships, limited liability companies, and
5 corporations by the clerk or finance director of any city or village and
6 by the county clerk of any county upon application duly made as provided
7 in section 28-1422. The sale of cigarettes or cigarette materials that
8 contain perfumes or drugs in any form is prohibited and is not licensed
9 by the provisions of this section. Only cigarettes and cigarette material
10 containing pure white paper and pure tobacco shall be licensed.
11 Sec. 6. Section 28-1423, Reissue Revised Statutes of Nebraska, is
12 amended to read:
13 28-1423 The term for which such license shall run shall be from the
14 date of filing such application and paying such license fee to and
15 including December 31 of the calendar year in which application for such
16 license is made, and the license fee for any person, partnership, limited
17 liability company, or corporation selling at retail shall be twenty-five
18 dollars in cities of the metropolitan class, fifteen dollars in cities of
19 the primary and first classes, and ten dollars in cities of all other
20 classes and in towns and villages and in locations outside of the limits
21 of cities, towns, and villages. Any person, partnership, limited
22 liability company, or corporation selling annually in the aggregate more
23 than one hundred fifty thousand cigars, packages of cigarettes,
24 electronic nicotine delivery systems, and packages of tobacco in any
25 form, at wholesale, shall pay a license fee of one hundred dollars, and
26 if such combined annual sales amount to less than one hundred fifty
27 thousand cigars, packages of cigarettes, electronic nicotine delivery
28 systems, and packages of tobacco, the annual license fee shall be fifteen
29 dollars. No wholesaler's license shall be issued in any year on a less
30 basis than one hundred dollars per annum unless the applicant for the
31 same shall file with such application a statement duly sworn to by
1 himself or herself, or if applicant is a partnership, by a member of the
2 firm, or if a limited liability company, by a member or manager of the
3 company, or if a corporation, by an officer or manager thereof, that in
4 the past such wholesaler's combined sales of cigars, packages of
5 cigarettes, electronic nicotine delivery systems, and packages of tobacco
6 in every form have not exceeded in the aggregate one hundred fifty
7 thousand annually, and that such sales will not exceed such aggregate
8 amount for the current year for which the license is to issue. Any person
9 swearing falsely in such affidavit shall be guilty of perjury and upon
10 conviction thereof shall be punished as provided by section 28-915 and
11 such wholesaler's license shall be revoked until the full license fee of
12 one hundred dollars is paid. If application for license is made after
13 July 1 of any calendar year, the fee shall be one-half of the fee
14 provided in this section.
15 Sec. 7. Section 28-1424, Reissue Revised Statutes of Nebraska, is
amended to read:

28-1424 The license, provided for in sections 28-1421 and 28-1422 shall, when issued, authorize the sale of cigars, tobacco, cigarettes, electronic nicotine delivery systems, and cigarette material by the licensee and employees to persons nineteen years of age or over the age of eighteen years, at the place of business described in such license for the term therein authorized, unless the license is same be forfeited as provided in section 28-1425.

Sec. 8. Section 28-1425, Reissue Revised Statutes of Nebraska, is amended to read:

28-1425 Any licensee who shall sell, give, or furnish in any way to any person under the age of nineteen eighteen years, or who shall willingly allow to be taken from his or her place of business by any person under the age of nineteen eighteen years, any cigars, tobacco, cigarettes, cigarette material, electronic nicotine delivery systems vapor products, or alternative nicotine products is guilty of a Class III misdemeanor. Any officer, director, or manager having charge or control, either separately or jointly with others, of the business of any corporation which violates sections 28-1419 to 28-1420, and 28-1429.03, if he or she has knowledge of such violation, shall be subject to the penalties provided in this section. In addition to the penalties provided in this section, such licensee shall be subject to the additional penalty of a revocation and forfeiture of his, her, their, or its license, at the discretion of the court before whom the complaint for violation of such sections may be heard. If such license is revoked and forfeited, all rights under such license shall at once cease and terminate.

Sec. 9. Section 28-1427, Reissue Revised Statutes of Nebraska, is amended to read:

28-1427 Any person under the age of nineteen eighteen years who obtains cigars, tobacco, cigarettes, cigarette material, electronic nicotine delivery systems vapor products, or alternative nicotine products from a licensee by representing that he or she is of the age of nineteen eighteen years or over is guilty of a Class V misdemeanor.

Sec. 10. Section 28-1429.01, Reissue Revised Statutes of Nebraska, is amended to read:

28-1429.01 The Legislature finds that the incumbent health risks associated with using smoking tobacco products have been scientifically proven. The Legislature further finds that the growing number of young people minors who start using tobacco products smoking is staggering, and even more abhorrent are the ages at which such use begins children begin this deadly habit. The Legislature has established an age restriction on the use of tobacco products by minors. To ensure that the use of tobacco products among young people minors is discouraged to the maximum extent possible, it is the intent of the Legislature to ban the use of vending machines and similar devices to dispense tobacco products in facilities, buildings, or areas which are open to the general public within Nebraska.

Sec. 11. Section 28-1429.02, Reissue Revised Statutes of Nebraska,
3 is amended to read:
4 28-1429.02 (1) Except as provided in subsection (2) of this section, 5 it shall be unlawful to dispense cigarettes, other tobacco products, 6 electronic nicotine delivery systems vapor products, or alternative 7 nicotine products from a vending machine or similar device. Any person 8 violating this section is guilty of a Class III misdemeanor. In addition, 9 upon conviction for a second offense, the court shall order a six-month 10 suspension of the offender's license to sell tobacco and electronic 11 nicotine delivery systems, if any, and, upon conviction for a third or 12 subsequent offense, the court shall order the permanent revocation of the 13 offender's license to sell tobacco and electronic nicotine delivery 14 systems, if any.

(2) Cigarettes, other tobacco products, electronic nicotine delivery 15 systems vapor products, or alternative nicotine products may be dispensed 16 from a vending machine or similar device when such machine or device is 17 located in an area, office, business, plant, or factory which is not open 18 to the general public or on the licensed premises of any establishment 19 having a license issued under the Nebraska Liquor Control Act for the 20 sale of alcoholic liquor for consumption on the premises when such 21 machine or device is located in the same room in which the alcoholic 22 liquor is dispensed.

(3) Nothing in this section shall be construed to restrict or 24 prohibit a governing body of a city or village from establishing and 25 enforcing ordinances at least as stringent as or more stringent than the 26 provisions of this section.

Sec. 12. Section 28-1429.03, Reissue Revised Statutes of Nebraska, 29 is amended to read:
30 28-1429.03 (1) Except as provided in subsection (2) of this section 31 and section 28-1429.02, it shall be unlawful to sell or distribute 1 cigarettes, cigars, electronic nicotine delivery systems vapor products, 2 alternative nicotine products, or tobacco in any form whatever through a 3 self-service display. Any person violating this section is guilty of a 4 Class III misdemeanor. In addition, upon conviction for a second or 5 subsequent offense within a twelve-month period, the court shall order a 6 six-month suspension of the license issued under section 28-1421.

7 (2) Cigarettes, cigars, electronic nicotine delivery systems vapor 8 products, alternative nicotine products, or tobacco in any form whatever 9 may be sold or distributed in a self-service display that is located in a 10 tobacco specialty store or cigar shop as defined in section 53-103.08.

Sec. 13. This act becomes operative on January 1, 2020.

Sec. 14. Original sections 28-1418, 28-1418.01, 28-1419, 28-1420, 13 28-1421, 28-1423, 28-1424, 28-1425, 28-1427, 28-1429.01, 28-1429.02, and 14 28-1429.03, Reissue Revised Statutes of Nebraska, are repealed.

Senator Bolz filed the following amendment to LB583:
AM1454
1 1. Insert the following new section:
2 Section 1. Section 23-120, Reissue Revised Statutes of Nebraska, is 3 amended to read:
23-120 (1) The county board shall, pursuant to a two-thirds majority vote of the members of the board, acquire, purchase, construct, renovate, remodel, furnish, equip, add to, improve, or provide a suitable courthouse, jail, and other county buildings and a site or sites therefor. (b) may, pursuant to a two-thirds majority vote of the members of the board and a declaration by resolution that an emergency exists, repair, retrofit, reconstruct, or replace any bridge owned by the county which is (i) destroyed or damaged as a result of a natural disaster for which a federal disaster declaration was issued by the President of the United States or (ii) designated as scour critical or structurally deficient pursuant to Department of Transportation standards, and (c) may, for such purposes borrow money and issue the bonds of the county to pay for the same. Agreements entered into under section 25-412.03 shall be deemed to be in compliance with this section. The board shall keep such buildings and bridges in repair and provide suitable rooms and offices for the accommodation of the several courts of record, Nebraska Workers' Compensation Court or any judge thereof, Commissioner of Labor for the conduct and operation of the state free employment service, county board, county clerk, county treasurer, county sheriff, clerk of the district court, county surveyor, county agricultural agent, and county attorney if the county attorney holds his or her office at the county seat and shall provide suitable furniture and equipment therefor. All such courts which desire such accommodation shall be suitably housed in the courthouse.

(2) No levy exceeding (a) two million dollars in counties having in excess of two hundred fifty thousand inhabitants, (b) one million dollars in counties having in excess of one hundred thousand inhabitants and not in excess of two hundred fifty thousand inhabitants, (c) three hundred thousand dollars in counties having in excess of thirty thousand inhabitants and not in excess of one hundred thousand inhabitants, or (d) one hundred fifty thousand dollars in all other counties shall be made within a one-year period for any of the purposes specified in subsection (1) of this section without first submitting the proposition to a vote of the people of the county at a general election or a special election ordered by the board for that purpose and obtaining the approval of a majority of the legal voters thereon.

(3)(a) The county board of any county in this state may, when requested so to do by petition signed by at least a majority of the legal voters in the county based on the average vote of the two preceding general elections, make an annual levy of not to exceed seventeen and five-tenths cents on each one hundred dollars upon the taxable value of all the taxable property in the county for any of the purposes specified in subsection (1) of this section. (b) If a county on the day it first initiates a project for any of the purposes specified in subsection (1) of this section had no bonded indebtedness payable from its general fund levy, the county board may make an annual levy of not to exceed five and two-tenths cents on each one hundred dollars upon the taxable value of all the taxable property of the county for a project or projects for any of the purposes specified in subsection (1) of this section.
26 subsection (1) of this section without the filing of a petition described
27 in subdivision (3)(a) of this section. The county board shall designate
28 the particular project for which such levy shall be expended, the period
29 of years, which shall not exceed twenty, for which the tax will be levied
30 for such project, and the number of cents of the levy for each year
31 thereof. The county board may designate more than one project and levy a
32 tax pursuant to this section for each such project, concurrently or
33 the duration of each levy will not exceed the limitations specified in
34 this subsection. Each levy for a project which is authorized by this
35 subdivision may be imposed for such duration specified by the county
36 board notwithstanding the contemporaneous existence or subsequent
37 imposition of any other levy or levies for another project or projects
38 imposed pursuant to this subdivision and notwithstanding the subsequent
39 issuance by the county of bonded indebtedness payable from its general
40 fund levy.
41 2. Renumber the remaining sections and correct the repealer
42 accordingly.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 119. 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 issues related to
the disconnection or detachment of territory from the corporate limits of
municipalities. The issues addressed by this interim study shall include, but
not be limited to:

(1) Current procedures for the disconnection of real property from cities of
the first class under section 16-129 and cities of the second class and
villages under section 17-414;
(2) The proposed language for detachment of real property from
municipalities under LB 197 (2019); and
(3) Potential impacts of the disconnection or detachment of real property
from municipalities, including the impact of disconnection or detachment on
the service territory of electric utilities.

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 120. Introduced by Scheer, 19.

WHEREAS, Teresa McDermott has spent thirty-two years in the classroom, including twenty-two at Saint Robert Bellarmine in Omaha; and
WHEREAS, when she was first out of college, Mrs. McDermott taught first grade before taking time to raise her children; and
WHEREAS, Mrs. McDermott returned to work with Scholastic Books, encouraging students to read; and
WHEREAS, Mrs. McDermott then began teaching preschool at Saint Robert Bellarmine Catholic School; and
WHEREAS, as a teacher, Mrs. McDermott has had an impact educating over 1,600 students; and
WHEREAS, Mrs. McDermott is retiring from teaching; and
WHEREAS, dedicated teachers, like Mrs. McDermott, and motivated students are key to our state's future.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates Teresa McDermott on her distinguished career in education and her retirement.
2. That a copy of this resolution be sent to Teresa McDermott.

Laid over.

LEGISLATIVE RESOLUTION 121. Introduced by Vargas, 7; 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; Erdman, 47; 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; LaGrone, 49; Lathrop, 12; Lindstrom, 18; Linehan, 39; Lowe, 37; McCollister, 20; McDonnell, 5; Morfeld, 46; Moser, 22; Murman, 38; Pansing Brooks, 28; Quick, 35; Scheer, 19; Slama, 1; Stinner, 48; Walz, 15; Wayne, 13; Williams, 36; Wishart, 27.

WHEREAS, Nebraska is suffering from an unprecedented natural disaster caused by blizzard conditions, widespread flooding, and high winds, which is profoundly affecting the livelihoods and living conditions of residents; and
WHEREAS, service to others is a hallmark of the character demonstrated by Nebraskans. Throughout history, neighbors have stepped up to meet challenges by volunteering in their communities, counties, regions, state, and country; and
WHEREAS, the mission of the Corporation for National and Community Service, which administers AmeriCorps, Senior Corps, and Disaster Services Unit programs, is "To improve lives, strengthen communities, and foster civic engagement through service and volunteering"; and
WHEREAS, AmeriCorps and Senior Corps also help communities across the country prepare for, respond to, and recover from natural and man-made disasters; and
WHEREAS, ServeNebraska is an affiliate of the Corporation for National and Community Service and has a mission of "Mobilizing Nebraskans to strengthen their communities through volunteering, collaboration, and national service programs"; and
WHEREAS, The Disaster Services Unit leads coordinated and collaborative disaster-related efforts with federal, state, and local governments, nonprofits, faith-based and philanthropic organizations, and other partners; and
WHEREAS, AmeriCorps programs do more than move communities forward, they serve their members by creating jobs and providing pathways to opportunity as participants enter the workforce. AmeriCorps places people into intensive service positions where they learn valuable skills, earn money for education, and develop a strong sense of civic responsibility; and
WHEREAS, AmeriCorps and Senior Corps teams from across the country have arrived to support recovery and relief efforts throughout Nebraska.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature recognizes and thanks AmeriCorps and Senior Corps for the rapid response and for serving alongside Nebraskans in this time of need, offering their talents, their passion for service, and their commitment and dedication to serving our country at all times.
2. That the Legislature encourages all people to serve in a manner that has meaning and value to them personally and to their families, communities, state, and country.

LEGISLATIVE RESOLUTION 122. Introduced by Vargas, 7.

WHEREAS, Juliana Rodriguez of Omaha presented her research on the surface interaction of different types of E. coli on hydrophobic and hydrophilic salines on April 16, 2019, at the Undergraduate Creative Activities and Research Experience Capitol Poster presentation; and
WHEREAS, Juliana was a recipient of a top poster award at the presentation; and
WHEREAS, Juliana is a junior majoring in biological systems engineering at the University of Nebraska-Lincoln and a McNair Scholar; and
WHEREAS, Juliana's research project, "Surface Interaction of Antibiotic Resistant Bacteria: An Effective Step Towards Robust Biosensor Development" represents progress toward the future creation of a detector for antibiotic resistance; and
WHEREAS, Juliana is a first-generation college student who intends to pursue further education in the biological engineering field; and
WHEREAS, Juliana is a motivated, intelligent, and focused Omahan who is determined to make a lasting impact in the scientific community.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Juliana Rodriguez on her scientific and educational achievements.
2. That a copy of the resolution be sent to Juliana Rodriguez.

Laid over.

LEGISLATIVE RESOLUTION 123. Introduced by Hansen, M., 26.

PURPOSE: The purpose of this interim study is to assess the readiness of correctional facilities to implement the provisions of LB258 (2018) by its operative date of July 1, 2020, and the progress facilities have made in implementing the new requirements.

LB258 (2018) was passed to ensure that the Department of Correctional Services provide prisoners with an opportunity to obtain a state identification card or renew a motor vehicle operator's license prior to discharge from a correctional facility. The intent of the bill was to assist former prisoners reentering society, transitioning to a productive life, and obtaining employment.

This interim study shall also explore whether the state should provide assistance in obtaining other basic government-issued documents, such as birth certificates, that can assist prisoners who are transitioning from incarceration into the community.

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.


PURPOSE: The purpose of this interim study is to examine the practices for juvenile interrogations by law enforcement and potential improvements to protect the rights of juveniles and the safety of the public.

Research shows that most young people do not understand their right to counsel and right to remain silent when they are taken into custody and questioned. Young people are also more susceptible than adults to certain interrogation tactics by authority figures and more likely to give false information. Therefore, procedures tailored to the unique needs and circumstances of young people are required to ensure their rights are protected and the information they give under questioning is accurate.
Including a parent or attorney in the interrogation process is a policy option many states have introduced to address this issue. Other options include video recording of juvenile interrogations, requiring the provision of simplified advisements before interrogations, or changing certain procedures during interrogations.

The interim study shall include, but not be limited to:

(1) A review of recent scientific literature and court rulings on custodial interrogations of juveniles, including the impact of procedural changes intended to protect the rights of juveniles;

(2) A review of current law enforcement policies and practices used in conducting custodial interrogations of juveniles; and

(3) An examination of best practices and policy options available to ensure that the right to counsel and right to remain silent during custodial interrogations are protected for juveniles and that all waivers of such rights are made knowingly and voluntarily.

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.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Lowe name added to LR118.

WITHDRAW - Cointroducer(s)

Senator Halloran name withdrawn from LB720.

VISITOR(S)

Visitors to the Chamber were Mrs. Nebraska, Adair Reese, from Grant and Miss Nebraska for America, Kara Kriha, from Ravenna; students from St. Philip Neri Catholic School, Omaha; members of Serve Nebraska/Americorps from across the state; students and teachers from Brady Public School; students, teachers, and sponsors from St. Patrick Catholic School, McCook; and students from Rockwell Elementary School, Millard.
ADJOURNMENT

At 11:07 a.m., on a motion by Senator Brewer, the Legislature adjourned until 9:00 a.m., Monday, May 13, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
SEVENTY-FIFTH DAY - MAY 13, 2019

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

SEVENTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, May 13, 2019

PRAYER

The prayer was offered by Father Ryan Lewis, Holy Ghost Catholic Church, Omaha.

ROLL CALL

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

The roll was called and all members were present except Senators Howard and Stinner who were excused; and Senators Bolz, Cavanaugh, DeBoer, Groene, Pansing Brooks, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-fourth day was approved.

COMMITTEE REPORT(S)
Government, Military and Veterans Affairs

LEGISLATIVE BILL 109. Placed on General File.

(Signed) Tom Brewer, Chairperson

GENERAL FILE

LEGISLATIVE BILL 600A. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 86A. Advanced to Enrollment and Review for Engrossment.
BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 96.

A BILL FOR AN ACT relating to building codes; to amend sections 71-6404 and 71-6406, Reissue Revised Statutes of Nebraska; to change provisions relating to local building and construction codes; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 39:

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<th>Arch</th>
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<td>Clements</td>
<td>Hansen, M.</td>
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Voting in the negative, 0.

Present and not voting, 3:

| Albrecht  | Erdman | Lowe |

Excused and not voting, 7:

<table>
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<td>Cavanaugh</td>
<td>Groene</td>
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 179.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-1902, Reissue Revised Statutes of Nebraska; to authorize the appeal of certain motions as final orders; to harmonize provisions; to provide severability; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"
Voting in the affirmative, 43:

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

Voting in the negative, 0.

Excused and not voting, 6:

Bolz  DeBoer  Howard
Cavanaugh  Groene  Stinner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB184 with 36 ayes, 5 nays, 3 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 184.

A BILL FOR AN ACT relating to telecommunications and technology; to adopt the Small Wireless Facilities Deployment Act.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Albrecht  Clements  Hansen, M.  Lindstrom  Quick
Arch  Crawford  Hilgers  Linehan  Scheer
Blood  Dorn  Hilkemann  Lowe  Slama
Bostelman  Erdman  Hughes  McCollister  Vargas
Brandt  Friesen  Hunt  McDonnell  Walz
Brewer  Geist  Kolowski  Morfeld  Wayne
Briese  Gragert  Kolterman  Moser  Williams
Cavanaugh  Halloran  La Grone  Murman  Wishart
Chambers  Hansen, B.  Lathrop  Pansing Brooks
Voting in the negative, 0.

Excused and not voting, 5:
Bolz       DeBoer       Groene       Howard       Stinner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 375.**

A BILL FOR AN ACT relating to public records; to amend section 84-712.05, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to documents which may be withheld from the public; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Present and not voting, 1:
Cavanaugh

Excused and not voting, 4:
Bolz       DeBoer       Howard       Stinner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.
Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB411 with 34 ayes, 8 nays, 3 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 411.** With Emergency Clause.


Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 46:
- Albrecht
- Arch
- Blood
- Bostelman
- Brandt
- Brewer
- Briese
- Cavanaugh
- Chambers
- Clements
- Crawfather
- DeBoer
- Dorn
- Erdman
- Friesen
- Geist
- Gragert
- Groene
- Halloran
- Hansen
- Hansen, M.
- Hilgers
- Hilkemann
- Hughes
- Hunt
- Kolowski
- Kolterman
- La Grone
- Lathrop
- Lindstrom
- Linehan
- Lowe
- Mccollister
- McDonald
- Morfeld
- Moser
- Murman
- Pansing
- Quick
- Scheer
- Slama
- Vargas
- Walz
- Wayne
- Williams
- Wishart

Voting in the negative, 0.

Excused and not voting, 3:
A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB418 with 32 ayes, 8 nays, 6 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 418.

A BILL FOR AN ACT relating to state government; to amend sections 48-193, 48-194, 48-195, 48-196, 48-197, 48-1,108, 81-8,224, 81-8,239.02, and 81-1021, Reissue Revised Statutes of Nebraska, and sections 48-122 and 48-1,110, Revised Statutes Cumulative Supplement, 2018; to provide for settlement of claims of alien dependents, define a term, provide for applicability of changes, change provisions relating to claims, and prohibit debt collection while a matter is pending before the Nebraska Workers' Compensation Court as prescribed under the Nebraska Workers' Compensation Act; to change provisions relating to tort claims against the state; to change provisions relating to the State Self-Insured Liability Fund and state vehicles; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 35:

Blood Crawford Hilkemann Lindstrom Scheer
Bostelman DeBoer Hughes McCollister Slama
Brandt Dorn Hunt McDonnell Vargas
Briese Friesen Kolowski Morfeld Walz
Cavanaugh Geist Kolterman Moser Wayne
Chambers Hansen, M. La Grone Pansing Brooks Williams
Clements Hilgers Lathrop Quick Wishart

Voting in the negative, 0.

Present and not voting, 11:

Albrecht Erdman Halloran Lowe
Arch Gragert Hansen, B. Murman
Brewer Groene Linehan
Excused and not voting, 3:

Bolz    Howard    Stinner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 478. With Emergency Clause.**

A BILL FOR AN ACT relating to rules of evidence; to amend section 27-412, Reissue Revised Statutes of Nebraska; to prohibit evidence of a minor's consent in any civil proceeding involving certain alleged sex offenses; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Bolz    Howard    Stinner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB560 with 32 ayes, 7 nays, 7 present and not voting, and 3 excused and not voting.
The following bill was put upon final passage:

**LEGISLATIVE BILL 560.**

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.07, 77-5203, 77-5209, 77-5209.01, 77-5211, and 77-5212, Reissue Revised Statutes of Nebraska; to change provisions relating to tax credits under the Beginning Farmer Tax Credit Act; to define a term; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Groene

Excused and not voting, 2:

Howard  Stinner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 570.** With Emergency Clause.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-7611, Reissue Revised Statutes of Nebraska, and sections 81-6,121 and 81-6,122, Revised Statutes Cumulative Supplement, 2018; to change transfers to the Nebraska Health Care Cash Fund; to restate legislative intent; to change provisions regarding the strategic plan for providing services to persons with disabilities as prescribed; to provide
powers and duties; to require reports; to eliminate obsolete provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Present and not voting, 3:

Erdman  Groene  Lowe

Excused and not voting, 2:

Howard  Stinner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 570A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2018, LB944, section 15; to appropriate funds to aid in carrying out the provisions of Legislative Bill 570, One Hundred Sixth Legislature, First Session, 2019; to reduce an appropriation as prescribed; to state intent; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 45:
Voting in the negative, 0.

Present and not voting, 2:

Erdman Lowe

Excused and not voting, 2:

Howard Stinner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB595 with 37 ayes, 7 nays, 3 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 595.

A BILL FOR AN ACT relating to alternative dispute resolution; to amend sections 25-2901, 25-2902, 25-2903, 25-2904, 25-2905, 25-2906, 25-2908, 25-2909, 25-2911, 25-2912, 25-2913, 25-2914, 25-2915, 25-2916, 25-2917, 25-2918, 25-2919, 25-2920, 25-2921, 43-245, 43-246, 43-247.03, 43-247.04, 43-260.06, 43-275, 43-276, 43-2,108.01, 43-2,108.04, 43-2922, 43-2937, 43-2938, 79-209, and 79-258, Reissue Revised Statutes of Nebraska, sections 43-274 and 43-286, Revised Statutes Cumulative Supplement, 2018, 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; to restate legislative findings; to define and redefine terms; to change provisions relating to the qualifications of the Director of the Office of Dispute Resolution, the membership of the Advisory Council on Dispute Resolution, and the office's and director's duties; to change provisions relating to approved centers, cases accepted for restorative justice and dispute resolution, and qualifications of mediators and restorative justice
facilitators; to provide a privilege for communications made in restorative justice as prescribed; to provide for immunity and reparation plan agreements; to change provisions relating to tolling of statutes of limitations, an annual report, and legislative intent regarding a fund; to provide for restorative justice in juvenile cases as prescribed; to authorize referrals to restorative justice practices or services for compulsory attendance collaborative plans and under the Student Discipline Act; to provide for licensed attorneys to serve as parenting plan mediators; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'" 

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Howard Stinner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION(S) - Return LB155 to Select File

Senator Wayne moved to return LB155 to Select File for his specific amendment, AM1611, found on page 1440.

Senator Wayne withdrew his motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 155.

A BILL FOR AN ACT relating to privately developed renewable energy
Whereupon the President stated: "All provisions of law relative to procedure
having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Present and not voting, 3:

Cavanaugh  Hunt  Walz

Excused and not voting, 2:

Howard  Stinner

A constitutional majority having voted in the affirmative, the bill was
declared passed and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the
President signed the following: LBs 96, 179, 184, 375, 411, 418, 478, 560,
570, 570A, 595, and 155.

SELECT FILE

LEGISLATIVE BILL 600. ER92, found on page 1329, was adopted.

Senator Bolz withdrew her amendments, AM1483 and AM1575, found on
pages 1337 and 1401.

Senator Bolz offered the following amendment:
AM1650 is available in the Bill Room.

Senator Bolz moved for a call of the house. The motion prevailed with 19
aye, 6 nays, and 24 not voting.

Senator Bolz requested a roll call vote on her amendment.

Voting in the affirmative, 28:

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Voting in the negative, 3:

| Albrecht | Lowe | Moser |

Present and not voting, 15:

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<th>Arch</th>
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<td>Halloran</td>
<td>Murman</td>
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Excused and not voting, 3:

| Howard | Morfeld | Stinner |

The Bolz amendment was adopted with 28 ayes, 3 nays, 15 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 538.** ER84, found on page 1197, was adopted.

Senator Lathrop withdrew his amendment, AM1544, found on page 1355.

Senator Lathrop offered the following amendment:

AM1768

(Amendments to AM1278)

1. Insert the following new sections:
2. Sec. 4. No cash device shall be operated using a credit card, charge card, or debit card. No person under nineteen years of age shall play or participate in any way in the operation of a cash device. No operator or employee or agent of any operator shall knowingly permit any individual under nineteen years of age to play or participate in any way in the operation of a cash device.
3. Sec. 10. Section 77-5601, Reissue Revised Statutes of Nebraska, as
amended by section 2, Legislative Bill 237, One Hundred Sixth
Legislature, First Session, 2019, is amended to read:

shall be conducted a tax amnesty program with regard to taxes due and
owing that have not been reported to the Department of Revenue. Any
person applying for tax amnesty shall pay all unreported taxes that were
due on or before April 1, 2004. Any person that applies for tax amnesty
and is accepted by the Tax Commissioner shall have any penalties and
interest waived on unreported and delinquent taxes notwithstanding any
other provisions of law to the contrary.

(2) To be eligible for the tax amnesty provided by this section, the
person shall apply for amnesty within the amnesty period, file a return
for each taxable period for which the amnesty is requested by December
31, 2004, if no return has been filed, and pay in full all taxes for
which amnesty is sought with the return or within thirty days after the
application if a return was filed prior to the amnesty period. Tax
amnesty shall not be available for any person that is under civil or
criminal audit, investigation, or prosecution for unreported or
delinquent taxes by this state or the United States Government on or

(3) The department shall not seek civil or criminal prosecution
against any person for any taxable period for which amnesty has been
granted. The Tax Commissioner shall develop forms for applying for the
tax amnesty program, develop procedures for qualification for tax
amnesty, and conduct a public awareness campaign publicizing the program.

(4) If a person elects to participate in the amnesty program, the
election shall constitute an express and irrevocable relinquishment of
all administrative and judicial rights to challenge the imposition of the
tax or its amount. Nothing in this section shall prohibit the department
from adjusting a return as a result of any state or federal audit.

(5)(a) Except for any local option sales tax collected and returned
to the appropriate municipality and any motor vehicle fuel, diesel fuel,
and compressed fuel taxes, which shall be deposited in the Highway Trust
Fund or Highway Allocation Fund as provided by law, no less than eighty
percent of all revenue received pursuant to the tax amnesty program shall
be deposited in the General Fund; and ten percent, not to exceed five
hundred thousand dollars, shall be deposited in the Department of Revenue
Enforcement Fund; and ten percent, not to exceed five hundred thousand
dollars, shall be deposited in the Department of Revenue Enforcement
Technology Fund. Any amount that would otherwise be deposited in the
Department of Revenue Enforcement Fund or the Department of Revenue
Enforcement Technology Fund that is in excess of the five-hundred-
thousand-dollar limitation shall be deposited in the General Fund.

(b) For fiscal year 2005-06, all proceeds in the Department of
Revenue Enforcement Fund shall be appropriated to the department for
purposes of employing investigators, agents, and auditors and otherwise
increasing personnel for enforcement of the Nebraska Revenue Act of 1967.
the purposes of acquiring lists, software, programming, computer
equipment, and other technological methods for enforcing the act.
(c) For fiscal years after fiscal year 2005-06, twenty percent of
all proceeds received during the previous calendar year due to the
efforts of auditors and investigators hired pursuant to subdivision (5)
(b) of this section, not to exceed seven hundred fifty thousand dollars,
shall be deposited in the Department of Revenue Enforcement Fund for
purposes of employing investigators and auditors or continuing such
employment for purposes of increasing enforcement of the act.
(d) Ten percent of all proceeds received during each calendar year
due to the contracts entered into pursuant to section 77-367 shall be
deposited in the Department of Revenue Enforcement Fund for purposes of
identifying nonfilers of returns, underreporters, nonpayers of taxes, and
improper or fraudulent payments.
(6)(a) The department shall prepare a report by April 1, 2005, and
by February 1 of each year thereafter detailing the results of the tax
amnesty program and the subsequent enforcement efforts. For the report
due April 1, 2005, the report shall include (i) the amount of revenue
obtained as a result of the tax amnesty program broken down by tax
program, (ii) the amount obtained from instate taxpayers and from out-of-
state taxpayers, and (iii) the amount obtained from individual taxpayers
and from business enterprises.
(b) For reports due in subsequent years, the report shall include
(i) the number of personnel hired for purposes of subdivision (5)(b) of
this section and their duties, (ii) a description of lists, software,
programming, computer equipment, and other technological methods acquired
pursuant to such subdivision and the purposes of each, and (iii) the
amount of new revenue obtained as a result of the new personnel and
acquisitions during the prior calendar year, broken down into the same
categories as described in subdivision (6)(a) of this section.
(7) The Department of Revenue Enforcement Fund is and the Department
of Revenue Enforcement Technology Fund are created. Transfers may be made
from the Department of Revenue Enforcement Fund to the General Fund at
the direction of the Legislature. The Department of Revenue Enforcement
Fund may receive transfers from the Civic and Community Center
Financing
Fund at the direction of the Legislature for the purpose of administering
the Sports Arena Facility Financing Assistance Act. The Department of
Revenue Enforcement Fund shall include any money credited to the fund (a)
under section 77-2703, and such money shall be used by the Department of
Revenue to defray the costs incurred to implement Legislative Bill 237,
One Hundred Sixth Legislature, First Session, 2019, and (b) under the
Mechanical Amusement Device Tax Act, and such money shall be used by the
department to defray the costs incurred to implement and enforce this
legislative bill and any rules and regulations adopted and promulgated to
carry out this legislative bill this legislative bill. Any money in the
Department of Revenue Enforcement Fund and the Department of Revenue
Enforcement Technology Fund available for investment shall be invested by
the state investment officer pursuant to the Nebraska Capital Expansion
The Department of Revenue Enforcement Technology Fund shall terminate on July 1, 2006. Any unobligated money in the fund at that time shall be deposited in the General Fund.

For purposes of this section, taxes mean any taxes collected by the department, including, but not limited to state and local sales and use taxes, individual and corporate income taxes, financial institutions deposit taxes, motor vehicle fuel, diesel fuel, and compressed fuel taxes, cigarette taxes, transfer taxes, and charitable gaming taxes.

On page 4, line 26, after the first "a" insert "cash".

On page 8, after line 17 insert the following new subdivision:

"(b) An owner or operator of a retail establishment shall operate no more than one cash device for each one thousand square feet of space at such establishment up to a maximum of fifteen cash devices.";

On page 9, after line 6 insert the following new subsections:

"(10)(a) Before any rules and regulations adopted and promulgated to carry out this section become effective, any manufacturer, distributor, or owner may continue to manufacture, sell, transport, place, possess, or enter into a transaction involving (i) cash devices already in operation at an establishment as of May 1, 2019, or (ii) other cash devices that are functionally identical to those already in operation at an establishment as of May 1, 2019.

(b) After any rules and regulations adopted and promulgated to carry out this section become effective, any manufacturer, distributor, or owner may continue to manufacture, sell, transport, place, possess, or enter into a transaction involving cash devices described in subdivision (10)(a) of this section if, within ninety days after the date when any such rules and regulations become effective, the manufacturer or distributor files an application with the department for such a determination.

(c) If a manufacturer or distributor receives a determination from the department that a device described in subdivision (10)(a) of this section is not in compliance with the Mechanical Amusement Device Tax Act, such manufacturer or distributor shall have thirty days after the issuance of that determination to remove any such device from operation in Nebraska.

(11) Application fees collected under subsection (2) of this section and annual decal fees collected under subsection (8) of this section shall be remitted to the State Treasurer for credit to the Department of Revenue Enforcement Fund.".

On page 10, line 15, strike "section 3" and insert "sections 3 and 4"; and in line 19 after the last comma insert "and section 77-5601, Reissue Revised Statutes of Nebraska, as amended by section 2, Legislative Bill 237, One Hundred Sixth Legislature, First Session, 2019".

Renumber the remaining sections accordingly.
The Lathrop amendment was adopted with 32 ayes, 1 nay, 11 present and not voting, and 5 excused and not voting.

Senator Wayne offered the following amendment:
AM1511

(Amendments to AM1278)

1. Strike sections 1, 9, and 10 and insert the following new sections:
2. Section 1. Sections 1 to 7 of this act shall be known and may be cited as the Fantasy Contests Act.
3. Sec. 2. For purposes of the Fantasy Contests Act:
4. (1) Confidential information means information related to the play of a fantasy contest obtained by a fantasy contest operator or by an employee of such operator;
5. (2) Department means the Department of Revenue;
6. (3) Entry fee means cash or cash equivalent required to be paid by a fantasy contest player to a fantasy contest operator in order to participate in a fantasy contest;
7. (4) Fantasy contest means any online fantasy or simulated game or contest with an entry fee required for participation and in which:
8. (a) The value of all prizes and awards offered to winning fantasy contest players is established and made known to the fantasy contest players in advance of the fantasy contest;
9. (b) All winning outcomes reflect the relative knowledge and skill of the fantasy contest players and such outcomes are determined by accumulated statistical results of the performance of individuals, including athletes in the case of sports events; and
10. (c) No winning outcome is based on the score, point spread, or performance of any single actual team or combination of teams or solely on any single performance of an individual athlete or player in any single actual event;
11. (5) Fantasy contest operator means a person that offers a digital platform for the playing of a fantasy contest, administers one or more fantasy contests, and awards any prize of value;
12. (6) Fantasy contest player means a person who pays an entry fee to participate in a fantasy contest offered by a fantasy contest operator;
13. (7) Gross fantasy contest revenue means the amount equal to the total of entry fees that a fantasy contest operator collects from fantasy contest players less the total of sums paid out as prizes to fantasy contest players multiplied by the location percentage; and
14. (8) Location percentage means, for each fantasy contest, the percentage rounded to the nearest tenth of a percent of the total of entry fees collected from fantasy contest players located in Nebraska at the time of entry into the fantasy contest divided by the total entry fees collected from fantasy contest players in all locations in the fantasy contest.
15. Sec. 3. (1) No fantasy contest operator shall offer any fantasy contest in Nebraska without first registering with the department, except that a fantasy contest operator may offer a fantasy contest in Nebraska.
An application for registration shall be on an electronic or paper form prescribed by the department. To be eligible to obtain a registration to offer a fantasy contest in Nebraska, a fantasy contest operator shall (a) be authorized to transact business in Nebraska and (b) pay a registration fee of ten thousand dollars to the department.

(2) On or before each annual anniversary date of the payment made pursuant to subsection (1) of this section, a fantasy contest operator shall pay an annual registration renewal fee of six percent of the fantasy contest operator's gross fantasy contest revenue for the preceding twelve months to the department. Initial and renewal registration fees shall be paid in a manner prescribed by the department. No refunds shall be allowed of any registration fees collected by the department. Any fantasy contest operator that allows a registration to lapse without requesting an extension of time to file an application for renewal shall be required to resubmit an initial registration application. The department may grant an extension upon receipt of a written request from a fantasy contest operator.

(3) The department shall remit all registration and renewal fees collected under this section to the State Treasurer for credit to the General Fund.

(4) Any fantasy contest operator offering a fantasy contest to residents of Nebraska prior to the operative date of this section may continue to offer such fantasy contest until sixty days after an application for registration is made available to the public by the department. Except as provided in section 4 of this act, a fantasy contest operator who has applied for registration during such sixty-day period may continue to operate while the registration is pending. A fantasy contest operator who has not registered shall cease operations within Nebraska by the expiration of the sixty-day period.

Sec. 4. (1) The department shall consider each application filed for registration and shall issue a valid registration to any applicant who meets the criteria set forth in the Fantasy Contests Act. The department shall deny registration to any applicant who does not meet such criteria.

(2) Any fantasy contest operator applying for initial registration or renewal of a registration may operate during the period pending approval unless the department has reasonable cause to believe that such operator is or may be in violation of the Fantasy Contests Act and the department requires such operator to suspend operation of any fantasy contest until an application for initial registration or renewal is approved.

(3) The department shall issue or deny a registration application within sixty days after receipt of the application. If the registration is not issued, the department shall provide the fantasy contest operator with the specific justification for not issuing such registration.

(4) Any pending application made under the Fantasy Contests Act shall not be considered a public record for purposes of sections 84-712 to 84-712.09 until made public by the department pursuant to section 3 of
Sec. 5. (1) The department shall adopt and promulgate rules and regulations to implement and administer the Fantasy Contests Act, including but not limited to, rules and regulations:

(a) To provide for the prevention of practices detrimental to the public interest and to safeguard the integrity of fantasy contests; and

(b) To establish the necessary scope of review of registration applications filed by fantasy contest operators.

(2) The department shall not adopt and promulgate rules and regulations limiting or regulating:

(a) Game rules governing the play of individual fantasy contests;

(b) The statistical components of a fantasy contest; or

(c) The digital platform of a fantasy contest operator.

Sec. 6. (1) As a condition of registration, a fantasy contest operator shall submit evidence satisfactory to the department that the operator has established and implemented or has the ability to implement commercially reasonable procedures for fantasy contests that:

(a) Prevent a fantasy contest operator, any employee of the fantasy contest operator, and any relative living in the same household as such fantasy contest operator or employee from participating as a fantasy contest player in any fantasy contest offered by a fantasy contest operator;

(b) Prevent the sharing of confidential information with third parties that could affect fantasy contest play until the information is made publicly available;

(c) Prohibit the following persons from participating in a fantasy contest based on the sport or competition in which the person participates or with which the person is otherwise associated:

(i) An athlete, referee, umpire, coach, or other individual who participates or officiates in a game or competition that is the subject of a fantasy contest; or

(ii) Any sports agent, team employee, or league official associated with a sport or athletic event that is the subject of a fantasy contest;

(d) Verify that a fantasy contest player in a fantasy contest is nineteen years of age or older;

(e) Provide a fantasy contest player with access to information on responsible play and access to information on seeking assistance for compulsive gambling behavior;

(f) Provide a fantasy contest player with information regarding the fantasy contest player's play history and account details;

(g) Ensure that a person who is a player in a real-world game or sporting event is restricted from participating in a fantasy contest that is determined, in whole or in part, on the accumulated statistical results of that player, the player's real-world team, or the sport or competition in which he or she is a player;

(h) Allow a person to restrict himself or herself from entering a fantasy contest upon request and provide reasonable steps to prevent the person from entering any fantasy contest offered by the fantasy contest operator;
23 (i) Disclose the number of entries that a fantasy contest player may
24 submit to each fantasy contest and provide reasonable steps to prevent a
25 fantasy contest player from submitting more than the allowable number;
26 (j) Segregate fantasy contest player funds from operational funds or
27 maintain a reserve that exceeds the amount of player funds on deposit,
28 which reserve may not be used for operational activities. The reserve
29 funds may be in the form of cash, cash equivalents, payment processor
30 reserves, payment processor receivables, an irrevocable letter of credit,
31 a bond, or any combination thereof, in the amount that must exceed the
32 total balances of the accounts of all fantasy contest players; and
33 (k) Prohibit the use of unauthorized third-party scripts on the
34 platform.
35 (2) A fantasy contest operator shall not offer a fantasy contest
36 based on the performance of a participant in a collegiate, high school,
37 or youth athletic event.
38 (3) A fantasy contest operator shall:
39 (a) Contract annually with a certified public accountant to conduct
40 an independent financial audit consistent with the standards accepted by
41 the American Institute of Certified Public Accountants; and
42 (b) Submit a copy of the audit report prepared pursuant to
43 subdivision (3)(a) of this section to the department.
44 Sec. 7. Any person who knowingly violates any provision of the
45 Fantasy Contests Act shall be liable for a civil penalty of not more than
46 one thousand dollars for each violation, not to exceed five thousand
47 dollars for violations arising out of the same transaction or occurrence,
48 which shall accrue to the state, and which may be recovered in a civil
49 action brought by the department. All money collected by the department
50 pursuant to this section shall be remitted to the State Treasurer for
51 distribution in accordance with Article VII, section 5, of the
52 Constitution of Nebraska.
53 Sec. 8. Section 28-1101, Reissue Revised Statutes of Nebraska, is
54 amended to read:
55 28-1101 As used in this article, unless the context otherwise
56 requires:
57 (1) A person advances gambling activity if, acting other than as a
58 player, he or she engages in conduct that materially aids any form of
59 gambling activity. Conduct of this nature includes, but shall not be
60 limited to, conduct directed toward (a) the creation or establishment of
61 the particular game, contest, scheme, device, or activity involved, (b)
62 the acquisition or maintenance of premises, paraphernalia, equipment, or
63 apparatus therefor, or (c) engaging in the procurement, sale, or offering
64 for sale within this state of any chance, share, or interest in a lottery
65 of another state or government whether or not such chance, share, or
66 interest is an actual lottery ticket, receipt, contingent promise to pay,
67 order to purchase, or other record of such interest except as provided in
68 the Fantasy Contests Act, the Nebraska County and City Lottery Act, the
69 Nebraska Lottery and Raffle Act, the Nebraska Pickle Card Lottery Act,
70 the Nebraska Small Lottery and Raffle Act, the State Lottery Act, or
71 section 9-701;
10 (2) Bookmaking means advancing gambling activity by unlawfully accepting bets from members of the public as a business upon the outcome of future contingent events;
11 (3) A person profits from gambling activity if, other than as a player, he or she accepts or receives money or other property pursuant to an agreement or understanding with any person whereby he or she participates or is to participate in the proceeds of gambling activity;
12 (4) A person engages in gambling if he or she bets something of value upon the outcome of a future event, which outcome is determined by an element of chance, or upon the outcome of a game, contest, or election, or conducts or participates in any bingo, lottery by the sale of pickle cards, lottery, raffle, gift enterprise, fantasy contest, or other scheme not authorized or conducted in accordance with the Fantasy Contests Act, the Nebraska Bingo Act, the Nebraska County and City Lottery Act, the Nebraska Lottery and Raffle Act, the Nebraska Pickle Card Lottery Act, the Nebraska Small Lottery and Raffle Act, the State Lottery Act, or section 9-701, but a person does not engage in gambling by:
28 (a) Entering into a lawful business transaction;
29 (b) Playing an amusement device or a coin-operated mechanical game which confers as a prize an immediate, unrecorded right of replay not exchangeable for something of value;
1 (c) Conducting or participating in a prize contest; or
2 (d) Conducting or participating in any bingo, lottery by the sale of pickle cards, lottery, raffle, or gift enterprise conducted in accordance with the Fantasy Contests Act, the Nebraska Bingo Act, the Nebraska County and City Lottery Act, the Nebraska Lottery and Raffle Act, the Nebraska Pickle Card Lottery Act, the Nebraska Small Lottery and Raffle Act, the State Lottery Act, or section 9-701;
8 (5) Gambling device means any device, machine, paraphernalia, writing, paper, instrument, article, or equipment that is used or usable for engaging in gambling, whether that activity consists of gambling between persons or gambling by a person involving the playing of a machine. Gambling device also includes any mechanical gaming device, computer gaming device, electronic gaming device, or video gaming device which has the capability of awarding something of value, free games redeemable for something of value, instant-win tickets which also provide the possibility of participating in a subsequent drawing or event, or tickets or stubs redeemable for something of value, except as authorized in the furtherance of parimutuel wagering. Supplies, equipment, cards, tickets, stubs, and other items used in any bingo, lottery by the sale of pickle cards, other lottery, raffle, or gift enterprise, or fantasy contest conducted in accordance with the Fantasy Contests Act, the Nebraska Bingo Act, the Nebraska County and City Lottery Act, the Nebraska Lottery and Raffle Act, the Nebraska Pickle Card Lottery Act, the Nebraska Small Lottery and Raffle Act, the State Lottery Act, or section 9-701 are not gambling devices within this definition;
27 (6) Something of value shall mean any money or property, any token,
object, or article exchangeable for money or property, or any form of
credit or promise directly or indirectly contemplating transfer of money
or property or of any interest therein, or involving extension of a
service or entertainment; and
1 (7) Prize contest shall mean any competition in which one or more
competitors are awarded something of value as a consequence of winning or
achieving a certain result in the competition and (a) the value of such
awards made to competitors participating in the contest does not depend
upon the number of participants in the contest or upon the amount of
consideration, if any, paid for the opportunity to participate in the
contest or upon chance and (b) the value or identity of such awards to be
made to competitors is published before the competition begins.
Sec. 9. Section 28-1105, Reissue Revised Statutes of Nebraska, is
amended to read:
11 28-1105 (1) A person commits the offense of possession of gambling
records if, other than as a player, he or she knowingly possesses any
writing, paper, instrument, or article which is:
14 (a) Of a kind commonly used in the operation or promotion of a
bookmaking scheme or enterprise and such writing, paper, instrument, or
article has been used for the purpose of recording, memorializing, or
registering any bet, wager, or other gambling information; or
18 (b) Of a kind commonly used in the operation, promotion, or playing
of a lottery or mutuel scheme or enterprise or other scheme not conducted
pursuant to the Fantasy Contests Act, the Nebraska Bingo Act, the
Nebraska County and City Lottery Act, the Nebraska Lottery and Raffle
Act, the Nebraska Pickle Card Lottery Act, the Nebraska Small Lottery and
Raffle Act, the State Lottery Act, or section 9-701 and such writing,
paper, instrument, or article has been used for the purpose of recording,
memorializing, or registering any bet, wager, or other gambling
information not permitted by such acts or section.
27 (2) Possession of gambling records in the first degree is a Class II
misdemeanor.
Sec. 10. Section 28-1107, Reissue Revised Statutes of Nebraska, is
amended to read:
31 28-1107 (1) A person commits the offense of possession of a gambling
device if he or she manufactures, sells, transports, places, possesses,
or conducts or negotiates any transaction affecting or designed to affect
ownership, custody, or use of any gambling device, knowing that it shall
be used in the advancement of unlawful gambling activity.
5 (2) The owner or operator of a retail establishment who is not a
manufacturer, distributor, or seller of mechanical amusement devices as
defined under the Mechanical Amusement Device Tax Act, shall have an
affirmative defense to possession of a gambling device described in
subsection (1) of this section if the device bears an unexpired
mechanical amusement device decal as required by such act. However, such
affirmative defense may be overcome if the owner or operator had actual
knowledge that operation of the device constituted unlawful gambling
activity at any time such device was operated on the premises of the
retail establishment.
15 (2) This section shall not apply to any coin-operated mechanical
16 gaming device, computer gaming device, electronic gaming device, or video
17 gaming device which has the capability of awarding free games, which is
18 intended to be played and is in fact played for amusement only, and which
19 may allow the player the right to replay such gaming device at no
20 additional cost, which right to replay shall not be considered money or
21 property, except that such mechanical game (a) can be discharged of
22 accumulated free replays only by reactivating the game for one additional
23 play for each accumulated free replay and (b) makes no permanent record
24 directly or indirectly of free replays so awarded.
25 (3) Notwithstanding any other provisions of this section, any
26 mechanical game or device classified by the federal government as an
27 illegal gambling device and requiring a federal Gambling Device Tax Stamp
28 as required by the Internal Revenue Service in its administration of 26
29 U.S.C. 4461 and 4462, amended July 1, 1965, by Public Law 89-44, are
30 hereby declared to be illegal and excluded from the exemption granted in
31 this section.
1 (4) (3) Possession of a gambling device is a Class II misdemeanor.
2 Sec. 11. Section 28-1113, Reissue Revised Statutes of Nebraska, is
3 amended to read:
4 28-1113 Nothing in this article shall be construed to:
5 (1) Apply to or prohibit wagering on the results of horseraces by
6 the parimutuel or certificate method when conducted by licensees within
7 the racetrack enclosure at licensed horserace meetings; or
8 (2) Prohibit or punish the conducting or participating in any bingo,
9 lottery by the sale of pickle cards, lottery, raffle, or gift enterprise,
10 or fantasy contest when conducted in accordance with the Fantasy Contests
11 Act, the Nebraska Bingo Act, the Nebraska County and City Lottery Act,
12 the Nebraska Lottery and Raffle Act, the Nebraska Pickle Card Lottery
13 Act, the Nebraska Small Lottery and Raffle Act, the State Lottery Act, or
14 section 9-701.
15 Sec. 19. Sections 10, 12, 13, 14, 15, 16, 17, 18, and 21 of this
16 act become operative on January 1, 2020. The other sections of this act
17 become operative on their effective date.
18 Sec. 20. Original sections 28-1101, 28-1105, and 28-1113, Reissue
19 Revised Statutes of Nebraska, are repealed.
20 Sec. 21. Original sections 28-1107, 77-3001, 77-3006, 77-3007,
21 77-3008, 77-3010, and 77-3011, Reissue Revised Statutes of Nebraska, are
22 repealed.
23 2. Renumber the remaining sections and correct internal references
24 accordingly.

Senator Wayne withdrew his amendment.

Senator Wayne offered the following amendment:
AM1512 is available in the Bill Room.

The Wayne amendment lost with 3 ayes, 27 nays, 15 present and not voting,
and 4 excused and not voting.
Senator Lathrop offered the following amendment:
FA72
In section 3, strike subsection (8)(b) and insert: "An owner or operator of a
retail establishment shall operate no more than four cash devices, except an
establishment with over four thousand square feet may have one cash device
for each one thousand square feet, up to a maximum of fifteen cash
devices".

SPEAKER SCHEER PRESIDING

The Lathrop amendment was adopted with 42 ayes, 0 nays, 3 present and
not voting, and 4 excused and not voting.

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

LEGISLATIVE BILL 538A. Senator Lathrop offered the following
amendment:
AM1571
1 1. On page 2, line 2, strike both occurrences of "General" and
2 insert "Department of Revenue Enforcement".

The Lathrop amendment was adopted with 38 ayes, 0 nays, 6 present and
not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 13, 2019, at 10:00 a.m. were the
following: LBs 96, 179, 184, 375, 411e, 418, 478e, 560, 570e, 570Ae, 595,
and 155.

(Signed) Laura Gerkin
Clerk of the Legislature's Office

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 492. Placed on Select File with amendment.
ER111
1 1. In the Standing Committee amendments, AM628:
2 a. On page 9, line 21, after "authority" insert "is"; and in lines
3 22 and 23 strike "is"; and
4 b. On page 18, line 23, after "to" insert "subdivision (19) of".
5 2. On page 1, line 6, after the semicolon insert "to provide a
6 budget limitation exception as prescribed;" in lines 6 and 7 strike "a
7 provision" and insert "provisions"; and in line 9 after the first
8 semicolon insert "to provide for election of the board of directors of an
9 authority;".

**LEGISLATIVE BILL 690.** Placed on Select File with amendment.  
ER112  
1 1. In the Standing Committee amendments, AM 1488:  
2 a. On page 3, line 26, strike "prisoner" and insert "prisoner's";  
3 and in line 28 strike the comma;  
4 b. On page 4, line 13, strike "prisoner" and insert "prisoner's";  
5 and  
6 c. On page 6, line 19; and page 9, line 22, strike "Health" and 
7 insert "Healthy".

8 2. On page 1, line 1, after the semicolon insert "to amend sections 
9 13-910 and 81-8,219, Revised Statutes Cumulative Supplement, 2018;" and 
10 in line 2 after "Act" insert "; to provide exemptions for claims under 
11 the Political Subdivisions Tort Claims Act and the State Tort Claims Act; 
12 and to repeal the original sections".

**LEGISLATIVE BILL 427.** Placed on Select File.

**LEGISLATIVE BILL 447.** Placed on Select File with amendment.  
ER117  
1 1. On page 1, strike beginning with "State" in line 1 through line 4 
2 and insert "Nebraska State Historical Society; to amend section 
3 82-101.01, Reissue Revised Statutes of Nebraska, and section 81-1316, 
4 Revised Statutes Cumulative Supplement, 2018; to exempt certain employees 
5 of the Nebraska State Historical Society from the State Personnel System; 
6 to change provisions relating to election of the board of trustees of the 
7 Nebraska State Historical Society; and to repeal the original sections.".

**LEGISLATIVE BILL 447A.** Placed on Select File.  
**LEGISLATIVE BILL 315.** Placed on Select File.  
**LEGISLATIVE BILL 281.** Placed on Select File.

**LEGISLATIVE BILL 454.** Placed on Select File with amendment.  
ER115  
1 1. On page 1, line 1, strike "real estate licenses" and insert "the 
2 Nebraska Real Estate License Act"; and strike beginning with "eliminate" 
3 in line 3 through "license" in line 4 and insert "change education 
4 requirements for issuance of a broker's or salesperson's license".

**LEGISLATIVE BILL 260.** Placed on Select File with amendment.  
ER116  
1 1. On page 1, line 3, after "contractors" insert "and a health 
2 insurance premium assistance payment program".
LEGISLATIVE BILL 726. Placed on Select File with amendment.
ER114
1 1. On page 1, lines 3 and 4; and page 2, lines 13 and 14, strike ",
2 and section 2, Initiative Law 2018, No. 427".

LEGISLATIVE BILL 476. Placed on Select File.

LEGISLATIVE BILL 505. Placed on Select File with amendment.
ER113
1 1. In the Standing Committee amendments, AM125, on page 1, line 16,
2 strike "for" and show as stricken.

LEGISLATIVE BILL 374. Placed on Select File with amendment.
ER118
1 1. On page 1, line 4, after "to" insert "change provisions relating
2 to falconry permits; to".

LEGISLATIVE BILL 248. Placed on Select File.

LEGISLATIVE BILL 571. Placed on Select File with amendment.
ER120
1 1. On page 1, strike beginning with "provide" in line 2 through
2 "prescribed" in line 3 and insert "define terms; to require assisted-
3 living facilities to provide grievance procedures to the Department of
4 Health and Human Services as prescribed; to provide a duty for the
5 department".

LEGISLATIVE BILL 571A. Placed on Select File.
LEGISLATIVE BILL 561. Placed on Select File.
LEGISLATIVE BILL 525. Placed on Select File.

(Signed) Julie Slama, Chairperson

AMENDMENT(S) - Print in Journal

Senator Hilkemann filed the following amendment to LB298:
AM1748
(Amendments to Standing Committee amendments, AM1498)
1 1. Insert the following new section:
2 Sec. 18. Section 77-4212, Reissue Revised Statutes of Nebraska, is
3 amended to read:
4 77-4212 (1) For tax year 2007, the amount of relief granted under
5 the Property Tax Credit Act shall be one hundred five million dollars.
6 For tax year 2008, the amount of relief granted under the act shall be
7 one hundred fifteen million dollars. It is the intent of the Legislature
8 to fund the Property Tax Credit Act for tax years after tax year 2008
9 using available revenue. For tax year 2017, the amount of relief granted
10 under the act shall be two hundred twenty-four million dollars. The
(2)(a) For tax years prior to tax year 2017, to determine the amount of the property tax credit, the county treasurer shall multiply the amount disbursed to the county under subdivision (4)(a) of this section by the ratio of the real property valuation of the parcel to the total real property valuation in the county. The amount determined shall be the property tax credit for the property.

(b) Beginning with tax year 2017, to determine the amount of the property tax credit, the county treasurer shall multiply the amount disbursed to the county under subdivision (4)(b) of this section by the ratio of the credit allocation valuation of the parcel to the total credit allocation valuation in the county. The amount determined shall be the property tax credit for the property.

(3) If the real property owner qualifies for a homestead exemption under sections 77-3501 to 77-3529, the owner shall also be qualified for the relief provided in the act to the extent of any remaining liability after calculation of the relief provided by the homestead exemption. If the credit results in a property tax liability on the homestead that is less than zero, the amount of the credit which cannot be used by the taxpayer shall be returned to the State Treasurer by July 1 of the year the amount disbursed to the county was disbursed. The State Treasurer shall immediately credit any funds returned under this subsection to the Property Tax Credit Cash Fund. Upon the return of any funds under this subsection, the county treasurer shall electronically file a report with the Property Tax Administrator, on a form prescribed by the Tax Commissioner, indicating the amount of funds distributed to each taxing unit in the county in the year the funds were returned, any collection fee retained by the county in such year, and the amount of unused credits returned.

(4)(a) For tax years prior to tax year 2017, the amount disbursed to each county shall be equal to the amount available for disbursement determined under subsection (1) of this section multiplied by the ratio of the real property valuation in the county to the real property valuation in the state. By September 15, the Property Tax Administrator shall determine the amount to be disbursed under this subdivision to each county and certify such amounts to the State Treasurer and to each county. The disbursements to the counties shall occur in two equal payments, the first on or before January 31 and the second on or before April 1. After retaining one percent of the receipts for costs, the county treasurer shall allocate the remaining receipts to each taxing unit levying taxes on taxable property in the tax district in which the real property is located in the same proportion that the levy of such taxing unit bears to the total levy on taxable property of all the taxing units in the tax district in which the real property is located.

(b) Beginning with tax year 2017, the amount disbursed to each county shall be equal to the amount available for disbursement determined under subsection (1) of this section multiplied by the ratio of the credit allocation valuation in the county to the credit allocation valuation in the county to the credit allocation valuation in the state. By September 15, the Property Tax Administrator shall determine the amount to be disbursed under this subdivision to each county and certify such amounts to the State Treasurer and to each county. The disbursements to the counties shall occur in two equal payments, the first on or before January 31 and the second on or before April 1. After retaining one percent of the receipts for costs, the county treasurer shall allocate the remaining receipts to each taxing unit levying taxes on taxable property in the tax district in which the real property is located in the same proportion that the levy of such taxing unit bears to the total levy on taxable property of all the taxing units in the tax district in which the real property is located.
valuation in the state. By September 15, the Property Tax Administrator shall determine the amount to be disbursed under this subdivision to each county and certify such amounts to the State Treasurer and to each county. The disbursements to the counties shall occur in two equal payments, the first on or before January 31 and the second on or before April 1. After retaining one percent of the receipts for costs, the county treasurer shall allocate the remaining receipts to each taxing unit based on its share of the credits granted to all taxpayers in the taxing unit.

(5) For purposes of this section, credit allocation valuation means the taxable value for all real property except agricultural land and horticultural land, one hundred twenty percent of taxable value for agricultural land and horticultural land that is not subject to special valuation, and one hundred twenty percent of taxable value for agricultural land and horticultural land that is subject to special valuation.

(6) The State Treasurer shall transfer from the General Fund to the Property Tax Credit Cash Fund one hundred five million dollars by August 1, 2007, and one hundred fifteen million dollars by August 1, 2008.

(7) The Legislature shall have the power to transfer funds from the Property Tax Credit Cash Fund to the General Fund.

(8)(a) On or before December 31, 2020, the county treasurer of each county shall electronically report the following information to the Legislature and to the Department of Revenue regarding the property tax credits granted during the year on property in his or her county:

(i) The percentage of such credits that went to property owners who are residents of this state or, in the case of organizations, are located in this state; and

(ii) The percentage of such credits that went to property owners who are not residents of this state or, in the case of organizations, are not located in this state.

(b) County treasurers may utilize the zip code listed on property tax statements for purposes of determining whether property owners are residents of this state or are located in this state.

2. On page 22, line 23, after the last comma insert "77-4212,“.

3. Renumber the remaining sections accordingly.

Senator Kolterman filed the following amendment to LB720:

AM1684
(Amendments to Standing Committee amendments, AM1614)
1 1. On page 1, line 14, after "such" insert "tax incentive".

Senator Kolterman filed the following amendment to LB720:

AM1683
(Amendments to Standing Committee amendments, AM1614)
1 1. On page 1, line 5, strike "hereby".
Senator Bolz filed the following amendment to LB468:
AM1678
(Amendments to Standing Committee amendments, AM1166)
1 1. Strike sections 1 to 5 and 9.
2 2. Renumber the remaining sections and correct internal references
3 and the repealer accordingly.

Senator Bolz filed the following amendment to LB297:
AM1747
(Amendments to Standing Committee amendments, AM1482)
1 1. Purpose: To correct identification of a budget program number and
2 fund name.
3 Amendment:
4 a. On page 22, line 2, strike "934" and insert "984"; and in line 8
5 strike "Capitol Buildings Parking" and insert "State Building"; and
6 b. Renumber remaining sections accordingly.
7 2. Purpose: To correct identification of a program number and source
8 of funds for appropriation.
9 Amendment:
10 a. On page 22, line 27, strike "936" and insert "985"; and in line
11 30 strike "GENERAL" and insert "REVOLVING"; and
12 b. Renumber remaining sections accordingly.

Senator Bolz filed the following amendment to LB294:
AM1746
(Amendments to Standing Committee amendments, AM1329)
1 1. Purpose: For Agency 9 - Secretary of State: Correct a fund source
2 error for the Secretary of State to match the earmark language and add
3 $4,000,000 General Funds and $1,000,000 federal funds in FY2019-20 to
4 replace ADA accessibility voter equipment.
5 Amendment:
6 a. On page 11, line 21, strike "1,994,775" and insert "5,994,775";
7 in line 22 strike "6,657,437" and insert "6,457,437"; in line 23 strike
8 "878,000" and insert "2,078,000"; and in line 24 strike "9,530,212" and
9 insert "14,530,212".
11 Funds each year for the Attorney General and transfer the same amount
12 from the State Settlement Cash Fund to the General Fund to offset the
13 General Fund impact.
14 Amendment:
15 a. On page 13, strike line 28 and insert "GENERAL FUND 6,339,199
16 6,469,310";
17 b. On page 14, strike line 3 and insert "PROGRAM TOTAL 10,925,104
18 11,139,923";
19 c. On page 135, line 28, strike "and";
20 d. On page 136, line 1, strike the period and insert "; and
21 (u) From the State Settlement Cash Fund to the General Fund:
22 $295,957 on or before June 30, 2020, on such dates and in such amounts as
23 directed by the budget administrator of the budget division of the
24 Department of Administrative Services.
25 e. On page 138, line 29, strike "and"; and
26 f. On page 139, line 2, strike the period and insert "; and
27 (u) From the State Settlement Cash Fund to the General Fund:
28 $295,957 on or before June 30, 2021, on such dates and in such amounts as
29 directed by the budget administrator of the budget division of the
30 Department of Administrative Services.
31 3. Purpose: For Agency 13 - Education: Increase the salary limit of
32 the State Department of Education by $488,088 to reflect anticipated
33 staffing levels.
34 8 Amendment:
35 9 a. On page 17, strike line 16 and insert: "SALARY LIMIT 15,001,413
36 15,335,026".
37 11 4. Purpose: For Agency 13 - Education: Decrease TEEOSA General Fund
38 aid by $2,675,083 in FY2019-20 and $2,175,083 in FY2020-21 to reflect
39 actual premium taxes used to offset General Fund aid. Decrease TEEOSA
40 General Fund aid by $402,007 in FY2019-20 to fully reflect the change in
41 the allowable growth rate in LB675.
42 16 Amendment:
43 17 a. On page 18, strike line 24 and insert "GENERAL FUND 1,292,913,588
44 1,302,081,857"; strike line 27 and insert "PROGRAM TOTAL 1,619,878,641
45 1,629,046,910"; and in line 29 strike "$1,295,990,678" and insert
46 "$1,292,913,588"; and
47 21 b. On page 19, line 2, strike "$1,304,256,940" and insert
48 "$1,302,081,857"; in line 5 strike "$1,039,314,856" and insert
49 "$1,036,237,766"; and in line 10 strike "$1,045,031,781" and insert
50 "$1,042,856,698".
51 25 5. Purpose: For Agency 23 - Department of Labor: Eliminate earmark
52 language related to funding that has been removed from the appropriation
53 for the Department of Labor.
54 28 Amendment:
55 29 a. On page 34, strike lines 11 through 24.
56 30 6. Purpose: For Agency 25 - Department of Health and Human Services:
57 To insert provisions that were inadvertently left out of the committee
58 amendment in Program 33.
59 2 Amendment:
60 3 a. On page 36, line 17, strike "27,748,166" and insert "27,835,666"
61 and in line 19, strike "485,497,983" and insert "485,585,483"; and
62 5 b. On page 39, after line 2 insert the following:
63 6 (12) The Legislature finds that underfunding of the medical
64 assistance program under the Medical Assistance Act has resulted in a
65 growing financial chasm between the amount of money a service provider is
66 reimbursed under the program and the actual cost of providing care.
67 Combined with workforce shortages, the continued ability of long-term
68 care providers to serve beneficiaries of the medical assistance program
69 is increasingly at risk. The Legislature also recognizes that aging
70 Nebraskans have made contributions throughout their lifetimes to the
71 state and country and deserve to receive the care they need in
72 recognition of this service.
If federal funding is approved under this section, on or before December 31, 2020, the department shall study and report to the Appropriations Committee of the Legislature on statewide access to long-term care. The department shall contract with an independent entity with proven expertise in (a) data analysis and projections of future trends, (b) community planning, (c) innovative practices and best practices in long-term care services, and (d) the development of a long-term care sustainability plan. The department and contracted entity shall study the needs of Nebraska's aging population for facility-based and home and community-based long-term care services in close proximity to familial and social support systems and shall make reasonable recommendations, supported by data, on changes to the policy and funding of long-term care services under the Medical Assistance Act.

The department and the contracted entity shall:

(a) Review and summarize existing data sources;
(b) Provide the committee with a detailed analysis and projection of Nebraska's demographic trends by age and availability of informal long-term care support systems;
(c) Provide the committee with a detailed analysis of the current and projected future needs of aging Nebraskans and current gaps in facility-based and home and community-based long-term care services in all areas of the state and factors contributing to such gaps;
(d) Provide the committee with a detailed analysis of state regulations and processes that impede the flexibility for nursing facilities to provide home and community-based long-term care services when there is an identified community need;
(e) Provide the committee with a detailed analysis of the financial stability of long-term care providers that accept participants in the medical assistance program, especially nursing facilities, and contributing factors;
(f) Make recommendations to the committee for increased regulatory flexibility to allow a skilled nursing facility to provide home and community-based long-term care services to meet community needs and for strategic consolidation of facilities and services to use long-term care workforce resources more effectively;
(g) Identify changes to reimbursement under the medical assistance program to sustain access to long-term care services across the state;
(h) Create a financially sustainable five-year plan for ensuring that aging Nebraskans continue to have access to long-term care services they need in close proximity to their familial and social support systems.

A status update on the report shall be delivered electronically to the Appropriations Committee of the Legislature by December 31, 2019. The final report shall be delivered electronically to the Appropriations Committee of the Legislature by December 1, 2020.

It is the intent of the Legislature that the Division of Medicaid and Long-Term Care of the Department of Health and Human Services shall request approval from the Secretary of the United States.
Department of Health and Human Services to use $87,500 of Nebraska's Nursing Facility Penalty Cash Fund under section 1919(h)(3)(C)(ii)(IV) of the federal Social Security Act as the federal match to carry out the study described in this section. Such funds shall be used to research demographic trends, project current and future service needs, and provide recommendations for continued statewide access to long-term care services, including nursing facility care, for medicaid recipients.

7. Purpose: For Agency 25 - Department of Health and Human Services:
To correct a federal fund amount in Program 33, Subprogram 249.

Amendment:

a. On page 39, line 7, strike "6,673,992" and insert "8,583,992" and in line 8 strike "14,653,804" and all amendments thereto and insert "14,563,804".

8. Purpose: For Agency 25 - Department of Health and Human Services:
To remove language that is not needed in Program 33, Subprogram 249.

Amendment:

a. On page 39, strike lines 16 through 20.

9. Purpose: For Agency 25 - Department of Health and Human Services:
To add a program classification in Program 348.

Amendment:

a. On page 44, after line 16 insert "No. 348 - Medical Assistance".

10. Purpose: For Agency 25 - Department of Health and Human Services:
To add a reporting requirement in Program 348.

Amendment:

a. On page 46 before line 1 insert the following:
"The Department of Health and Human Services shall file a report with the Legislative Fiscal Office and the Clerk of the Legislature no later than August 1, 2019, on how the Inflation Factor was calculated for FY2019-20 rates and no later than August 1, 2020, on how the Inflation"
Factor was calculated for FY2020-21 rates.

13. Purpose: For Agency 25 - Department of Health and Human Services: To clarify an intent in Program 348, Subprogram 349.

Amendment:

a. On page 46, line 19, strike "There" and insert "For informational purposes only, there".

14. Purpose: For Agency 25 - Department of Health and Human Services: To correct a federal fund amount in Program 348, Subprogram 349.

Amendment:

a. On page 46, line 23, strike "323,593,612" and insert "373,260,870"; and in line 24 strike "367,456,917" and insert "417,124,175".

15. Purpose: For Agency 25 - Department of Health and Human Services: To remove language that is not needed in Program 348, Subprogram 349.

Amendment:

a. On page 46, strike line 30; and
b. On page 47, strike lines 1 through 4.


Amendment:

a. On page 50, line 30, strike "People's Health Center" and insert "Bluestem Health"; and
b. On page 51, lines 10 and 25, strike "People's Health Center" and insert "Bluestem Health".

17. Purpose: For Agency 25 - Department of Health and Human Services: To clarify intent in Program 514.

Amendment:

a. On page 54, lines 28 and 30, strike "up to".

18. Purpose: For Agency 25 - Department of Health and Human Services: To eliminate a duplicate appropriation in Program 571.

Amendment:

a. On page 55, line 22, strike the second "613,912" and insert "-0-"; and
b. In the E&R amendments strike amendment 1.d.

19. Purpose: For Agency 25 - Department of Health and Human Services: To correct an amount and add a Salary Limit in Program 621.

Amendment:

a. On page 56, lines 11 and 12, strike each occurrence of "450,086" and insert "450,000"; and in line 13 insert "13,500 13,500".


Amendment:

a. On page 85, line 17, strike "$1,000" and insert "$100,000".

21. Purpose: For Agency 65 - Department of Administrative Services:

Amendment:

a. Add $399,880 each year of Revolving Fund authority and $306,975 PSL each year to Program 172 to complete IT Consolidation plan in DAS.
8 a. On page 91, strike line 29 and insert "REVOLVING FUND 59,455,560
9 59,922,402"; and
10 b. On page 92, strike line 1 and insert "PROGRAM TOTAL 59,455,560
11 59,922,402"; and strike line 2 and insert "SALARY LIMIT 14,242,645
12 14,592,955".

13 22. Purpose: For Agency 77 - Commission of Industrial Relations: To
14 change the personal services limit (PSL) to reflect the 27th pay period
15 in FY2020-21.
16 Amendment:
17 a. On page 103, line 15, strike "148,379" and insert "153,259".

RESOLUTION(S)

LEGISLATIVE RESOLUTION 125. Introduced by Vargas, 7.

WHEREAS, Cecilia Olivarez Huerta was the Executive Director of the
Nebraska Mexican American Commission, now called the Commission on
Latino-Americans, from 1994 until her retirement in 2009; and
WHEREAS, Cecilia Olivarez Huerta was born on May 6, 1944, in
Bridgeport and raised in Bayard where she worked in the beet fields as a
child. Cecilia went on to graduate from the Lincoln School of Commerce in
1962, becoming the first Latina from western Nebraska to attend the school; and
WHEREAS, Cecilia Olivarez Huerta became involved with the Mexican-
American Student Association while attending the University of Nebraska,
where she began her quest to be the voice of those whose voice was never
heard; and
WHEREAS, Cecilia Olivarez Huerta was a tireless advocate and leader
who relentlessly highlighted the role and importance of Mexican Americans
in Nebraska's history, culture, and economic achievements; and
WHEREAS, Cecilia Olivarez Huerta was the recipient of many awards for
her achievements, including the 1994 Woman of Color Award, 2001 Human
Rights Award by the Lincoln Commission on Human Rights, 2009 Lifetime
Achievement Award from the Latino Heritage Awards; and
WHEREAS, Cecilia Olivarez Huerta served on the Presidential Diversity
Advisory Committee in 1997; and
WHEREAS, the work of Cecilia Olivarez Huerta included a photographic
exhibition and report of oral histories that traveled the state and was
installed at the Library of Congress, "Nuestros Tesoros: Una celebracion de
la herencia Mexicana de Nebraska", which translates to, "Our Treasures: A
Celebration of Nebraska's Mexican Heritage"; and
WHEREAS, Cecilia Olivarez Huerta died May 2, 2019, at her home in
Lincoln; and
WHEREAS, Cecilia Olivarez Huerta is survived by her four children,
Janet Fiala of Lincoln, Anita Olivarez Eisenhauer (Mary Ellen Moynahan)
of West Hurley, New York, Michael Eisenhauer of Lincoln, and Monica
Olivarez Eisenhauer of Sioux City, Iowa, seven grandchildren, and three
great-grandchildren.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Nebraska Legislature recognizes the valuable contributions made by Cecilia Olivarez Huerta to Nebraska and its citizens.
2. That the Nebraska Legislature recognizes the thousands of Nebraskans uplifted by the dedication and work of Cecilia Olivarez Huerta.
3. That the Nebraska Legislature offers its condolences to the family of Cecilia Olivarez Huerta.
4. That a copy of this resolution be sent to the family of Cecilia Olivarez Huerta.

Laid over.

LEGISLATIVE RESOLUTION 126. Introduced by Hunt, 8.

PURPOSE: The purpose of this interim study is to examine issues related to urban development in municipalities. The issues addressed by this interim study shall include, but not be limited to:

1. Urban development patterns with respect to population density, land-use mix, transportation options, connectivity, and arts districts;
2. Statutes involving urban development tools and statutory changes needed to create and optimize smart-growth tools; and
3. Other potential urban development tools that could be made available to municipalities to encourage smart-growth patterns.

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.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Blood name added to LB433.
Senator Blood name added to LB532.
Senator Vargas name added to LR118.
COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 609. Placed on Select File.
LEGISLATIVE BILL 719. Placed on Select File.
LEGISLATIVE BILL 719A. Placed on Select File.
LEGISLATIVE BILL 62. Placed on Select File.
LEGISLATIVE BILL 559. Placed on Select File.
LEGISLATIVE BILL 220. Placed on Select File.
LEGISLATIVE BILL 135. Placed on Select File.

LEGISLATIVE BILL 244. Placed on Select File with amendment.
ER121
1 1. On page 1, line 5, strike the last "and"; and in line 6 after
2 "sections" insert "; and to declare an emergency".
3 2. On page 2, line 3, before "and" insert "38-1714".

LEGISLATIVE BILL 308. Placed on Select File.
LEGISLATIVE BILL 392. Placed on Select File.

LEGISLATIVE BILL 564. Placed on Select File with amendment.
ER122
1 1. In the Standing Committee amendments, AM1276, on page 6, line 10,
2 after "the" insert "United States".
3 2. On page 1, lines 2 and 3, strike "13-2707.01, and 13-2709" and
4 insert "and 13-2707.01".

LEGISLATIVE BILL 123. Placed on Select File.

LEGISLATIVE BILL 414. Placed on Select File with amendment.
ER119
1 1. On page 2, line 19, strike "subsection" and insert "subdivision".

LEGISLATIVE BILL 533. Placed on Select File with amendment.
ER123
1 1. On page 1, line 1; and page 2, line 28, after the first comma
2 insert "42-106,.

(Signed)  Julie Slama, Chairperson

VISITOR(S)

Visitors to the Chamber were students from Wausa Public Schools; Senator
Vargas's wife and daughter, Lauren and Ava Kaye Vargas, from Omaha;
delegates with the U.S. State Department International Leadership Program
promoting cyber security from Guatemala, Ireland, Mexico, Pakistan,
Panama, and Slovakia; and students from St. John Lutheran School, Battle
Creek.
RECESS

At 11:43 a.m., on a motion by Senator Wishart, 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 Howard and Stinner who were excused; and Senators Dorn, Hilkemann, Morfeld, and Wayne who were excused until they arrive.

COMMITTEE REPORT(S)

Judiciary

LEGISLATIVE BILL 582. Placed on General File.

LEGISLATIVE BILL 593. Placed on General File with amendment.

AM996

1. Strike original section 7.
2. On page 20, line 11, strike "(7)". show as stricken, and insert "(7)(a)"; in line 13 strike "or may recover" and show as stricken; strike 4 beginning with "to" in line 14 through the comma in line 16 and show as stricken; strike beginning with "or" in line 17 through the comma in line 19, show as stricken, and insert "as follows:
7 (i) In those cases in which the person is fully compensated by the recovery, the department shall be fully reimbursed subject to its contribution to attorney's fees and costs as provided in subdivision (b) of this subsection; or
11 (ii) In those cases in which the person is not fully compensated by the recovery that represents the same proportionate reduction of medical expenses paid that the recovery amount bears to full compensation of the person subject to its contributions to attorney's fees and costs as provided in subdivision (b) of this subsection.
17 (b) When"; in line 19 strike "alone" and show as stricken; strike beginning with "to" in line 21 through the comma in line 23 and show as stricken; strike beginning with "twenty-five" in line 25 through the first "share" in line 28, show as stricken, and insert "an amount"; in line 28 after "reasonable" insert "pro rata"; in line 29 strike "paid by the person" and show as stricken and strike "that portion of the" and show as stricken; and strike beginning with "determined" in line 30 through line 31, show as stricken, and insert an underscored period.
25 3. On page 21, strike lines 1 through 8 and show as stricken.
26 4. On page 33, line 27, strike "68-989,."
27 5. Renumber the remaining sections accordingly.

**LEGISLATIVE BILL 686.** Placed on General File with amendment. AM1737 is available in the Bill Room.

(Signed) Steve Lathrop, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 670.** Title read. Considered.

Committee AM1112, found on page 1160, was offered.

Senator Kolowski offered his amendment, AM1351, found on page 1243, to the committee amendment.

**SENATOR HUGHES PRESIDING**

Pending.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 600A.** Placed on Select File.

(Signed) Julie Slama, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 127.** Introduced by Hunt, 8.

PURPOSE: The purpose of this interim study is to ensure youth in the foster care system and juvenile justice system understand their rights, to ensure their rights are being upheld, and to explore the need for additional rights.

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

1. The frequency with which youth in the foster care system and juvenile justice system are receiving a comprehensive bill of rights;
2. The age and developmental appropriateness of the way in which such rights are explained to youth in the foster care system and juvenile justice system;
3. The role of a guardian ad litem and other attorneys in helping youth in the foster care system and juvenile justice system understand their rights;
4. The existing bill of rights shared with youth in foster care through the Division of Children and Family Services of the Department of Health and Human Services and with youth in the juvenile justice system through the Office of Probation Administration;
(5) Youth and stakeholder input, best practices, and additional rights that should be included in a bill of rights for youth in the foster care system and juvenile justice system;

(6) The inclusion of rights specifically for youth in the foster care system and juvenile justice system who are pregnant, parenting, or accessing family planning services;

(7) Rights that may be neglected for youth who are disproportionately represented in the foster care system and the juvenile justice system, including, but not limited to, youth of color and youth with other marginalized identities; and

(8) The grievance processes for youth in the foster care system and the juvenile justice system who feel their rights are not being protected and their access to such grievance processes.

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.


PURPOSE: The purpose of this interim study is to review the Nebraska Wage Payment and Collection Act and the Wage and Hour Act. The issues addressed by this interim study shall include, but not be limited to:

(1) The overlapping jurisdiction and applicability of such acts to both the Department of Labor and the Equal Opportunity Commission;

(2) Efficient enforcement of such acts;

(3) Ways to improve clarity and understanding of remedies available under such acts; and

(4) The roles of each agency in the administration of such acts.

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.
LEGISLATIVE RESOLUTION 129. Introduced by Hansen, M., 26.

PURPOSE: The purpose of this interim study is to examine any issues within the jurisdiction of the Business and Labor 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 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 Kolterman filed the following amendment to LB720:
AM1778
(Amendments to Standing Committee amendments, AM1614)
1 1. On page 1, line 9, strike "creation and retention" and insert
2 "retention and creation".

Senator Kolterman filed the following amendment to LB720:
AM1779
(Amendments to Standing Committee amendments, AM1614)
1 1. On page 1, line 10, strike "attract and retain" and insert
2 "retain and attract".

Senator Groene filed the following amendment to LB675:
AM1675
(Amendments to E&R amendments, ER108)
1 1. Strike section 11 and insert the following new section:
2 Sec. 11. Section 79-1022, Revised Statutes Cumulative Supplement,
3 2018, as amended by section 1, Legislative Bill 430, One Hundred Sixth
4 Legislature, First Session, 2019, is amended to read:
5 79-1022 (1) On or before June 10, 2019, and on or before March 1 of
6 each year thereafter, for each ensuing fiscal year, the department shall
7 determine the amounts to be distributed to each local system and each
8 district for the ensuing school fiscal year pursuant to the Tax Equity
9 and Educational Opportunities Support Act and shall certify the amounts
10 to the Director of Administrative Services, the Auditor of Public
11 Accounts, and each local system district. Except as otherwise provided in
12 this section, the amount to be distributed to each district from the
13 amount certified for a local system shall be proportional based on the
14 formula students attributed to each district in the local system. On or
before June 10, 2019, and on or before March 1 of each year thereafter,
for each ensuing fiscal year, the department shall report the necessary
funding level for the ensuing school fiscal year to the Governor, the
Appropriations Committee of the Legislature, and the Education Committee
of the Legislature. The report submitted to the committees of the
Legislature shall be submitted electronically. Except as otherwise
provided in this subsection, certified state aid amounts, including
adjustments pursuant to section 79-1065.02, shall be shown as budgeted
non-property-tax receipts and deducted prior to calculating the property
tax request in the local system’s district’s general fund budget.

Senator Walz filed the following amendment to LB600A:
AM1775
1 1. On page 2, line 7, strike "$103,167" and insert "$105,825"; and
2 in line 8 strike "$105,230" and insert "$107,942".

Senator Wishart filed the following amendment to LB610:
AM1771 is available in the Bill Room.

Senator Cavanaugh filed the following amendment to LB532:
AM1773
(Amendments to Standing Committee amendments, AM674)
1 1. On page 3, line 8, after the period insert "Any notice provided
to the respondent shall include notification that a court may treat a
petition for a harassment order as a petition for a sexual assault
protection order or a domestic abuse protection order if it appears from
the facts that such other protection order is more appropriate and that
the respondent shall have an opportunity to show cause as to why such
protection order should not be entered.");
2 2. On page 3, line 27; page 9, line 4; and page 17, line 6, after
9 "facts" insert "in the petition, affidavit, and evidence presented at a
show cause hearing".
3 3. On page 8, line 16, after the period insert "Any notice provided
to the respondent shall include notification that a court may treat a
petition for a sexual assault protection order as a petition for a
harassment protection order or a domestic abuse protection order if it
appears from the facts that such other protection order is more appropriate and that the respondent shall have an opportunity to show cause as to why such protection order should not be entered.

4. On page 16, line 18, after the period insert "Any notice provided to the respondent shall include notification that a court may treat a petition for a domestic abuse protection order as a petition for a harassment protection order or a sexual assault protection order if it appears from the facts that such other protection order is more appropriate and that the respondent shall have an opportunity to show cause as to why such protection order should not be entered."

Senator Slama filed the following amendment to LB592:

AM1587

(Amendments to Standing Committee amendments, AM1359)

1. On page 2, line 20, strike "and" and show as stricken; and in line 26 after "prohibited" insert ", and"

3. (i) Sell beer or other alcoholic liquor at retail for consumption on the premises if the holder is also issued the appropriate retail license for such sales at such location.

Senator Chambers filed the following amendment to LB519:

FA69

Amend AM1460

Page 1, line 8 strike and show as stricken "as a result of" and insert "proximately caused by"; line 11 strike and show as stricken "with" and insert "in"; line 14 strike "defendant's activities" and insert "actions of the defendant".

BILL ON FIRST READING

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

LEGISLATIVE BILL 610A. Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 610, One Hundred Sixth Legislature, First Session, 2019.

MESSAGE(S) FROM THE GOVERNOR

May 13, 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:
Please withdraw the following individual from consideration for confirmation of reappointment to the Niobrara Council:

Bradley A. Arrowsmith, 89067 Doc Middleton Drive, Bassett, NE 68714

Sincerely,
(Signed) Pete Ricketts
Governor

GENERAL FILE

LEGISLATIVE BILL 670. The Kolowski amendment, AM1351, found on page 1243 and considered in this day's Journal, to the committee amendment, was renewed.

Pending.

COMMITTEE REPORT(S)

Business and Labor

LEGISLATIVE BILL 448. Placed on General File with amendment. AM935
1 1. On page 2, line 26, strike "fourteen" and insert "twelve".

LEGISLATIVE BILL 527. Placed on General File with amendment. AM1573
1 1. Strike the original sections and insert the following new 2 sections:
3 Section 1. Sections 1 to 6 of this act shall be known and may be 4 cited as the Customized Job Training Act.
5 Sec. 2. The Customized Job Training Act shall be administered by 6 the Department of Economic Development to provide funds in the form of 7 grants to employers for reimbursement of job training expenses as set 8 forth in the act.
9 Sec. 3. The Customized Job Training Cash Fund is created. Funds in 10 the Customized Job Training Cash Fund shall be used for (1) general 11 administrative costs of awarding job training reimbursement grants under 12 the Customized Job Training Act and (2) job training reimbursement 13 grants. Any money in the fund available for investment shall be invested 14 by the state investment officer pursuant to the Nebraska Capital 15 Expansion Act and the Nebraska State Funds Investment Act.
16 Sec. 4. (1) Employers applying for job training reimbursement 17 grants under the Customized Job Training Act shall apply to the 18 Department of Economic Development. The department shall provide job 19 training reimbursement grants for job training programs for jobs that are 20 net new jobs or that result in a net increase in wages per employee. The 21 job training reimbursement grants shall be in proportion to the committed
number of net new jobs created or committed net increase in wages per employee. The amount of each grant and number of grants awarded shall be determined by the department based upon available funding.

(2) The department shall create a job training reimbursement grant application, have authority to approve applications, and authorize the total amount of job training reimbursement grants expected to be awarded as a result of the training if the Director of Economic Development is satisfied that the plan in the application defines training that meets the eligibility requirements.

(3) The department shall submit an annual report electronically to the Appropriations Committee of the Legislature that includes the total number of job training reimbursement grants awarded, the total dollar amount of job training reimbursement grants awarded and to whom, the total expenditures made in administering the Customized Job Training Act, the number of individuals trained, the average wage of net new jobs, and a summary of the training provided.

Sec. 5. (1) In order for an employer to apply for a job training reimbursement grant under the Customized Job Training Act:

(a) The jobs being trained for must be net new jobs or result in a net increase in wages per employee; and

(b) The jobs being trained for must meet or exceed the Nebraska average annual wage.

(2) Training may be provided by:

(a) The community college system or any accredited postsecondary educational institution; or

(b) Any qualified training provider if the training results in:

(i) A national, state, or locally recognized certificate;

(ii) Preparation for a professional examination or licensure;

(iii) Endorsement for an existing credential or license; or

(iv) Development of recognized skill standards as defined by an industrial sector.

Sec. 6. An employer receiving a grant shall provide to the Department of Economic Development documentation:

(1) Showing the completion of the eligible job training. The department may require reimbursement of any funds for training not meeting eligibility requirements; and

(2) Showing that the employer has maintained or exceeded its current level of training expenditures in the fiscal year in which the grant was awarded.

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 86A. Placed on Final Reading.

(Signed) Julie Slama, Chairperson
AMENDMENT(S) - Print in Journal

Senator Linehan filed the following amendment to LB670:
AM1782
1 1. On page 3, strike lines 1 through 6 and insert the following new
2 subdivision:
3 "(a)(i) Is a dependent member of a household that qualified, during
4 the most recently concluded calendar year before the student receives an
5 education scholarship pursuant to the act, for benefits under the
6 Supplemental Nutrition Assistance Program administered by the State of
7 Nebraska pursuant to the federal Food and Nutrition Act of 2008, 7 U.S.C.
8 2011 et seq., as such act existed on January 1, 2019; or
9 (ii) Is in foster care or out-of-home care; and".
10 2. On page 4, strike beginning with "and" in line 22 through the
11 second "care" in line 25.

Senator Hunt filed the following amendment to LB670:
AM1787
1 1. On page 3, strike beginning with "complies" in line 21 through
2 "2019" in line 22 and insert "does not discriminate on the basis of race,
3 color, religion, national origin, ancestry, citizenship status, gender,
4 sexual orientation, gender identity, disability, or special education
5 status".

Senator Morfeld filed the following amendment to LB670:
AM1348
1 1. On page 3, strike beginning with "complies" in line 21 through
2 "2019" in line 22 and insert "does not discriminate on the basis of race,
3 religion, national origin, sexual orientation, gender identity, or any
4 special or additional educational needs of a student, no matter the
5 cost".

Senator Erdman filed the following amendment to LB512:
AM1755
1 (Amendments to AM1217)
2 1. Strike sections 10, 11, 12, 13, and 28 and insert the following
3 new sections:
4 Sec. 14. Section 77-1301, Reissue Revised Statutes of Nebraska, is
5 amended to read:
6 77-1301 (1) All real property in this state subject to taxation
7 shall be assessed as of January 1 at 12:01 a.m., and such which
8 assessment shall be used as a basis of taxation until the next assessment
9 unless the property is destroyed real property as defined in section 15
10 of this act, in which case the assessed value for the destroyed real
11 property shall be adjusted as provided in sections 15 to 17 of this act.
12 (2) Beginning January 1, 2014, in any county with a population of at
13 least one hundred fifty thousand inhabitants according to the most recent
14 federal decennial census, the county assessor shall provide notice of
preliminary valuations to real property owners on or before January 15 of 
each year. Such notice shall be (a) mailed to the taxpayer or (b) 
published on a web site maintained by the county assessor or by the 
county.
(3) The county assessor shall complete the assessment of real 
property on or before March 19 of each year, except beginning January 1, 
2014, in any county with a population of at least one hundred fifty 
thousand inhabitants according to the most recent federal decennial 
census, the county assessor shall complete the assessment of real 
property on or before March 25 of each year.
Sec. 15. (1) The Legislature finds and declares that fires, 
earthquakes, floods, and tornadoes occur with enough frequency in this 
state that provision should be made to grant property tax relief to 
owners of real property adversely affected by such events.
(2) For purposes of sections 15 to 17 of this act:
(a) Calamity means a disastrous event, including, but not limited 
to, a fire, an earthquake, a flood, a tornado, or other natural event 
which significantly affects the assessed value of real property;
(b) Destroyed real property means real property that suffers 
significant property damage as a result of a calamity occurring on or 
after January 1, 2019, and before July 1 of the current assessment year.
Destroyed real property does not include property suffering significant 
property damage that is caused by the owner of the property; and
(c) Significant property damage means:
(i) Damage to an improvement exceeding twenty percent of the 
 improvement's assessed value in the current tax year as determined by the 
county assessor;
(ii) Damage to land exceeding twenty percent of a parcel's assessed 
 land value in the current tax year as determined by the county assessor;
or
(iii) Damage exceeding twenty percent of the property's assessed 
 value in the current tax year as determined by the county assessor if (A) 
such property is located in an area that has been declared a disaster 
area by the Governor and (B) a housing inspector or health inspector has 
determined that the property is uninhabitable or unlivable.
Sec. 16. (1) If real property becomes destroyed real property 
during the current assessment year, the property owner shall file a 
report of the destroyed real property with the county assessor and county 
clerk of the county in which the property is located on or before July 15 
of the current assessment year. The report of destroyed real property 
shall be made on a form prescribed by the Tax Commissioner.
(2) If the destroyed real property was a mobile home that was moved 
pursuant to section 77-3708 and required to pay an accelerated tax 
pursuant to section 77-1725.01, the property owner shall report the 
destroyed real property on or before July 15 in the same manner as other 
real property. The property owner may make a request for refund of the 
accelerated tax paid pursuant to section 77-1734.01 for any portion of 
value reduced by the county board of equalization pursuant to section 17 
of this act.
6 (3) The county board of equalization shall consider any report of destroyed real property received pursuant to this section, and the assessment of such property shall be made by the county board of equalization in accordance with section 17 of this act. After county board of equalization action pursuant to section 17 of this act, the county assessor shall correct the current year's assessment roll as provided in section 77-1613.02.

Sec. 17. (1) If the county board of equalization receives a report of destroyed real property pursuant to section 16 of this act, the county board of equalization shall adjust the assessed value of the destroyed real property to its assessed value on the date it suffers significant property damage.

(2) The county board of equalization may meet on or after June 1 and on or before July 25, or on or before August 10 if the board has adopted a resolution to extend the deadline for hearing protests under section 77-1502, for the purpose of considering the assessed value of destroyed real property pursuant to this section. Any action of the county board of equalization which changes the assessed value of destroyed real property pursuant to this section shall be for the current assessment year only.

(3) The county board of equalization shall give notice of the assessed value of the destroyed real property to the record owner or agent at his or her last-known address. Protests of the assessed value proposed for destroyed real property pursuant to this section shall be filed with the county board of equalization within thirty days after the mailing of the notice. All provisions of section 77-1502 except dates for mailing notice of the county board of equalization's decision are applicable to any protest filed pursuant to this section. The county board of equalization shall issue its decision on the protest within thirty days after the filing of the protest. Within seven days after the county board of equalization's final decision, the county clerk shall mail to the protester written notice of the decision. The notice shall contain a statement advising the protester that a report of the decision is available at the county clerk's or county assessor's office, whichever is appropriate.

(4) The action of the county board of equalization upon a protest filed pursuant to this section may be appealed to the Tax Equalization and Review Commission within thirty days after the board's final decision.

Sec. 18. Section 77-1725.01, Reissue Revised Statutes of Nebraska, is amended to read:
77-1725.01 Except in any city or village that has adopted a building code with provisions for demolition of unsafe buildings or structures, it shall be the duty of any assessor, sheriff, constable, city council member, and village trustee to at once inform the county treasurer of the removal or demolition of or a levy of attachment upon any item of real property known to him or her. Except for property considered to be destroyed real property as defined in section 15 of this act, if it shall be the duty of the county treasurer to immediately proceed with the
collection of any delinquent or current taxes when such acts become known to him or her in any manner. Except for property considered to be destroyed real property as defined in section 15 of this act, the taxes shall be due and collectible, which taxes shall include taxes on all real property then assessed upon which the tax shall be computed on the basis of the last preceding levy, and a distress warrant shall be issued when (1) any person attempts to remove or demolish all or a substantial portion of his or her real property or (2) a levy of attachment is made upon the real property. From the date the taxes are due and collectible, the taxes shall be a first lien upon the personal property of the person to whom assessed until paid.

Sec. 19. Section 77-1734.01, Reissue Revised Statutes of Nebraska, is amended to read:

(1) In the case of an amended federal income tax return or whenever a person's return is changed or corrected by the Internal Revenue Service or other competent authority that decreases the Nebraska adjusted basis of the person's taxable tangible personal property, the county treasurer shall refund that portion of the tax paid that is in excess of the amount due after the amendment or correction. (2) In case of payment made of any property taxes or any payments in lieu of taxes with respect to property as a result of a clerical error or honest mistake or misunderstanding, on the part of a county or other political subdivision of the state or any taxpayer, or accelerated tax paid for real property that was later adjusted by the county board of equalization under sections 15 to 17 of this act, the county treasurer to whom the tax was paid shall refund that portion of the tax paid that is in excess of the amount due after the adjustment under sections 15 to 17 of this act. A claim for a refund pursuant to this section shall be made in writing to the county treasurer to whom the tax was paid within three years after the date the tax was due or within ninety days after filing the amended return or the correction becomes final.

(3) Before the refund is made, the county treasurer shall receive verification from the county assessor or other taxing official that such error or mistake was made, such adjustment was made, or the amended return was filed or the correction made, and the claim for refund shall be submitted to the county board. Upon verification, the county board shall approve the claim. The refund shall be made in the manner prescribed in section 77-1736.06. Such refund shall not have a dispositional effect on any similar refund for another taxpayer. This section may not be used to challenge the valuation of property, the equalization of property, or the constitutionality of a tax.

Sections 20 and 32 of this act become operative for all taxable years beginning or deemed to begin on or after January 1, 2018, under the Internal Revenue Code of 1986, as amended. Sections 21, 22, 23, and 33 of this act become operative for all taxable years beginning or deemed to begin on or after January 1, 2019, under the Internal Revenue Code of 1986, as amended. The other sections of this act become operative
11 on their effective date.
12 2. On page 36, line 24, strike "77-101,"; and in line 25 after the
13 first comma insert "77-1301, 77-1725.01, 77-1734.01,"
14 3. Renumber the remaining sections accordingly.

Senator Wishart filed the following amendment to LB720:
AM1790
(Amendments to Standing Committee amendments, AM1614)
1 1. On page 22, line 18, strike "(6)" and insert "(6)(a)"; in line 21
2 strike "subsection" and insert "subdivision"; and after line 25 insert
3 the following new subdivisions:
4 "(b) The credit percentages prescribed in subsections (4) and (5) of
5 this section shall be increased by one percentage point if the taxpayer:
6 (i) Is a benefit corporation as defined in section 21-403 and has
7 been such a corporation for at least one year prior to submitting an
8 application under the ImagiNE Nebraska Act; and
9 (ii) Remains a benefit corporation as defined in section 21-403 for
10 the duration of the taxpayer's agreement under the ImagiNE Nebraska Act.
11 (c) A taxpayer may, if qualified, receive one or both of the
12 increases provided in this subsection.".

RESOLUTION(S)

LEGISLATIVE RESOLUTION 130. Introduced by Wayne, 13.

PURPOSE: The purpose of this interim study is to examine issues related to
density bonuses and other non-monetary regulatory incentives in municipal
zoning ordinances. The issues addressed by this interim study shall include,
but not be limited to:
(1) Current municipal zoning ordinances in Nebraska that include density
bonuses or other non-monetary regulatory incentives designed to incentivize
affordable housing;
(2) Density bonus programs and other non-monetary regulatory incentives
utilized by municipalities in other states to incentivize affordable housing; and
(3) Potential benefits of density bonuses and other non-monetary
regulatory incentives, including reduced infrastructure costs, creation of
mixed-income housing, infill development, job creation, and sustainable
multi-modal accessibility.

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 131. Introduced by Wayne, 13.

PURPOSE: The purpose of this interim study is to examine issues related to the regulation of solar energy by municipalities and sanitary and improvement districts.

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

1. The current municipal zoning ordinances in Nebraska that restrict the installation or use of solar energy systems on real property within such municipality or the extraterritorial zoning jurisdiction of such municipality;
2. The current regulations by sanitary and improvement districts that restrict the installation or use of solar energy systems on real property within such sanitary and improvement district; and
3. The current regulations by homeowners' associations, including restrictive covenants, which restrict the installation or use of solar energy systems on real property within such associations.

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 132. Introduced by Wayne, 13.

PURPOSE: The purpose of this interim study is to examine issues related to plumbing codes. The issues addressed by this interim study shall include, but not be limited to:

1. The current plumbing code statutes, including the 2009 Uniform Plumbing Code, which provides for a default plumbing code in municipalities and counties that do not adopt a local plumbing code;
2. Whether the 2012, 2015, or 2018 editions of the Uniform Plumbing Code should be adopted as the default plumbing code;
3. Alternative standard plumbing codes that could be adopted as the default plumbing code, including the International Plumbing Code; and
4. The interaction between plumbing codes, such as the Uniform Plumbing Code or the International Plumbing Code, and the state building code.

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 133.Introduced by Geist, 25.

WHEREAS, Sandy Steinkamp recently retired from the Nebraska American Legion after 46 years of service; and

WHEREAS, Sandy began working for the Nebraska American Legion at the age of 19 and served under five department adjutants during her career, retiring as the executive assistant; and

WHEREAS, Sandy's work included management of accounts, membership, records, and elections, among many other tasks, which she carried out efficiently and dutifully for her community and for the veterans of Nebraska; and

WHEREAS, Sandy enjoys bowling, camping, and all kinds of family activities.

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

1. That the Legislature congratulates Sandy Steinkamp on 46 years of service to veterans and wishes her a happy retirement.

2. That a copy of this resolution be sent to Sandy Steinkamp.

Laid over.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Rues, Sharon - State Personnel Board - Government, Military and Veterans Affairs

(Signed) Mike Hilgers, Chairperson
Executive Board

EXPLANATION(S) OF VOTE(S)

Had I been present, I would have voted "aye" on final passage of LB96.

(Signed) Justin Wayne
WITHDRAW - Cointroducer(s)

Senator Kolowski name withdrawn from LB720.

VISITOR(S)

Visitors to the Chamber were students and teachers from St. Mary's School, Lincoln; students from Adams Central Elementary School, Hastings; and Jonas and Andrea Kessler from Lincoln.

ADJOURNMENT

At 4:39 p.m., on a motion by Senator Williams, the Legislature adjourned until 9:00 a.m., Tuesday, May 14, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
SEVENTY-SIXTH DAY - MAY 14, 2019

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

SEVENTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 14, 2019

PRAYER

The prayer was offered by Reverend Leah Lawson, St. John Lutheran Church, Beatrice.

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 Groene, M. Hansen, Lathrop, Morfeld, Pansing Brooks, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-fifth day was approved.

AMENDMENT(S) - Print in Journal

Senator Bolz filed the following amendment to LB720:

AM1765

(Amendments to Standing Committee amendments, AM1614)

1. Strike sections 7, 17, 21, 28, and 73 and insert the following
2. new sections:
3. Sec. 7. Board means the Nebraska Economic Opportunity Peer-Review Board created under section 30 of this act.
4. Sec. 8. Carryover period means the period of one year immediately following the end of the performance period.
5. Sec. 18. Performance period means the year during which the required increases in employment and investment were met or exceeded and each year thereafter until the end of the second year after the year the required increases were met or exceeded.
6. Sec. 22. Ramp-up period means the period of time from the date of the complete application through the end of the year after the year in which the complete application was filed with the board.
7. Sec. 29. (1) In order to utilize the incentives allowed in the
Imagine Nebraska Act, the taxpayer shall file an application with the board, on a form developed by the director, requesting an agreement. The application shall:

(2) The application shall:
(a) Identify the taxpayer applying for incentives;
(b) Identify all locations sought to be within the agreement and the reason each such location constitutes or is expected to constitute a qualified location;
(c) State the estimated, projected amount of new investment and the estimated, projected number of new employees;
(d) Identify the required levels of employment and investment for the various incentives listed within section 35 of this act that will govern the agreement. The taxpayer may identify different levels of employment and investment until the first December 31 following the end of the ramp-up period on a form approved by the director. The identified levels of employment and investment will govern all years covered under the agreement;
(e) Identify whether the agreement is for a single qualified location, all qualified locations within a county, all qualified locations in more than one county, or all qualified locations within the state;
(f) Acknowledge that the taxpayer understands the requirements for offering health coverage, and for reporting the value of such coverage, as specified in the Imagine Nebraska Act;
(g) Acknowledge that the taxpayer does not violate any state or federal law against discrimination; and
(h) Contain a nonrefundable application fee of five thousand dollars. The fee shall be remitted to the State Treasurer for credit to the Nebraska Incentives Fund.

(3) An application must be complete to establish the date of the application. An application shall be considered complete once it contains the items listed in subsection (2) of this section.

(4) Once satisfied that the application is consistent with the purposes stated in the Imagine Nebraska Act for one or more qualified locations within this state, the board shall approve the application as provided in section 30 of this act.

(5) There shall be no new applications for incentives filed under this section after December 31, 2029. All complete applications filed on or before December 31, 2029, shall be considered by the board and approved if the location or locations and taxpayer qualify for benefits. Agreements may be executed with regard to complete applications filed on or before December 31, 2029. All agreements pending, approved, or entered into before such date shall continue in full force and effect.

Sec. 30. (1) The Nebraska Economic Opportunity Peer-Review Board is hereby created. The board shall have the following purposes:
(a) Promoting economic development in line with the state's economic development strategy;
(b) Promoting the retention and growth of high-wage, high-impact businesses;
(c) Attracting high-wage, high-impact businesses to the state of
(d) Promoting investment in distressed and rural areas; and
(e) Approving incentives for businesses which would not remain,
grow, or move to Nebraska but for such incentives.
(2) The board shall consist of:
(a) Two economists appointed by the Governor and approved by the
Legislature;
(b) One economic development professional appointed by the Governor
and approved by the Legislature;
(c) The Commissioner of Labor;
(d) The Director of Economic Development;
(e) The chairperson of the Appropriations Committee of the
Legislature, who shall serve as a nonvoting, ex officio member.
(f) The chairperson of the Legislative Performance Audit Committee,
who shall serve as a nonvoting, ex officio member;
(g) The chairperson of the Revenue Committee of the Legislature, who
shall serve as a nonvoting, ex officio member;
(h) The President of the University of Nebraska or his or her
designee; and
(i) The Commissioner of Education or his or her designee.
(3) The board shall have the following duties and powers:
(a) To approve or deny applications under the ImagiNE Nebraska Act;
(b) To request any additional information or materials from
taxpayers submitting applications under the act that can demonstrate the
expected effect of incentives under the act on the taxpayer's investment
and employment decisions;
(c) To approve incentives under the act beyond the annual limit as
prescribed in section 31 of this act; and
(d) To set limits on the amounts of credits or incentives a taxpayer
may receive as part of the application approval process.
(4) The board shall elect a chairperson by majority vote of the
voting members.
(5) The board shall meet once each calendar quarter at a time and
place determined by a majority vote of the voting members of the board.
(6) No applications shall be approved under the ImagiNE Nebraska Act
unless approved by a majority vote of the voting members of the board.
(7) At each meeting the board shall consider any complete
applications submitted before the end of the previous calendar quarter.
The board shall publish the results of its decision no later than ten
days after the meeting at which the application was considered, except as
provided in subsection (8) of this section. If the board fails to make
its determination within the period prescribed by this subsection or
subsection (8) of this section, the application is deemed approved.
(8) The board may request, by mail or by electronic means,
additional information or clarification from the taxpayer in order to
make its determination. If such a request is made, the time limit in
subsection (7) of this section shall be tolled from the time the board
makes the request to the time it receives the requested information or
clarification from the taxpayer. The taxpayer and the board may also
agree to a longer extension.

(9) The board may set a limit to the amount of credits or incentives approved for any individual taxpayer as part of the approval process.

(10) The board shall deny the application of any taxpayer with an active agreement under the Nebraska Advantage Act. A taxpayer with an active agreement under the Nebraska Advantage Act shall not be eligible for credits or incentives under the ImagiNE Nebraska Act.

Sec. 31. (1) Except as provided in subsections (2) and (3) of this section, no more than eighty million dollars of credits or incentives shall be approved in any year under the ImagiNE Nebraska Act.

(2) The board may, by a majority vote of the voting members, approve up to an additional forty million dollars in credits or incentives in any year. If such approval is granted, the annual limit for the following year shall be reduced by an equal amount.

(3) If less than eighty million dollars of credits or incentives are approved in a year, the difference between the amount approved and eighty million dollars shall be carried forward for use in subsequent years.

(4) Upon reaching the annual limit for a year, any pending applications shall be assessed at the beginning of the next year.

Sec. 48. It is the intent of the Legislature to appropriate five million dollars from the General Fund to the ImagiNE Nebraska Revolving Loan Fund for each of fiscal years 2019-20 and 2020-21.

2. On page 1, line 3, strike "44" and insert "48".

3. On page 11, line 8, after "Act" insert "subject to the annual limit under section 31 of this act and any taxpayer-specific limit set by the board under section 30 of this act."

4. On page 12, strike beginning with "director" in line 16 through "Comissioner shall be kept confidential by the board, the director."

5. On page 13, line 2, strike "fifteen" and insert "six"; and in line 28 strike "(1)" and insert "(1)(a)" and strike "director" and insert "board".

6. On page 14, lines 2 and 29, strike "director" and insert "board"; and strike beginning with the period in line 3 through the period in line 12 and insert "At each of its quarterly meetings, the board shall consider requests for review submitted before the end of the previous calendar quarter. The board must complete the review no later than ten days after the meeting at which the request for review was considered, except as provided in subdivision (1)(b) of this section. If the board fails to make its determination within the period prescribed by this subsection, the certification is deemed approved for the disclosed activities."

7. "(b) The board may request, by mail or by electronic means, additional information or clarification from the taxpayer in order to make its determination. If such a request is made, the time limit in subdivision (1)(a) of this section shall be tolled from the time the board makes the request to the time it receives the requested information or clarification from the taxpayer. The taxpayer and the board may also agree to a longer extension."
Senator Bolz filed the following amendment to LB720:

AM1795

(Amendments to Standing Committee amendments, AM1614)

1 Sec. 56. Sections 56 to 61 of this act shall be known and may be cited as the Customized Job Training Act.

4 Sec. 57. The Customized Job Training Act shall be administered by the Department of Economic Development to provide funds in the form of grants to employers for reimbursement of job training expenses as set forth in the act.

8 Sec. 58. The Customized Job Training Cash Fund is created. Funds in the Customized Job Training Cash Fund shall be used for (1) general administrative costs of awarding job training reimbursement grants under the Customized Job Training Act and (2) job training reimbursement grants. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

15 Sec. 59. (1) Employers applying for job training reimbursement grants under the Customized Job Training Act shall apply to the Department of Economic Development. The department shall provide job training reimbursement grants for job training programs for jobs that are net new jobs or that result in a net increase in wages per employee. The job training reimbursement grants shall be in proportion to the committed number of net new jobs created or committed net increase in wages per employee. The amount of each grant and number of grants awarded shall be determined by the department based upon available funding.

24 (2) The department shall create a job training reimbursement grant application, have authority to approve applications, and authorize the
26 total amount of job training reimbursement grants expected to be awarded as a result of the training if the Director of Economic Development is satisfied that the plan in the application defines training that meets the eligibility requirements.

3 (3) The department shall submit an annual report electronically to the Appropriations Committee of the Legislature that includes the total number of job training reimbursement grants awarded, the total dollar amount of job training reimbursement grants awarded and to whom, the total expenditures made in administering the Customized Job Training Act, the number of individuals trained, the average wage of net new jobs, and a summary of the training provided.

11 Sec. 60. (1) In order for an employer to apply for a job training reimbursement grant under the Customized Job Training Act:

12 (a) The jobs being trained for must be net new jobs or result in a net increase in wages per employee; and

13 (b) The jobs being trained for must meet or exceed the Nebraska average annual wage.

17 (2) Training may be provided by:

18 (a) The community college system or any accredited postsecondary educational institution; or

20 (b) Any qualified training provider if the training results in:

21 (i) A national, state, or locally recognized certificate;

22 (ii) Preparation for a professional examination or licensure;

23 (iii) Endorsement for an existing credential or license; or

24 (iv) Development of recognized skill standards as defined by an industrial sector.

26 Sec. 61. An employer receiving a grant shall provide to the Department of Economic Development documentation:

27 (1) Showing the completion of the eligible job training. The department may require reimbursement of any funds for training not meeting eligibility requirements; and

31 (2) Showing that the employer has maintained or exceeded its current level of training expenditures in the fiscal year in which the grant was awarded.

2. Renumber the remaining sections accordingly.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LR107 was adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR107.
MOTION(S) - Confirmation Report(s)

Senator Howard moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1379:

Commission for the Deaf and Hard of Hearing
  Frances Beaurivage
  Sandra Shaw

Voting in the affirmative, 40:

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Voting in the negative, 0.

Present and not voting, 3:

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Excused and not voting, 6:

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The appointments were confirmed with 40 ayes, 0 nays, 3 present and not voting, and 6 excused and not voting.

Senator Howard moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1379:

Nebraska Rural Health Advisory Commission
  Roger A. Wells

Voting in the affirmative, 43:
Voting in the negative, 0.

Present and not voting, 3:

Erdman Hughes La Grone

Excused and not voting, 3:

Hansen, M. Lathrop Morfeld

The appointment was confirmed with 43 ayes, 0 nays, 3 present and not voting, and 3 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 610A. Title read. Considered.

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, 5 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 600A. Senator Walz offered her amendment, AM1775, found on page 1525.

The Walz amendment was adopted with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 295. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 296. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 297. Senator Stinner offered the Bolz amendment, AM1747, found on page 1513.
The Bolz amendment was adopted 40 ayes, 0 nays, and 9 present and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 293.** ER106, found on page 1438, was offered.

ER106 was adopted.

Senator Chambers offered the following motion:

MO84
Indefinitely postpone.

Senator Chambers moved for a call of the house. The motion prevailed with 17 ayes, 2 nays, and 30 not voting.

Senator Chambers requested a roll call vote on the motion to indefinitely postpone.

Voting in the affirmative, 0.

Voting in the negative, 47:

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The Chambers motion to indefinitely postpone failed with 0 ayes, 47 nays, and 2 present and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO85
Reconsider the vote taken to indefinitely postpone.

Senator Chambers moved for a call of the house. The motion prevailed with 19 ayes, 3 nays, and 27 not voting.
Senator Chambers requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 46:

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Present and not voting, 1:

Erdman

Excused and not voting, 1:

Hansen, B.

The Chambers motion to reconsider failed with 1 aye, 46 nays, 1 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:
MO86
Bracket until June 6, 2019.

**SPEAKER SCHEER PRESIDING**

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

Senator Chambers requested a roll call vote on the motion to bracket.

Voting in the affirmative, 0.

Voting in the negative, 45:
Present and not voting, 2:

Chambers  Erdman

Excused and not voting, 2:

Hansen, B.  Morfeld

The Chambers motion to bracket failed with 0 ayes, 45 nays, 2 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO88
Reconsider the vote taken to bracket.

Senator Stinner offered the following motion:

MO89
Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Stinner moved for a call of the house. The motion prevailed with 24 ayes, 2 nays, and 23 not voting.

Senator Chambers requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 45:

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<td>La Grone</td>
<td>Pansing Brooks</td>
<td>Wishart</td>
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</table>
Voting in the negative, 2:

Chambers Lowe

Excused and not voting, 2:

Hansen, B. Morfeld

The Stinner motion to invoke cloture prevailed with 45 ayes, 2 nays, and 2 excused and not voting.

Senator Chambers requested a roll call vote on the motion to reconsider the vote taken to bracket.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 45:

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

Present and not voting, 1:

Erdman

Excused and not voting, 2:

Hansen, B. Morfeld

The Chambers motion to reconsider failed with 1 aye, 45 nays, 1 present and not voting, and 2 excused and not voting.

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

Voting in the affirmative, 45:
Voting in the negative, 1:
Chambers

Present and not voting, 1:
Hunt

Excused and not voting, 2:
Hansen, B. Morfeld

Advanced to Enrollment and Review for Engrossment with 45 ayes, 1 nay, 1 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

NOTICE OF COMMITTEE HEARING(S)
Government, Military and Veterans Affairs
Room 1507

Tuesday, May 21, 2019 12:00 p.m.

Debra Nelson-Loseke - Nebraska Tourism Commission
Starr Lehl - Nebraska Tourism Commission
Roger L. Jasnoch - Nebraska Tourism Commission
Christopher Waddle - State Personnel Board
Sharon Rues - State Personnel Board

(Signed) Tom Brewer, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 134. Introduced by Slama, 1; Howard, 9.

PURPOSE: The purpose of this interim study is to examine the drug testing protocol recently changed by the Division of Children and Family Services
of the Department of Health and Human Services for families involved in the child welfare system.

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

1. The reasons the drug testing protocol was changed;
2. Other states' experience with drug testing protocols related to child welfare systems;
3. The lack of drug testing for initial assessments and structured decision making safety and risk assessments;
4. The use of a new drug testing protocol in high-risk cases and the decision not to drug test members of families subject to a safety plan even if substance use is present;
5. The lack of substance use disorder evaluations when the structured decision making assessment outcome is safe or conditionally safe;
6. The decision not to drug test infants and children who may have been exposed to drugs;
7. The number of families subject to a safety plan who have been moved to a court-involved case or who have had children removed from the home due to substance abuse in the home;
8. The current laws related to drug testing policies in the child welfare system;
9. The number of children placed out-of-home before the drug testing protocol change compared to the number of children placed out-of-home after the change;
10. The number of children who tested positive for drugs prior to the drug testing protocol change;
11. The impacts of possible drug use on children after the drug testing protocol change;
12. The number of drug tests performed on children and on adults prior to the drug testing protocol change compared to the number of such tests after such change;
13. The process for holding parents and guardians accountable under a safety plan or case plan; and
14. The efforts by the department to find a compromise solution with stakeholders regarding drug testing protocols.

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

1. That the Health and Human Services 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 135. Introduced by Hunt, 8.

PURPOSE: The purpose of this interim study is to examine issues related to food insecurity in Nebraska communities. The issues addressed by this interim study shall include, but not be limited to:

(1) Tools to reduce food insecurity, including, but not limited to, the Supplemental Nutrition Assistance Program, the Commodity Supplemental Food Program, and the school lunch program;
(2) Inefficiencies and gaps in the implementation of such programs; and
(3) Potential statutory changes needed to eliminate such inefficiencies and gaps in implementation.

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

1. That the Health and Human Services 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.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 295. Placed on Final Reading.
LEGISLATIVE BILL 296. Placed on Final Reading.

LEGISLATIVE BILL 600. Placed on Final Reading.
ST23
The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "the" in line 1 through line 4 and all amendments thereto have been struck and "government; to amend sections 43-1311.03, 43-4201, 43-4202, 43-4204, 43-4206, 43-4216, 43-4217, 43-4504, 43-4508, 43-4511.01, 43-4514, 68-1212, and 71-7611, Reissue Revised Statutes of Nebraska, and sections 43-285, 43-4203, 43-4207, 43-4218, 43-4513, 43-4701, and 81-8,244, Revised Statutes Cumulative Supplement, 2018; to change eligibility and hearing requirements for the bridge to independence program; to change and eliminate legislative findings, declarations, and intent relating to the Nebraska Children's Commission; to provide, change, and eliminate provisions relating to the administration, membership, and duties of the commission; to eliminate a termination date; to state intent regarding funding; to provide, change, and eliminate duties of the Department of Health and Human Services and the Office of Probation Administration related to the commission; to change and eliminate reporting requirements; to eliminate certain duties of the Bridge to Independence Advisory
Committee; to eliminate obsolete provisions; to change transfers of funds affecting the Nebraska Health Care Cash Fund; to change provisions relating to the authority of the deputy public counsel for institutions; to eliminate provisions relating to legislative findings and intent regarding foster care; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal sections 43-4205, 43-4208, 43-4209, 43-4210, 43-4211, 43-4213, and 43-4214. Reissue Revised Statutes of Nebraska; and to declare an emergency." inserted.

**LEGISLATIVE BILL 600A.** Placed on Final Reading.

(Signed) Julie Slama, Chairperson

**COMMITTEE REPORT(S)**
Enrollment and Review

**LEGISLATIVE BILL 610A.** Placed on Select File.

(Signed) Julie Slama, Chairperson

**VISITOR(S)**

Visitors to the Chamber were students from Lincoln Elementary School, Grand Island; students from Springville Elementary School, Omaha; and students from J. Sterling Morton Elementary School, Millard.

**RECESS**

At 11:56 a.m., on a motion by Senator Howard, 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 Senator Wayne who was excused until he arrives.

**MESSAGE(S) FROM THE GOVERNOR**

May 14, 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:

Allen Simpson, 2401 Ryons Street, Lincoln, NE 68502

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

Janis Elliott, 1306 Lydia Circle, Papillion, NE 68133

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

SELECT FILE

LEGISLATIVE BILL 298. ER107, found on page 1439, was adopted.

Senator Hilkemann offered his amendment, AM1748, found on page 1510.

Senator Hilkemann moved for a call of the house. The motion prevailed with 17 ayes, 6 nays, and 26 not voting.

Senator Hilkemann requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Bolz Hansen, M. Lathrop Morfeld Vargas
Briese Hilkemann Lindstrom Pansing Brooks Walz
Cavanaugh Howard Linehan Quick Wayne
DeBoer Kolowski McCollister Scheer Williams
Groene Kolterman McDonnell Stinner Wishart

Voting in the negative, 17:

Albrecht Chambers Geist La Grone Slama
Bostelman Clements Gragert Lowe
Brandt Dorn Halloran Moser
Brewer Erdman Hilgers Murman

Present and not voting, 7:
The Hilkemann amendment was adopted with 25 ayes, 17 nays, and 7 present and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:
MO90
Indefinitely postpone.

Senator Chambers withdrew his motion to indefinitely postpone.

Senator Moser offered the following amendment:
FA77
Strike AM1748.

Senator Moser moved for a call of the house. The motion prevailed with 16 ayes, 3 nays, and 30 not voting.

The Moser amendment was adopted with 25 ayes, 14 nays, 9 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

The Chair declared the call raised.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 538. Placed on Final Reading.
ST24
The following changes, required to be reported for publication in the Journal, have been made:

1. In the Lathrop amendment, AM1768:
   a. In lieu of the Lathrop amendment, FA72, on page 4, the matter beginning with "An" in line 29 through "devices" in line 31 has been struck and "An owner or operator of a retail establishment shall operate no more than four cash devices, except that an establishment with over four thousand square feet may have one cash device for each one thousand square feet, up to a maximum of fifteen cash devices" inserted; and
   b. On page 6, line 2, a comma has been inserted after "2019".
2. On page 1, the matter beginning with "gaming" in line 1 through line 7 and all amendments thereto have been struck and "gaming; to amend sections 28-1107, 77-3001, 77-3006, 77-3007, 77-3008, 77-3010, and 77-3011, Reissue Revised Statutes of Nebraska, and section 77-5601, Reissue Revised Statutes of Nebraska, as amended by section 2, Legislative Bill 237, One Hundred Sixth Legislature, First Session, 2019; to change
provisions relating to possession of a gambling device; to define and redefine terms under the Mechanical Amusement Device Tax Act; to provide for approval of certain mechanical amusement devices by, and provide duties and powers for, the Department of Revenue as prescribed; to restrict operation of a cash device as prescribed; to provide for the use of certain fees for enforcement; to authorize the manufacture, sale, transport, placement, possession, or entry into transactions involving certain cash devices as prescribed; to provide fees; to harmonize provisions; to provide an operative date; and to repeal the original sections.” inserted.

**LEGISLATIVE BILL 538A.** Placed on Final Reading.

**LEGISLATIVE BILL 293.** Placed on Final Reading.

**LEGISLATIVE BILL 297.** Placed on Final Reading.

ST25

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

1. In the Standing Committee amendments, AM1482, sections 44, 45, and 46 have been renumbered as sections 45, 46, and 44, respectively.

(Signed) Julie Slama, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**

General Affairs

Room 1510

Wednesday, May 22, 2019 12:30 p.m.

James Patterson - Nebraska Commission on Problem Gambling

(Signed) Tom Briese, Chairperson

**COMMUNICATION**

Received communication from Kyle Schneweis, P.E., Director, Nebraska Department of Transportation, regarding the following appointment to the position of Director of the Division of Aeronautics:

Ann B. Richart, AAE

**SELECT FILE**

**LEGISLATIVE BILL 294.** ER109, found on page 1451, was adopted.

Senator Stinner offered the Bolz amendment, AM1746, found on page 1513.

**SENATOR WILLIAMS PRESIDING**
Senator Halloran moved the previous question. The question is, "Shall the debate now close?"

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

Senator Stinner offered the following motion:

MO91
Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Stinner moved for a call of the house. The motion prevailed with 25 ayes, 13 nays, and 11 not voting.

Senator Stinner requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 31:

Blood Geist Kolowski Morfeld Wayne
Bolz Groene Kolterman Pansing Brooks Williams
Cavanaugh Hansen, M. Lathrop Quick Wishart
Chambers Hilgers Lindstrom Scheer
Crawford Hilkemann Linehan Stinner
DeBoer Howard McCollister Vargas
Dorn Hunt McDonnell Walz

Voting in the negative, 14:

Albrecht Brewer Gragert La Grone Murman
Arch Clements Halloran Lowe Slama
Bostelman Erdman Hansen, B. Moser

Present and not voting, 4:

Brandt Briese Friesen Hughes

The Stinner motion to invoke cloture failed with 31 ayes, 14 nays, and 4 present and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 299.** Advanced to Enrollment and Review for Engrossment.

**COMMITTEE REPORT(S)**
Enrollment and Review

**LEGISLATIVE BILL 298.** Placed on Final Reading.

(Signed) Julie Slama, Chairperson
REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Elliot, Janis - Public Employees Retirement Board - Nebraska Retirement Systems
Richart, Ann - Director, Division of Aeronautics, Department of Transportation - Transportation and Telecommunications
Simpson, Allen - Public Employees Retirement Board - Nebraska Retirement Systems

(Signed) Mike Hilgers, Chairperson
Executive Board

AMENDMENT(S) - Print in Journal

Senator Clements filed the following amendment to LB294:
FA73
Amend AM1746
Strike Section 6.

Senator La Grone filed the following amendment to LB294:
AM1638
(Amendments to Standing Committee amendments, AM1329)

1 1. On page 27, strike line 13 and insert "GENERAL FUND 29,998,753 37,474,452"; and strike line 15 and insert "PROGRAM TOTAL 32,015,428 39,526,833".

Senator Cavanaugh filed the following amendment to LB720:
AM1798
(Amendments to Standing Committee amendments, AM1614)

1 1. Insert the following new section:
2 Sec. 45.  (1) For any taxpayer that is a domestic corporation with a
3 board of directors, such taxpayer shall not qualify for any incentives
4 under the ImagiNE Nebraska Act unless at least one-half of the members of
5 the taxpayer's board of directors are female. Such requirement shall
6 continue to apply to the taxpayer throughout the performance period. If a
7 taxpayer fails to meet such requirement at any time during the
8 performance period, such failure shall be treated in the same manner as a
9 failure to maintain the required level of employment for purposes of any
10 recapture and disallowance of incentives under section 34 of this act.
11 (2) For purposes of this section, female means an individual who
12 self-identifies as a woman, without regard to the individual's designated
13 sex at birth.
14 2. On page 1, line 3, strike "44" and insert "45".
15 3. On page 10, line 2, strike "and"; in line 5 strike the period and
16 insert "; and"; and after line 5 insert the following new subdivision:
17 "(i) If the taxpayer is a domestic corporation with a board of
18 directors, contain information regarding the gender of the members of the
19 board of directors at the time of application and, if necessary, a
20 timetable showing the year the taxpayer expects to meet the requirements
21 in section 45 of this act with respect to its board of directors.
22 4. On page 38, line 7, strike the second "and"; and in line 10 after
23 "wages" insert ", and (v) the percentage of female members on the boards
24 of directors of such taxpayers".
25 5. Renumber the remaining sections and correct internal references
26 accordingly.

Senator Cavanaugh filed the following amendment to LB720:
AM1797
(Amendments to Standing Committee amendments, AM1614)
1 1. On page 10, line 2, after "discrimination" insert "and shall not
2 discriminate against any employee or applicant for employment because of
3 such employee's or applicant's race, color, religion, sex, disability,
4 marital status, national origin, sexual orientation, or gender identity".
5 2. On page 12, line 14, after "discrimination" insert "and not
6 discriminate against any employee or applicant for employment because of
7 such employee's or applicant's race, color, religion, sex, disability,
8 marital status, national origin, sexual orientation, or gender identity".

VISITOR(S)

Visitors to the Chamber were students from Springfield Elementary School;
and students from North Park Elementary School, Broken Bow.

ADJOURNMENT

At 6:47 p.m., on a motion by Senator Slama, the Legislature adjourned until
9:00 a.m., Wednesday, May 15, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
SEVENTY-SEVENTH DAY - MAY 15, 2019

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

SEVENTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska  
Wednesday, May 15, 2019

PRAYER

The prayer was offered by Pastor Grant Hewitt, Southern Director for the Christian Medical and Dental Associations, Fort Worth, TX.

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 Cavanaugh, DeBoer, Geist, Morfeld, Pansing Brooks, Stinner, Vargas, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-sixth day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 299. Placed on Final Reading.

(Signed) Julie Slama, Chairperson

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 108, 109, and 110 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 108, 109, and 110.

SELECT FILE

LEGISLATIVE BILL 464. Advanced to Enrollment and Review for Engrossment.
LEGISLATIVE BILL 675. ER108, found on page 1451, was adopted.

Senator Groene offered his amendment, AM1675, found on page 1524.

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

Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 720. Title read. Considered.

Committee AM1614, found on page 1462, was offered.

Senator Kolterman withdrew his amendment, AM1198, found on page 1085.

Senator Kolterman asked unanimous consent to withdraw his amendment, AM1684, found on page 1512, to the committee amendment, and replace it with the Bolz substitute amendment, AM1795, found on page 1541. No objections. So ordered.

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 464. Placed on Final Reading.

(Signed) Julie Slama, Chairperson

AMENDMENT(S) - Print in Journal

Senator Bostelman filed the following amendment to LB583:

AM1556

1 Insert the following new section:

2 Section 1. Section 13-2914, Reissue Revised Statutes of Nebraska, is amended to read:

3 13-2914 A political subdivision shall not use a design-build contract or construction management at risk contract under the Political Subdivisions Construction Alternatives Act for a project, in whole or in part, for road, street, highway, water, wastewater, utility, or sewer construction, except that a city of the metropolitan class may use a design-build contract or construction management at risk contract for the purpose of complying with state or federal requirements to control or minimize overflows from combined sewers.
12 2. On page 3, strike beginning with "with" in line 2 through
13 "Census" in line 5; and strike beginning with "described" in line 6
14 through the second "subdivision" in line 7.
15 3. On page 15, line 9, after "resolution" insert "or an ordinance";
16 and in line 10 after "sections" insert "13-2914,.
17 4. Renumber the remaining sections accordingly.

NOTICE OF COMMITTEE HEARING(S)
Transportation and Telecommunications
Room 1510

Tuesday, May 28, 2019 12:00 p.m.
Ann Richart - Division of Aeronautics-Department of Transportation
(Signed) Curt Friesen, Chairperson

GENERAL FILE

LEGISLATIVE BILL 720. Senator Erdman offered the following motion:
MO92
Bracket until June 6, 2019.
Pending.

COMMITTEE REPORT(S)
Appropriations

LEGISLATIVE BILL 481. Placed on General File with amendment.
AM1815
1 1. Strike the original section and insert the following new
2 sections:
3 Section 1. Sections 1 to 6 of this act shall be known and may be
4 cited as the Brain Injury Trust Fund Act.
5 Sec. 2. For purposes of the Brain Injury Trust Fund Act:
6 (1) Brain injury has the definition found in section 81-654; and
7 (2) Committee means the Brain Injury Oversight Committee created in
8 section 3 of this act.
9 Sec. 3. (1) The Brain Injury Oversight Committee is created. The
10 committee shall consist of nine public members and the following
11 directors, or their designees: The Commissioner of Education; the
12 Director of Behavioral Health of the Department of Health and Human
13 Services; and the Director of Public Health of the Department of Health
14 and Human Services. The Governor shall appoint the nine public members
15 which shall include individuals with a brain injury or family members of
16 individuals with a brain injury, a representative of a public or private
17 health-related organization, a representative of a developmental
18 disability advisory or planning group within Nebraska, a representative
of service providers for individuals with a brain injury, and a representative of a nonprofit brain injury advocacy organization.

2. The Governor shall appoint the public members within ninety days after the operative date of this act. The Governor shall designate the initial terms so that three members serve one-year terms, three members serve two-year terms, and three members serve three-year terms. Their successors shall be appointed for four-year terms. Any vacancy shall be filled from the same category for the remainder of the unexpired term. Any member of the committee shall be eligible for reappointment. At least one member of the committee shall be appointed from each congressional district.

3. The committee shall select a chairperson and such other officers as it deems necessary to perform its functions and shall establish policies to govern its procedures. The committee shall meet at least four times annually, and at any other time as the business of the committee requires, and shall meet at such place as may be established by the chairperson. The public members of the committee shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177.

Sec. 4. The committee shall:
1. Provide financial oversight and direction to the University of Nebraska Medical Center in the management of the Brain Injury Trust Fund;
2. Develop criteria for expenditures from the Brain Injury Trust Fund; and
3. Represent the interests of individuals with a brain injury and their families through advocacy, education, training, rehabilitation, research, and prevention.

Sec. 5. (1) The Brain Injury Trust Fund is created. The fund shall consist of appropriations from the Legislature, transfers authorized by the Legislature, grants, and any contributions designated for the purpose of the fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(2)(a) The fund shall be administered through a contract with the University of Nebraska Medical Center for administration, accounting, and budgeting purposes and used to pay for contracts for assistance for individuals with a brain injury with outside sources that specialize in the area of brain injury. Such outside sources shall operate, at a minimum, statewide, and also in targeted areas as defined and determined in the contract, with individuals with a brain injury; work to secure and develop community-based services for individuals with a brain injury; provide support groups and access to pertinent information, medical resources, and service referrals for individuals with a brain injury; and educate professionals who work with individuals with a brain injury.

(b) Expenditures from the fund may also include, but not be limited to:
1. Resource facilitation. Resource facilitation shall be given priority and made available to provide ongoing support for individuals with a brain injury and their families for coping with brain injuries.
Resource facilitation may provide a linkage to existing services and increase the capacity of the state's providers of services to individuals with a brain injury by providing brain-injury-specific information, support, and resources and enhancing the usage of support commonly available in a community. Agencies providing resource facilitation shall specialize in providing services to individuals with a brain injury and their families;

(ii) Voluntary training for service providers in the appropriate provision of services to individuals with a brain injury;

(iii) Followup contact to provide information on brain injuries for individuals on the brain injury registry established in the Brain Injury Registry Act;

(iv) Activities to promote public awareness of brain injury and prevention methods;

(v) Supporting research in the field of brain injury;

(vi) Providing and monitoring quality improvement processes with standards of care among brain injury service providers; and

(vii) Collecting data and evaluating how the needs of individuals with a brain injury and their families are being met in this state.

(c) No more than ten percent of the fund shall be used for administration of the fund.

(d) Data collection and evaluation pursuant to this section shall not be a burden or unnecessary hardship to individuals with a brain injury or service providers.

(e) Nothing in this section shall require a professional, provider, caregiver, or individual to receive training as a condition of receiving or providing nonmedical services to individuals with a brain injury.

Sec. 6. It is the intent of the Legislature to appropriate five hundred thousand dollars from the Nebraska Health Care Cash Fund annually beginning in fiscal year 2020-21 to the Brain Injury Trust Fund for purposes of carrying out the Brain Injury Trust Fund Act.

Sec. 7. Section 71-7611, Reissue Revised Statutes of Nebraska, is amended to read:

(1) The Nebraska Health Care Cash Fund is created. The State Treasurer shall transfer (a) sixty million three hundred thousand dollars on or before July 15, 2014, (b) sixty million three hundred fifty thousand dollars on or before July 15, 2015, (c) sixty million three hundred fifty thousand dollars on or before July 15, 2016, (d) sixty million seven hundred thousand dollars on or before July 15, 2017, (e) five hundred thousand dollars on or before May 15, 2018, (f) sixty-one million six hundred thousand dollars on or before July 15, 2018, (g) sixty-one million three hundred fifty thousand dollars on or before July 15, 2019, and (h) sixty million nine hundred fifty thousand dollars on or before every July 15 thereafter from the Nebraska Medicaid Intergovernmental Trust Fund and the Nebraska Tobacco Settlement Trust Fund to the Nebraska Health Care Cash Fund, except that such amount shall be reduced by the amount of the unobligated balance in the Nebraska Health Care Cash Fund at the time the transfer is made. The state investment officer shall advise the State Treasurer on the amounts to be
28 transferred first from the Nebraska Medicaid Intergovernmental Trust Fund
29 until the fund balance is depleted and from the Nebraska Tobacco
30 Settlement Trust Fund thereafter in order to sustain such transfers in
31 perpetuity. The state investment officer shall report electronically to
1 the Legislature on or before October 1 of every even-numbered year on the
2 sustainability of such transfers. The Nebraska Health Care Cash Fund
3 shall also include money received pursuant to section 77-2602. Except as
4 otherwise provided by law, no more than the amounts specified in this
5 subsection may be appropriated or transferred from the Nebraska Health
6 Care Cash Fund in any fiscal year.
7 The State Treasurer shall transfer ten million dollars from the
8 Nebraska Medicaid Intergovernmental Trust Fund to the General Fund on
10 It is the intent of the Legislature that no additional programs are
11 funded through the Nebraska Health Care Cash Fund until funding for all
12 programs with an appropriation from the fund during FY2012-13 are
13 restored to their FY2012-13 levels.
14 (2) Any money in the Nebraska Health Care Cash Fund available for
15 investment shall be invested by the state investment officer pursuant to
16 the Nebraska Capital Expansion Act and the Nebraska State Funds
17 Investment Act.
18 (3) The University of Nebraska and postsecondary educational
19 institutions having colleges of medicine in Nebraska and their affiliated
20 research hospitals in Nebraska, as a condition of receiving any funds
21 appropriated or transferred from the Nebraska Health Care Cash Fund,
22 shall not discriminate against any person on the basis of sexual
23 orientation.
24 (4) The State Treasurer shall transfer fifty thousand dollars on or
25 before July 15, 2016, from the Nebraska Health Care Cash Fund to the
26 Board of Regents of the University of Nebraska for the University of
27 Nebraska Medical Center. It is the intent of the Legislature that these
28 funds be used by the College of Public Health for workforce training.
29 (5) It is the intent of the Legislature that the cost of the staff
30 and operating costs necessary to carry out the changes made by Laws 2018,
31 LB439, and not covered by fees or federal funds shall be funded from the
2 Sec. 8. This act becomes operative on July 15, 2020.
3 Sec. 9. Original section 71-7611, Reissue Revised Statutes of
4 Nebraska, is repealed.

(Signed) John Stinner, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 481A. Introduced by Stinner, 48.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to
aid in carrying out the provisions of Legislative Bill 481, One Hundred Sixth Legislature, First Session, 2019.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 136. Introduced by Vargas, 7.

WHEREAS, Noah Fant was selected by the Denver Broncos as the twentieth overall pick in the 2019 National Football League Draft; and
WHEREAS, Noah Fant is the first Nebraskan to be selected in the first round of the National Football League draft since 1987; and
WHEREAS, Noah Fant is a graduate of Omaha South High School, class of 2016, where he played both basketball and football and was selected as a member of the 2015 Omaha World-Herald's Super Six team, which recognizes the top six high school football players in Nebraska; and
WHEREAS, Noah Fant finished his college football career at the University of Iowa with 78 catches for 1,082 yards and 19 touchdowns, breaking a school record for career touchdowns by a tight end; and
WHEREAS, Noah Fant earned a third team All-Big Ten selection in 2017 and a first team All-Big Ten selection in 2018; and
WHEREAS, Noah Fant embodies the work ethic, humility, and dedication of Nebraskans.

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

1. That the Legislature recognizes the outstanding achievements of Noah Fant and wishes him the best of luck in his career in the National Football League.
2. That a copy of this resolution be sent to Noah Fant and his family.

Laid over.

LEGISLATIVE RESOLUTION 137. Introduced by Lindstrom, 18.

PURPOSE: The purpose of this interim study is to examine the Nebraska Condominium Act, which was last updated in 1993. The issues addressed by this interim study shall include, but not be limited to:
(1) A statute of limitations on actions by a homeowners' association against a developer;
(2) The percentage of the homeowners' association required vote in favor prior to proceeding with litigation;
(3) The imposition of a mediation requirement prior to litigation;
(4) The imposition of a requirement that the homeowners' association adhere to preventative maintenance plans; and
(5) Selling units of real estate while the homeowners' association is involved in litigation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Banking, Commerce and Insurance 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.


PURPOSE: The purpose of this interim study is to identify for adoption by the Legislature three to five infrastructure project opportunities in eastern Nebraska of sufficient size and scale to provide flood control, a stable and reliable drinking water supply, power generation, climate change mitigation, and recreation, and to attract and retain a workforce to foster regional and economic growth.

To identify such opportunities in eastern Nebraska, the study shall:

(1) Compile information regarding: (a) Hydrology and water supply, (b) geotechnical information, (c) existing infrastructure, (d) existing and future recreation and economic needs in the region, (e) existing and expected economic data for the region, (f) existing and expected demographic data for the region, (g) future land use master plans, (h) existing and planned transportation infrastructure, and (i) land ownership data;

(2) Develop threshold criteria regarding the size needed to be a viable project;

(3) Identify potential project locations, opportunities, and constraints including: (a) Proximity to urban areas and centers of economic development, (b) size, (c) water and land availability, (d) existing infrastructure, (e) socioeconomic considerations, (f) environmental impact, (g) public acceptance or opposition, (h) ability to obtain federal, state, and local permits, (i) relocation of communities, (j) public safety, and (k) long-term operation and maintenance needs; and

(4) Define project elements to maximize the benefits within physical constraints of the project, including concept-level definitions of infrastructure improvements, recreational amenities, and land requirements.

Such study shall be conducted by the Natural Resources Committee of the Legislature in consultation with the University of Nebraska, the Department of Economic Development, and the Department of Natural Resources.

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 139.** Introduced by Lowe, 37; Howard, 9; Murman, 38; Williams, 36.

PURPOSE: The purpose of this interim study is to examine the feasibility of increasing the presence of the University of Nebraska Medical Center in central and western Nebraska by strengthening existing collaborations and creating new collaborations with the University of Nebraska at Kearney for education, research, and community outreach for health professionals. The issues addressed by this interim study shall include, but not be limited to:

1. Identification of priority health professions that are experiencing extreme shortages;
2. Current health professional training programs and the sustainability of such programs;
3. The current preceptorship pool available to provide clinical training to students;
4. Technology to assist in the provision of educational and care delivery opportunities;
5. The importance of public-private partnerships in providing educational and care delivery opportunities; and
6. Recommendations for potential strategies and funding sources to achieve priority opportunities.

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

1. That the Health and Human Services 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 Briese filed the following amendment to LB397:

AM1828

1. On page 2, line 23, strike "(2)" and insert "(2)(a)"; and in line 23, strike "(a)" and insert "(b)".
2. On page 3, line 9, strike "or" and insert "and"; in line 12, strike "containing" and insert "whether or not it contains"; strike beginning with "the" in line 14 through "An" in line 16 and insert "an"; 6 in line 18 strike "Federal" and insert "Federal"; and strike beginning 7 with the underscored semicolon in line 19 through "derivatives" in line 8 23.
3. On page 21, line 1, strike "as" and insert "in the form of" 10 ongoing litigation that has not reached a final order as reasonably" and
11 strike "the satisfaction of"; in line 9 after "years" insert ", unless
12 such removal is subject to a good faith dispute in the form of an ongoing
13 challenge under administrative procedure or litigation that has not
14 reached a final order as reasonably documented to the Attorney General";
15 in line 10 strike "litigation pending against, or"; in line 11 strike the
16 underscored comma; and in line 25 after "business" insert ", unless the
17 suspension or revocation is subject to a good faith dispute in the form
18 of an ongoing challenge under administrative procedure or litigation that
19 has not reached a final order as reasonably documented to the Attorney
20 General".
21 4. On page 22, line 3, after "Commissioner" insert ", unless such
22 failure is subject to a good faith dispute in the form of an ongoing
23 challenge under administrative procedure or litigation that has not
24 reached a final order as reasonably documented to the Attorney General".

VISITOR(S)

Visitors to the Chamber were students from Plattsmouth Elementary School;
and Senator DeBoer's parents, John and Elaine DeBoer, from Omaha, and
Senator DeBoer's sister, nieces, and nephew, Johanna, Evy, Charlotte, and
Ben Anderson, from Lincoln.

RECESS

At 12:16 p.m., on a motion by Senator Geist, the Legislature recessed until
1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Foley presiding.

ROLL CALL

The roll was called and all members were present except Senators Groene,
B. Hansen, Howard, Hughes, Hunt, Kolterman, Morfeld, and Murman who
were excused until they arrive.

AMENDMENT(S) - Print in Journal

Senator Groene filed the following amendment to LB720:
AM1767
(Amendments to Standing Committee amendments, AM1614)
1 1. On page 6, line 4, after the semicolon insert "or"; in line 5
2 strike "; or" and insert an underscored period; and strike lines 6
3 through 10.
Senator Chambers filed the following amendment to LB720:
FA78
Page 10, line 1 strike beginning with "violate" through "discrimination" in
line 2 and insert "discriminate on the basis of race, color, creed, religion,
ancestry, sex, marital status, national origin, familial status as defined in
section 20-311, handicap as defined in section 20-313, age, disability, sexual
orientation, or gender identity".

Senator Vargas filed the following amendment to LB720:
AM1491
(Amendments to Standing Committee amendments, AM1614)
1 1. Insert the following new section:
2 Sec. 45. (1) The Legislature finds and declares that:
3 (a) Nationwide and in Nebraska, women are paid significantly less
4 than men. In addition to wage disparity, women make up a small share of
5 top leadership positions in private businesses. In recent years, women
6 have made some gains in leadership positions, and experience has shown
7 that the increase of women in leadership is helping businesses thrive in
8 unprecedented ways. For over fifty years, equal pay laws have sought to
9 remedy persistent disparities based on sex and gender in the workplace.
10 Nevertheless, gender-based disparities with regard to pay and leadership
11 status persist and have created a wage gap in Nebraska negatively
12 impacting working women, working families, our state budget, and our
13 state and national economies;
14 (b) The persistent gender disparities illustrate that this state
15 must do better and must modernize its equal pay laws with innovative and
16 creative policy strategies. Research shows that if the state waits for a
17 private market correction, Nebraska women will not realize equal pay for
18 equal work until 2066. That pace is unacceptable. The state must be
19 proactive and take additional steps to make equal pay a reality; and
20 (c) The ImagiNE Nebraska Act encourages and rewards employers that
21 create new, quality jobs in Nebraska. Quality jobs are jobs provided by
22 employers that (i) recognize that women are a significant portion of
23 Nebraska's workforce and (ii) provide for pay and employment equity for
24 women, including equity in leadership.
25 (2) For any taxpayer that is a domestic corporation with a board of
26 directors, such taxpayer shall not qualify for any incentives under the
1 ImagiNE Nebraska Act unless at least one-half of the members of the
2 taxpayer's board of directors are female. Such requirement shall continue
3 to apply to the taxpayer throughout the performance period. If a taxpayer
4 fails to meet such requirement at any time during the performance period,
5 such failure shall be treated in the same manner as a failure to maintain
6 the required level of employment for purposes of any recapture and
7 disallowance of incentives under section 34 of this act.
8 (3) For purposes of this section, female means an individual who
9 self-identifies as a woman, without regard to the individual's designated
10 sex at birth.
11 2. On page 1, line 3, strike "44" and insert "45".
12 3. On page 10, line 2, strike "and"; in line 5 strike the period and
13 insert "; and"; and after line 5 insert the following new subdivision:
14 "(i) If the taxpayer is a domestic corporation with a board of
directors, contain information regarding the gender of the members of the
board of directors at the time of application and, if necessary, a
timetable showing the year the taxpayer expects to meet the requirements
in section 45 of this act with respect to its board of directors.".
15 4. On page 38, line 7, strike the second "and"; and in line 10 after
"wages" insert ", and (v) the percentage of female members on the boards
of directors of such taxpayers".
16 5. Renumber the remaining sections and correct internal references
accordingly.

Senator M. Hansen filed the following amendment to LB720:
AM1826
(Amendments to Standing Committee amendments, AM1614)
1 1. Strike section 10 and insert the following new sections:
2 Sec. 10. Employer-sponsored health insurance means a plan (1) that
3 offers minimum essential coverage under an eligible employer-sponsored
4 plan, as those terms are defined and described in section 5000A of the
5 Internal Revenue Code of 1986, as amended, and the regulations for such
6 section as they existed on the effective date of this act and (2) the
7 entire cost of which is paid by the employer.
8 Sec. 11. Employer-sponsored retirement account means any retirement
9 account to which the employer contributes at least five percent of the
10 employee's wages per month.
11 Sec. 12. (1) Full-time employees means the number of employees who,
12 for a calendar month, are (a) employed on average at least thirty hours
13 per week and (b) provided with employer-sponsored health insurance, paid
14 family and medical leave, employer-sponsored retirement accounts, health
15 savings accounts, and dependent care flexible spending accounts.
16 (2) Hours worked by part-time employees shall not be considered for
17 purposes of determining the number of full-time employees.
18 Sec. 13. Health savings account means an account as defined in 26
19 U.S.C. 223, as such section existed on the effective date of this act.
20 Sec. 20. Paid family and medical leave means six weeks of paid leave
21 eligible for leave under the federal Family and Medical Leave Act of
22 1993, 29 U.S.C. 2601 et seq., as such act existed on the effective date
23 of this act.
24 2. On page 1, line 3, strike "44" and insert "48".
25 3. On page 3, lines 18, 19, 20, 26, 28, and 29, strike "equivalent"
26 and insert "full-time"; strike beginning with the comma in line 21
1 through the comma in line 22; and strike beginning with the comma in line
2 30 through the comma in line 31.
3 4. On page 4, lines 5, 6, and 7, strike "equivalent" and insert
4 "full-time"; strike beginning with the comma in line 8 through the comma
5 in line 9; and strike lines 20 through 29.
6 5. On page 17, strike lines 7 through 20 and insert ", subdivision,
7 the average wage of the taxpayer's employees at the qualified location or
8 locations for each year of the performance period must equal at least one
9 hundred fifty percent of the Nebraska statewide average hourly wage for
10 the year of application.".
11 6. On page 19, line 27; page 20, lines 4 and 5, 8 and 9, 12 and 13,
12 16 and 20, and 24 and 25; strike "if the average wage of the new
13 employees equals" and insert "who are paid wages of".
14 7. On page 23, strike beginning with "and" in line 21 through "act"
15 in line 30.
16 8. On page 33, strike beginning with "and" in line 4 through "act"
17 in line 5 and insert "requirement of subdivision (1)(c) of section 32 of
18 this act and the requirement to provide the benefits described in
19 subdivision (1)(b) of section 12 of this act".
20 9. On page 53, strike the new matter in lines 30 and 31 and insert
21 "and sections 10, 14, 19, 24, 26, 27, 36, 39, and 47 of this act".
22 10. Renumber the remaining sections and correct internal references
23 accordingly.

Senator Scheer filed the following amendment to LB720:
AM1836
(Amendments to Standing Committee amendments, AM1614)
1 1. Insert the following new sections:
2 Sec. 56. Sections 56 to 63 of this act shall be known and may be
3 cited as the Community Economic Opportunities Act.
4 Sec. 57. The purpose of the Community Economic Opportunities Act is
5 to provide capital for economic development projects in areas of the
6 state that are underserved by Nebraska's employment and investment
7 incentive programs.
8 Sec. 58. For purposes of the Community Economic Opportunities Act:
9 (1) Board means the Community Economic Opportunities Board
10 established in section 59 of this act;
11 (2) Department means the Department of Economic Development;
12 (3) Eligible community means a county in Nebraska with fewer than
13 forty thousand residents as determined by the most recent federal
14 decennial census; and
15 (4) Eligible project means an economic development project proposed
16 by a private business that:
17 (a) By its terms is not eligible to receive incentives under the
18 ImagiNE Nebraska Act;
19 (b) Will provide employment, investment, or both, to an eligible
20 community; and
21 (c) Is determined by the department to have a likelihood of
22 resulting in a high rate of return on investment.
23 Sec. 59. (1) The Community Economic Opportunities Board is
24 established. The board shall be comprised of two persons representing
25 economic developers, two persons representing counties or municipalities,
26 and one person representing business. Members shall be appointed by the
1 Governor and approved by the Legislature with at least one member
2 residing in each of Nebraska's congressional districts. Additionally, the
3 Speaker of the Legislature, the chairperson of the Appropriations
4 Committee of the Legislature, and the chairperson of the Revenue
5 Committee of the Legislature shall serve as nonvoting members on the
6 board. Members shall serve two-year terms except that the terms of one
7 person representing economic developers and one person representing
8 counties or municipalities appointed upon the creation of the board shall
9 be for three years. The board shall select a chairperson from among its
10 members. Members shall serve without compensation but shall be reimbursed
11 for their actual and necessary expenses as provided in sections 81-1174
12 to 81-1177. Board meetings may be conducted by telephone or
13 teleconference.
14 (2) The board shall meet subject to the call of the chair to select
15 projects for funding under the Community Economic Opportunities Act from
16 recommendations by the department. The board may approve up to two
17 million dollars each year to fund eligible projects.
18 Sec. 60. The department shall develop procedures for applying for
19 funding under the Community Economic Opportunities Act and shall develop
20 guidelines and parameters for rating and selecting projects for
21 submission to the board.
22 Sec. 61. The Community Economic Opportunities Fund is created. The
23 fund shall be administered by the department to provide funding for
24 eligible projects approved by the board under section 59 of this act. The
25 fund shall consist of transfers and appropriations authorized by the
26 Legislature and any gifts, grants, bequests, or donations to the fund.
27 Any money in the fund available for investment shall be invested by the
28 state investment officer pursuant to the Nebraska Capital Expansion Act
29 and the Nebraska State Funds Investment Act.
30 Sec. 62. (1) On or before October 31, 2020, and each October 31
31 thereafter, the Director of Economic Development shall electronically
1 submit to the Legislature a report on the Community Economic
2 Opportunities Act for the previous fiscal year.
3 (2) The report shall list projects that were approved for funding by
4 the board and shall include the location of the project, the entity
5 receiving funding, and a description of the project.
6 Sec. 63. (1) On or before July 1, 2020, the State Treasurer shall,
7 on such date as directed by the budget administrator of the budget
8 division of the Department of Administrative Services, transfer two
9 million dollars from the General Fund to the Community Economic
10 Opportunities Fund.
11 (2) On or before July 1, 2021, the State Treasurer shall, on such
12 date as directed by the budget administrator of the budget division of
13 the Department of Administrative Services, transfer two million dollars
14 from the General Fund to the Community Economic Opportunities Fund.
15 (3) It is the intent of the Legislature to appropriate two million
16 dollars to the Community Economic Opportunities Fund annually for
17 purposes of carrying out the Community Economic Opportunities Act.
18 2. Renumber the remaining sections accordingly.

Senator Friesen filed the following amendment to LB720:
AM1845 is available in the Bill Room.
GENERAL FILE

LEGISLATIVE BILL 686. Title read. Considered.

Committee AM1737, found on page 1522, was offered.

Senator Friesen offered the following amendment to the committee amendment:
AM1859 is available in the Bill Room.

Senator Friesen withdrew his amendment.

The committee amendment was adopted with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 720A. Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 720, One Hundred Sixth Legislature, First Session, 2019; and to declare an emergency.

NOTICE OF COMMITTEE HEARING(S)
Nebraska Retirement Systems
Room 1510

Thursday, May 23, 2019 8:00 a.m.

Allen Simpson - Public Employees Retirement Board
Janis Elliott - Public Employees Retirement Board
Michael D. Jahnke - Public Employees Retirement Board

(Signed) Mark Kolterman, Chairperson

AMENDMENT(S) - Print in Journal

Senator Erdman filed the following amendment to LB719:
AM1820
(Amendments to Standing Committee amendments, AM258)
1 1. Insert the following new section:
2 Sec. 2. Section 60-6,190, Revised Statutes Cumulative Supplement,
Whenever the Department of Transportation determines, upon the basis of an engineering and traffic investigation, that any maximum speed limit is greater or less than is reasonable or safe under the conditions found to exist at any intersection, place, or part of the state highway system outside of the corporate limits of cities and villages as well as inside the corporate limits of cities and villages on freeways which are part of the state highway system, it may determine and set a reasonable and safe maximum speed limit for such intersection, place, or part of such highway which shall be the lawful speed limit when appropriate signs giving notice thereof are erected at such intersection, place, or part of the highway, except that the maximum rural and freeway limits shall not be exceeded. Such a maximum speed limit may be set to be effective at all times or at such times as are indicated upon such signs.

The speed limits set by the department shall not be a departmental rule, regulation, or order subject to the statutory procedures for such rules, regulations, or orders but shall be an authorization over the signature of the Director-State Engineer and shall be maintained on permanent file at the headquarters of the department. Certified copies of such authorizations shall be available from the department at a reasonable cost for duplication. Any change to such an authorization shall be made by a new authorization which cancels the previous authorization and establishes the new limit, but the new limit shall not become effective until signs showing the new limit are erected as provided in subsection (1) of this section.

On county highways which are not part of the state highway system or within the limits of any state institution or any area under control of the Game and Parks Commission or a natural resources district and which are outside of the corporate limits of cities and villages, county boards shall have the same power and duty to alter the maximum speed limits as the department if the change is based on an engineering and traffic investigation comparable to that made by the department. The limit outside of a business or residential district shall not be decreased to less than thirty-five miles per hour.

On all highways within their corporate limits, except on state-maintained freeways which are part of the state highway system, incorporated cities and villages shall have the same power and duty to alter the maximum speed limits as the department if the change is based on engineering and traffic investigation, except that no imposition of speed limits on highways which are part of the state highway system in cities and villages under eight hundred forty thousand inhabitants as determined by the most recent federal decennial census or the most recent revised certified count by the United States Bureau of the Census shall be effective without the approval of the department.

The director of any state institution, the Game and Parks Commission, or a natural resources district, with regard to highways which are not a part of the state highway system, which are within the limits of such institution or area under Game and Parks Commission or natural resources district control, and which are outside the limits of
26 any incorporated city or village, shall have the same power and duty to
27 alter the maximum speed limits as the department if the change is based
28 on an engineering and traffic investigation comparable to that made by
29 the department.
30 (6) Not more than six such speed limits shall be set per mile along
31 a highway, except in the case of reduced limits at intersections. The
1 difference between adjacent speed limits along a highway shall not be
2 reduced by more than twenty miles per hour, and there shall be no limit
3 on the difference between adjacent speed limits for increasing speed
4 limits along a highway.
5 (7) When the department or a local authority determines by an
6 investigation that certain vehicles in addition to those specified in
7 sections 60-6,187, 60-6,305, and 60-6,313 cannot with safety travel at
8 the speeds provided in sections 60-6,186, 60-6,187, 60-6,189, 60-6,305,
9 and 60-6,313 or set pursuant to this section or section 60-6,188 or
10 60-6,189, the department or local authority may restrict the speed limit
11 for such vehicles on highways under its respective jurisdiction and post
12 proper and adequate signs.
13 2. Renumber the remaining section and correct the repealer
14 accordingly.

Senator Stinner filed the following amendment to LB4A:
AM1863
(Amendments to Final Reading copy)
1 1. Insert the following new section:
2 Sec. 2. Since an emergency exists, this act takes effect when passed
3 and approved according to law.
4 2. On page 1, line 3, after "2019" insert "; and to declare an
5 emergency".

Senator B. Hansen filed the following amendment to LB511:
AM1843
(Amendments to E and R amendments, ER56)
1 1. Strike sections 2 to 149.

GENERAL FILE

LEGISLATIVE BILL 592. Senator Wayne withdrew his motion, MO37,
found on page 1006, to indefinitely postpone pursuant to Rule 6, Sec. 3(f).

Title read. Considered.

Committee AM1359, found on page 1333, was offered.

Senator Slama offered her amendment, AM1587, found on page 1526, to the
committee amendment.

The Slama amendment lost with 11 ayes, 21 nays, 12 present and not voting,
and 5 excused and not voting.
The committee amendment was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 300.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 300A.** ER110, found on page 1467, was offered.

ER110 was adopted.

Advanced to Enrollment and Review for Engrossment.

**MOTION(S) - Print in Journal**

Senator Groene filed the following motion to LB147:

MO93

Place on General File pursuant to Rule 3, Section 20(b).

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 686A.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 686, One Hundred Sixth Legislature, First Session, 2019.

**AMENDMENT(S) - Print in Journal**

Senator La Grone filed the following amendment to LB470:

AM1849

(Amendments to AM1461)

1 1. On page 16, line 21, strike the new matter and reinstate the
2 stricken matter.
3 2. On page 17, strike lines 4 through 11 and insert the following
4 new subdivision:
5 "(c) For taxable years beginning or deemed to begin on or after
6 January 1, 2020, under the Internal Revenue Code of 1986, as amended,
7 federal adjusted gross income shall be reduced, to the extent included in
8 the adjusted gross income of an individual, by the amount of any
9 contribution made by the individual's employer into an account under the
Senator Groene filed the following amendment to LB147:

AM1750
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 79-254, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 79-254 Sections 79-254 to 79-294 and sections 4 and 5 of this act
6 shall be known and may be cited as the Student Discipline Act.
7 Sec. 2. Section 79-258, Reissue Revised Statutes of Nebraska, is
8 amended to read:
9 79-258 Administrative and teaching personnel may take actions
10 regarding student behavior, other than those specifically provided in the
11 Student Discipline Act, which are reasonably necessary to aid the
12 student, further school purposes, or prevent interference with the
13 educational process. Such actions may include, but need not be limited
14 to, physical contact, counseling of students, parent conferences,
15 rearrangement of schedules, requirements that a student remain in school
16 after regular hours to do additional work, restriction of extracurricular
17 activity, or requirements that a student receive counseling,
18 psychological evaluation, or psychiatric evaluation upon the written
19 consent of a parent or guardian to such counseling or evaluation.
20 Sec. 3. Section 79-259, Reissue Revised Statutes of Nebraska, is
21 amended to read:
22 79-259 If a student is removed, suspended, expelled, or excluded
23 from school or from any educational function pursuant to the Student
24 Discipline Act, such absence from school shall not be deemed a violation
25 on the part of any person under any compulsory school attendance
26 statutes. Any suspension or expulsion under the act shall comply with the
27 requirements of the Special Education Act and the requirements of the
1 federal Individuals with Disabilities Education Act, 20 U.S.C. 1400 1401
2 et seq.
3 Sec. 4. (1) Administrative, teaching, and other school personnel
4 may use reasonable physical contact to protect a student, school
5 personnel, or another person from imminent physical injury.
6 (2) Reasonable physical contact shall only be used for as long as
7 necessary to protect the student, school personnel, or other person from
8 imminent physical injury. Reasonable physical contact does not include
9 physical contact that:
10 (a) Is intended to cause pain;
11 (b) Places a student in a prone restraint, which means restraint in
12 which a student is placed on the ground in a face-down position; or
13 (c) Involves any mechanical restraint.
14 (3) Each school district shall adopt a policy regarding the use of
physical contact pursuant to this section, including training
requirements relating to the use of reasonable physical contact.
(4) Within twenty-four hours following the use of any physical
contact pursuant to this section, school personnel shall contact the
parent or guardian of the student and notify the parent or guardian of
the use of such physical contact.
(5)(a) No administrative, teaching, or other school personnel shall
be subject to professional or administrative discipline or be held liable
for harm caused by an act or omission of any administrative, teaching, or
other school personnel relating to the use of reasonable physical contact
pursuant to this section unless the harm was caused by (i) gross
negligence, (ii) a conscious, flagrant indifference to the rights or
safety of the individual who was harmed, or (iii) willful, criminal, or
reckless misconduct, including misconduct (A) that constitutes a crime of
violence, as defined by 18 U.S.C. 16, as such section existed on January
1, 2019, (B) that involves a sexual offense listed in subdivision (1)(a)
(i) of section 29-4003, (C) for which the defendant has been found to
have violated a federal or state civil rights law, or (D) that occurred
while the defendant was under the influence of alcoholic liquor or drugs.
(b) Nothing in this section shall be construed to limit any defense
that may be available under any other provision of law, including, but
not limited to, any defense relating to self-protection or the protection
of others.
Sec. 5. (1) An administrator or administrator's designee shall
immediately remove a student from a class upon request by a teacher or
other school personnel if such teacher or other school personnel has (a)
followed school policy in requesting the removal of such student and (b)
such student's behavior is so unruly, disruptive, or abusive that it
seriously interferes with the learning environment and the opportunity
for other students in the class to learn.
(2) Removal shall mean the exclusion of a student from a class for a
period not to extend beyond the end of the school day during which such
exclusion occurred, unless such student is otherwise suspended, expelled,
or excluded from school or any educational function pursuant to the
Student Discipline Act.
(3) Any removal pursuant to this section shall comply with the
requirements of the federal Individuals with Disabilities Education Act,
20 U.S.C. 1400 et seq., any applicable Individualized Education Plan
established pursuant to the Individuals with Disabilities Education Act,
and section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, as such
acts existed on January 1, 2019, and any other applicable state or
federal law.
(4) When a student is removed from a class, the goal shall be to
return the student to the class as soon as possible after appropriate
instructional or behavioral interventions or supports have been
implemented to increase the likelihood the student will be successful.
For students with patterns of disruptive behavior, schools shall provide
additional interventions or supports. After a student has been removed
for a cumulative amount of time equivalent to five school days in a
2 school year, the due process protections for long-term suspensions shall apply.

(5) Each school district shall adopt a policy that describes the process for removing a student from a class and for returning a student to a class. Such policy shall: (a) Describe how and when a student may be removed from a class and returned to a class; (b) use a discipline process that is proactive, instructive, and restorative; (c) require appropriate communication between administrators, teachers, students, and parents or guardians, including notification of a parent or guardian following the removal of a student from a class; and (d) allow a teacher to have, upon request, a conference with the principal and a parent or guardian of a student who was removed from class at the request of such teacher. Such policy shall be made available to the public.

(6) Administrative, teaching, and other school personnel shall not be subject to professional or administrative discipline for having a student removed from a class pursuant to this section if such administrative, teaching, or other school personnel acted in accordance with the policy adopted pursuant to subsection (5) of this section.

Sec. 6. This act becomes operative on January 1, 2020.

Sec. 7. Original sections 79-254, 79-258, and 79-259, Reissue Revised Statutes of Nebraska, are repealed.

SELECT FILE

LEGISLATIVE BILL 294. Senator Clements withdrew his amendment, FA73, found on page 1557.

Senator Stinner renewed the Bolz amendment, AM1746, found on page 1513 and considered on page 1555.

Senator Clements offered the following amendment to the Bolz amendment: FA79 Amend AM1746 Strike Section 6.

SPEAKER SCHEER PRESIDING

Pending.

BILL ON FIRST READING

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

LEGISLATIVE BILL 470A. Introduced by La Grone, 49.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 470, One Hundred Sixth Legislature, First Session, 2019.
LEGISLATIVE RESOLUTION 140. Introduced by Kolowski, 31.

PURPOSE: The purpose of this interim study is to examine the roles and guidelines of homeowner's associations and tools used to carry out their purpose.

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

1. Existing and potential policies of homeowner's associations;
2. Structures of governance and bylaws of existing homeowner's associations;
3. Incorporation or prohibition of renewable energy systems within homeowner's association policies;
4. The interactions of homeowner's associations with municipalities and sanitary improvement districts; and
5. Other issues facing homeowner's associations and homeowners who live within the jurisdiction of a homeowner's association.

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.

RECESS

At 4:47 p.m., on a motion by Senator Erdman, the Legislature recessed until 5:30 p.m.

AFTER RECESS

The Legislature reconvened at 5:30 p.m., Speaker Scheer presiding.

ROLL CALL

The roll was called and all members were present except Senators Lathrop, Lindstrom, McDonnell, and Pansing Brooks who were excused until they arrive.

SENATOR WILLIAMS PRESIDING
SEVENTY-SEVENTH DAY - MAY 15, 2019

SELECT FILE

LEGISLATIVE BILL 294. The Clements amendment, FA79, found in this day's Journal, to the Bolz amendment, AM1746, was renewed.

PRESIDENT FOLEY PRESIDING

SPEAKER SCHEER PRESIDING

PRESIDENT FOLEY PRESIDING

Senator Stinner offered the following motion:
MO95
Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Stinner moved for a call of the house. The motion prevailed with 33 ayes, 4 nays, and 12 not voting.

Senator Stinner requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 47:

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

Voting in the negative, 2:

Bostelman      Erdman

Not voting, 0.

The Stinner motion to invoke cloture prevailed with 47 ayes, 2 nays, and 0 not voting.

Senator Clements requested a roll call vote on his amendment, FA79.

Voting in the affirmative, 21:
The Clements amendment lost with 21 ayes, 28 nays, and 0 not voting.

The Bolz amendment, AM1746, was adopted with 40 ayes, 7 nays, and 2 present and not voting.

Advanced to Enrollment and Review for Engrossment with 40 ayes, 7 nays, and 2 present and not voting.

The Chair declared the call raised.

**BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 311A.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 311, One Hundred Sixth Legislature, First Session, 2019.

**LEGISLATIVE BILL 607A.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 607, One Hundred Sixth Legislature, First Session, 2019.

**LEGISLATIVE BILL 205A.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 205, One Hundred Sixth Legislature, First Session, 2019.
LEGISLATIVE BILL 733A. Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 733, One Hundred Sixth Legislature, First Session, 2019.

LEGISLATIVE BILL 323A. Introduced by Crawford, 45.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 323, One Hundred Sixth Legislature, First Session, 2019.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 300. Placed on Final Reading.
LEGISLATIVE BILL 300A. Placed on Final Reading.

LEGISLATIVE BILL 675. Placed on Final Reading.

ST26
The following changes, required to be reported for publication in the Journal, have been made:
1. In the E & R amendments, ER108:
   a. On page 28, line 18, "demonstrating" has been struck and shown as stricken and "demonstrates" inserted.
   b. On page 50, line 25, "and" has been struck;
   c. On page 50, line 26; and page 51, line 13, "79-1022," has been struck;
   d. On page 50, line 27; and page 51, line 13, ", and section 79-1022, Revised Statutes Cumulative Supplement, 2018, as amended by section 1, Legislative Bill 430, One Hundred Sixth Legislature, First Session, 2019" has been inserted after "2018"; and
   e. On page 51, line 11, the last "and" has been struck.

(Signed) Julie Slama, Chairperson

GENERAL FILE

LEGISLATIVE BILL 110. Title read. Considered.

Committee AM1680, found on page 1462, was offered.

Senator Crawford offered the following amendment to the committee amendment:
AM1865
(Amendments to Standing Committee amendments, AM1680)

1 1. On page 2, lines 9 and 10, strike "an edible cannabis product;";
2 and in line 11 after the period insert "Cannabis product does not include 3 an edible cannabis product."

Pending.
COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 294. Placed on Final Reading.

(Signed) Julie Slama, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 141. Introduced by Williams, 36; Hilgers, 21; Howard, 9; Kolterman, 24; Lindstrom, 18; McCollister, 20; Quick, 35.

PURPOSE: The purpose of this interim study is to examine ways to enhance financial literacy programs, training, and general competencies and problem-solving skills in Nebraska, with the objective of increasing long-term financial stability for all Nebraskans. Financial decisions improved by financial literacy include those related to insurance products and analysis, and banking products and decisions. The issues addressed by this interim study shall include, but not be limited to:

1. Financial challenges affecting consumers of all ages that arise from a lack of basic knowledge of financial decisionmaking;
2. Best practices and relevant academic research regarding enhanced financial literacy training; and
3. Existing financial literacy programs and awareness campaigns available to Nebraskans of all ages.

The study committee shall seek the input of the Department of Banking and Finance and the Department of Insurance.

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

1. That the Banking, Commerce and Insurance 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 Erdman filed the following amendment to LB294:
AM1866
(Amendments to Standing Committee amendments, AM1329)

1 1. On page 80, strike lines 12 and 13 and insert "GENERAL FUND 2 589,706,928 609,042,931 PROGRAM TOTAL 589,706,928 609,042,931".
GENERAL FILE

LEGISLATIVE BILL 110. Senator Morfeld offered the following motion:
MO96
Recommit to the Judiciary Committee.

Senator Morfeld withdrew his motion to recommit to committee.

Senator Chambers offered the following motion:
MO97
Bracket until June 6, 2019.

Senator Chambers withdrew his motion to bracket.

The Crawford amendment, AM1865, found in this day's Journal, to the
committee amendment, was renewed.

Pending.

VISITOR(S)

Visitors to the Chamber were students from Anselmo-Merna Elementary
School; Senator Walz's husband and daughter, Chris and Emma Walz, from
Fremont; and Senator Wishart's mom, Sarah Disbrow, from Lincoln, and
Denise Manton, Margaret Odgers, and Sydney Lynch from Lincoln.

The Doctor of the Day was Dr. Pat Hotovy from York.

ADJOURNMENT

At 9:39 p.m., on a motion by Senator Hilgers, the Legislature adjourned
until 9:00 a.m., Thursday, May 16, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
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.
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. On page 8, line 31, after "after" insert "(a)".
2. On page 9, line 1, after "commission" insert "or (b) for all rate increases, at least sixty days' notice to the commission and all impacted 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. In the Standing Committee amendments, AM1737, on page 8, line 19, after "offense" insert an underscored comma.
2. On page 1, strike beginning with "the" in line 1 through line 7 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 10 specific administrative systems and shall have the authority to adopt,
10 promulgate, and enforce rules and regulations pertaining thereto. The
director shall be responsible for specific administrative systems
including, but not limited to, the following:
13 (a) Employment Services:
14 (i) General employment policies and procedures;
15 (ii) Position classification plans;
16 (iii) Job descriptions;
17 (iv) Job specifications;
18 (v) Salary or pay plans;
19 (vi) Staffing patterns; and
20 (vii) Recruiting of qualified applicants for employment and the
21 maintenance of qualified applicants for employment for all positions in
22 state government;
23 (b) Personnel Records:
24 (i) A system of records and statistical reports containing
general data on all employees, including current salary levels and such
other information as may be required by the operating needs of state
departments and agencies and the budget division; and
25 (ii) Standards for the development and maintenance of personnel
records to be maintained within operating departments of the state
government;
26 (c) Personnel Management:
27 (i) Minimum standards for evaluation of employee efficiency and
28 a system of regular evaluation of employee performance;
29 (ii) Administrative guidelines governing such matters as hours
30 of work, promotions, transfers, demotions, probation, terminations,
reductions in force, salary actions, and other such matters as may not be
otherwise provided for by law;
31 (iii) Administrative policies and general procedural
32 instructions for use by all state agencies relating to such matters as
employee benefits, vacation, sick leave, holidays, insurance, sickness
and accident benefits, and other employee benefits as the Legislature may
from time to time prescribe; and
33 (iv) A system of formally defined relationships between the
personnel division and departments and agencies to be covered by the
State Personnel System;
35 (d) Salary and Wage Survey: Measuring, through the use of
36 surveys, the state's comparative level of employee compensation with the
labor market;
38 (e) Staffing Patterns:
39 (i) Staffing patterns for each department and agency of state
government that conform with those authorized by the budget division;
40 (ii) Revisions to staffing patterns of all departments and
agencies that have been approved by the budget division;
41 (iii) Merit increases provided for any employee of the state
that are the result of positive action by the appropriate supervisor; and
42 (iv) The state's pay plan, as enacted by the Legislature,
together with such amendments as may occur, is explained in appropriate
handbooks for employees of the state;
1 (f) Temporary Employees:
2 (i) The director shall administer the Temporary Employee Pool
containing applicants from which state agencies can draw when in need of a short-term labor supply; and
(ii) (b) State agencies must receive approval from the director before hiring any temporary employee; and
(g) (7) Employee Recognition Program: The director shall administer an employee recognition program for state employees. The program shall serve as the authorized program for honoring state employees for dedicated and quality service to the government of the State of Nebraska.
(2) For fiscal year 2021-22 and each fiscal year thereafter, the position classification plan and the salary or pay plan shall include the following positions within the Department of Correctional Services:
(a) Corrections corporal I, corrections corporal II, corrections corporal III, corrections corporal IV, and corrections corporal V. Each position listed in this subdivision shall be assigned to a different pay grade within the salary or pay plan. For purposes of this subdivision:
(i) Corrections corporal I means a corrections corporal with less than three years of satisfactory service;
(ii) Corrections corporal II means a corrections corporal with at least three years but less than five years of satisfactory service;
(iii) Corrections corporal III means a corrections corporal with at least five years but less than seven years of satisfactory service;
(iv) Corrections corporal IV means a corrections corporal with at least seven years but less than ten years of satisfactory service; and
(v) Corrections corporal V means a corrections corporal with at least ten years of satisfactory service;
(b) Corrections sergeant I, corrections sergeant II, corrections sergeant III, corrections sergeant IV, and corrections sergeant V. Each position listed in this subdivision shall be assigned to a different pay grade within the salary or pay plan. For purposes of this subdivision:
(i) Corrections sergeant I means a corrections sergeant with less than three years of satisfactory service;
(ii) Corrections sergeant II means a corrections sergeant with at least three years but less than five years of satisfactory service;
(iii) Corrections sergeant III means a corrections sergeant with at least five years but less than seven years of satisfactory service;
(iv) Corrections sergeant IV means a corrections sergeant with at least seven years but less than ten years of satisfactory service; and
(v) Corrections sergeant V means a corrections sergeant with at least ten years of satisfactory service;
(c) Corrections unit caseworker I, corrections unit caseworker II, corrections unit caseworker III, corrections unit caseworker IV, and corrections unit caseworker V. Each position listed in this subdivision shall be assigned to a different pay grade within the salary or pay plan. For purposes of this subdivision:
(i) Corrections unit caseworker I means a corrections unit caseworker with less than three years of satisfactory service;
(ii) Corrections unit caseworker II means a corrections unit caseworker with at least three years but less than five years of satisfactory service; and
(iii) Corrections unit caseworker III means a corrections unit caseworker with at least five years but less than seven years of satisfactory service;
23 satisfactory service;
24 (iv) Corrections unit caseworker IV means a corrections unit caseworker with at least seven years but less than ten years of satisfactory service; and
25 (v) Corrections unit caseworker V means a corrections unit caseworker with at least ten years of satisfactory service.
26 Sec. 2. Section 84-1601, Reissue Revised Statutes of Nebraska, is amended to read:
27 84-1601 (1) There is hereby established a program of group life and health insurance for all permanent employees of this state who work one-half or more of the regularly scheduled hours during each pay period, excluding employees of the University of Nebraska, the state colleges, and the community colleges. Such program shall be known as the Nebraska State Insurance Program and shall replace any current program of such insurance in effect in any agency and funded in whole or in part by state contributions.
28 (2) Temporary employees of the state who have a work assignment of at least six months' duration and who work at least twenty hours per week may purchase health insurance through the Nebraska State Insurance Program. The state shall pay the same proportion of the insurance premium for temporary employees as is established through the collective bargaining process for permanent employees. For purposes of this subsection, temporary employees means individuals (a) employed in the Temporary Employee Pool as described in subdivision (1)(f) (6) of section 81-1307 and (b) hired directly by state agencies. In no event shall a temporary employee mean an individual hired through a private employment agency.
29 (3) For purposes of sections 84-1601 to 84-1615, health insurance may be construed to include coverage for disability and dental health care services.
30 (4) Any commissioned employee of the Nebraska State Patrol who on or after July 17, 1986, has reached fifty-one years of age or becomes medically disabled and who will not receive benefits from the federal social security program shall be afforded the opportunity to remain enrolled in the state employees group health insurance program until age sixty-five. Employees electing this option shall be responsible for the entire premium cost, including the state's share, the employee's share, and an administrative fee consistent with that allowed by federal guidelines for continuation of health insurance.
31 Sec. 3. Original sections 81-1307 and 84-1601, Reissue Revised 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 subdivision:
2 "(6) Facilitate interstate commerce by not impeding the shipment of hemp into and out of this state; and"
3 and in line 18 strike "(6)" and insert "(7)".
4 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
to produce documentation required by this section shall constitute
probable cause to believe the hemp may be marijuana or any other
controlled substance. In such case, a peace officer may collect a
reasonable sample amount of such hemp for testing to determine the
delta-9 tetrahydrocannabinol concentration in the hemp, and, if the peace
officer has probable cause to believe the person detained is carrying or
transporting marijuana or any other controlled substance in violation of
state or federal law, the peace officer may seize and impound the hemp or
marijuana or other controlled substance and arrest such person.
10 (c) This subsection does not limit or restrict in any way the power
of a peace officer to enforce violations of the Uniform Controlled
Substances Act and federal law regulating marijuana and other controlled
substances.
14 (6) In addition to any other penalties provided by law, including
those imposed under the Nebraska Hemp Farming Act, any person who
intentionally violates this section shall be guilty of a Class IV
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
PRAYER

The prayer was offered by Reverend Michael Davis, retired clergy member of the Great Plains Conference of the United Methodist Church, Gretna.

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 Cavanaugh, Morfeld, and Pansing Brooks who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-eighth day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 323A. Placed on Select File.
LEGISLATIVE BILL 470A. Placed on Select File.
LEGISLATIVE BILL 686A. Placed on Select File.

LEGISLATIVE BILL 630. Placed on Select File with amendment.

ER126
1 1. On page 1, strike lines 2 through 11 and insert "28-311.08,
2 28-513, 28-813.01, 28-1463.03, 28-1463.05, and 29-4003, Reissue Revised
3 Statutes of Nebraska, and section 28-1310, Revised Statutes Cumulative
4 Supplement, 2018; to change elements of, penalty provisions for, and
5 defenses to offenses involving unlawful intrusion and sexually explicit
6 conduct; to change provisions relating to theft and extortion and
7 intimidation by telephone call or electronic communication; to change
8 applicability of certain provisions of the Sex Offender Registration Act;
9 to provide and change penalties; to harmonize provisions; and to repeal
10 the original sections.

**LEGISLATIVE BILL 519.** Placed on Select File with amendment. ER129 is available in the Bill Room.

**LEGISLATIVE BILL 462.** Placed on Select File with amendment. ER127
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 76-2301, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 Section 76-2301 to 76-2331 and sections 4, 6, 8, 9, 10, 14,
6 and 15 of this act shall be known and may be cited as the One-Call
7 Notification System Act.
8 Sec. 2. Section 76-2303, Reissue Revised Statutes of Nebraska, is
9 amended to read:
10 For purposes of the One-Call Notification System Act, the
11 definitions found in sections 76-2303.01 to 76-2317 and sections 4 and 6
12 of this act shall be used.
13 Sec. 3. Section 76-2305, Reissue Revised Statutes of Nebraska, is
14 amended to read:
15 Center means a call shall mean the statewide one-call
16 notification center which shall have as its principal purpose the
17 statewide receipt and dissemination to participating operators of
18 information on a fair and uniform basis concerning intended excavations
19 by excavators in areas where operators have underground facilities.
20 Sec. 4. Locator means a person who identifies and marks underground
21 facilities for an operator, including a contractor who performs such
22 location services for an operator.
23 Sec. 5. Section 76-2315, Reissue Revised Statutes of Nebraska, is
24 amended to read:
25 Person means shall mean an individual, partnership, limited
26 liability company, association, municipality, state, county, political
27 subdivision, utility, joint venture, or corporation and shall include the
1 employer, employee, or contractor of an individual.
2 Sec. 6. Ticket means the compilation of data received by the center
3 in the notice of excavation and the facility locations provided to the
4 center and which is assigned a unique identifying number.
5 Sec. 7. Section 76-2319, Reissue Revised Statutes of Nebraska, is
6 amended to read:
7 (1) The center shall be governed by a board of directors who
8 shall oversee operation of the center pursuant to rules and regulations
9 adopted and promulgated by the State Fire Marshal to carry out the One-Call
10 Notification System Act. The board of directors shall have the
11 authority to propose rules and regulations which may be adopted and
12 promulgated pursuant to this section and have such other authority as
13 provided by rules and regulations adopted and promulgated by the State
(2) The board of directors shall also establish a competitive bidding procedure to select a vendor to provide the notification service, establish a procedure by which members of the center share the costs of the center on a fair, reasonable, and nondiscriminatory basis, and do all other things necessary to implement the purpose of the center. Any agreement between the center and a vendor for the notification service may be modified from time to time by the board of directors, and any agreement shall be reviewed by the board of directors at least once every three years, with an opportunity to receive new bids if desired by the board of directors.

(3) Any rule or regulation adopted and promulgated by the State Fire Marshal pursuant to subsection (2) of this section may provide for:

(a) Any requirements necessary to comply with United States Department of Transportation programs;

(b) The qualifications, appointment, retention, and composition of the board of directors; and

(c) Any requirements necessary to comply with United States Department of Transportation programs.

(4) Any rule or regulation adopted and promulgated by the State Fire Marshal pursuant to subdivision (3)(c) of this section shall originate with the board of directors.

Sec. 8. Any locator acting as a contractor for an operator to perform location services shall be trained in locator standards and practices applicable to the industry. The board of directors may review locator training materials provided by operators, locators, and excavators and may make recommendations regarding best practices for locators, if deemed appropriate.

Sec. 9. Notwithstanding any other provision of the One-Call Notification System Act, any plastic or nonmetallic underground facilities installed underground on or after January 1, 2021, shall be installed in such a manner as to be locatable, either by mapping or by use of tracer wire, by the operator for purposes of the act.

Sec. 10. The board of directors shall assess the effectiveness of enforcement programs, enforcement actions, and its damage prevention and public awareness programs and make a report to the Governor and the Legislature no later than December 1, 2021, and by December 1 every odd-numbered year thereafter. The report to the Legislature shall be made electronically.

Sec. 11. Section 76-2322, Reissue Revised Statutes of Nebraska, is amended to read:

76-2322 An excavator shall serve notice of intent to excavate upon the center by submitting a locate request using a method provided by the center. The center shall inform the excavator of all operators to whom
30 such notice will be transmitted and shall promptly transmit such notice
31 to every operator having an underground facility in the area of intended
1 excavation. The notice shall be transmitted to operators and excavators
2 as a ticket. The center shall assign an identification number to each
3 notice received, which number shall be evidenced on the ticket.

Sec. 12. Section 76-2323, Reissue Revised Statutes of Nebraska, is
5 amended to read:
6 76-2323 (1) Upon receipt of the information contained in the notice
7 pursuant to section 76-2321, an operator shall advise the excavator of
8 the approximate location of underground facilities in the area of the
9 proposed excavation by marking or identifying the location of the
10 underground facilities with stakes, flags, paint, or any other clearly
11 identifiable marking or reference point and shall indicate if the
12 underground facilities are subject to section 76-2331. The location of
13 the underground facility given by the operator shall be within a strip of
14 land eighteen inches on either side of the marking or identification plus
15 one-half of the width of the underground facility. If in the opinion of
16 the operator the precise location of a facility cannot be determined and
17 marked as required, the operator shall provide all pertinent information
18 and field locating assistance to the excavator at a mutually agreed to
19 time. The location shall be marked or identified using color standards
20 prescribed by the center. The operator shall provide all pertinent information
21 business days after receipt of the information in the notice or at a time
22 mutually agreed to by the parties.
23 (2) The marking or identification shall be done in a manner that
24 will last for a minimum of five business days on any nonpermanent surface
25 and a minimum of ten business days on any permanent surface. If the
26 excavation will continue for longer than five business days, the operator
27 shall remark or reidentify the location of the underground facility upon
28 the request of the excavator. The request for remarking or
29 reidentification shall be made through the center.
30 (3) An operator who determines that it does not have
31 any underground facility located in the area of the proposed excavation
1 shall notify the center of the determination prior to the date
2 of commencement of the excavation, or prior to two full business days
3 after transmittal of the ticket, whichever occurs sooner. All ticket
4 responses made under this subsection shall be transmitted to the operator
5 and excavator by the center.

Sec. 13. Section 76-2325, Reissue Revised Statutes of Nebraska, is
7 amended to read:
8 76-2325 (1) Any person who violates the provisions of section
9 76-2320, 76-2321, 76-2322, 76-2323, 76-2326, 76-2330, or 76-2331 or
10 section 8 or 9 of this act shall be subject to a civil penalty as
11 follows:
12 (a) For a violation by an excavator or an operator related to a
13 gas or hazardous liquid underground pipeline facility or a fiber optic
14 telecommunications facility, an amount not to exceed ten thousand dollars
for each violation for each day the violation persists, up to a maximum of five hundred thousand dollars; and
(b) (2) For a violation by an excavator or an operator related to any other underground facility, an amount not to exceed five thousand dollars for each day the violation persists, up to a maximum of fifty thousand dollars.
(2) An action to recover a civil penalty shall be brought by the Attorney General or a prosecuting attorney on behalf of the State of Nebraska in any court of competent jurisdiction of this state. The trial shall be before the court, which shall consider the nature, circumstances, and gravity of the violation and, with respect to the person found to have committed the violation, the degree of culpability, the absence or existence of prior violations, whether the violation was a willful act, any good faith attempt to achieve compliance, and such other matters as justice may require in determining the amount of penalty imposed. All penalties shall be remitted to the State Treasurer for distribution in accordance with Article VII, section 5, of the Constitution of Nebraska.

Sec. 14. The Attorney General shall make an annual report to the Legislature, the State Fire Marshal, and the board of directors by each March 15 on the number of complaints filed and the number of such complaints prosecuted under section 76-2325 during the previous calendar year. The report to the Legislature shall be made electronically.
Sec. 15. The State Fire Marshal may, by rule and regulation, define occurrences relating to damage of an underground facility that creates an emergency condition that requires an excavator to immediately notify an operator or a locator, if applicable, and the center regarding the location and extent of damage to an underground facility.
Sec. 16. Section 86-101, Reissue Revised Statutes of Nebraska, is amended to read:
Sections 86-101 to 86-165 and sections 18 and 19 of this act shall be known and may be cited as the Nebraska Telecommunications Regulation Act.
Sec. 17. Section 86-103, Reissue Revised Statutes of Nebraska, is amended to read:
For purposes of the Nebraska Telecommunications Regulation Act, unless the context otherwise requires, the definitions found in sections 86-103.01 to 86-121 and sections 18 and 19 of this act apply.
Sec. 18. Internet-protocol-enabled service or IP-enabled service means any service, capability, functionality, or application provided using Internet protocol, or any successor protocol, that enables a service user to send or receive a communication in Internet protocol format, including, but not limited to, voice, data, or video.
Sec. 19. Voice over Internet protocol service means an interconnected voice over Internet protocol service as defined in 47 C.F.R. part 9, as such regulations existed on January 1, 2019.
amended to read:

Sec. 21. Section 86-144, Reissue Revised Statutes of Nebraska, is
amended to read:

Telecommunications (1)(a) Except as provided in subdivision
(b) of this subsection, in an exchange in which local competition does
not exist, telecommunications companies shall file rate lists which, for
all telecommunications service. The rate lists except for basic local
exchange rates, shall be effective after (1) ten days’ notice to the
commission or (2) for all rate increases, at least sixty days’ notice to
the commission and all impacted subscribers. (b) Notwithstanding any other
provision of Chapter 86, a telecommunications company shall not be
16 required to file rate lists, tariffs, or contracts for any
17 telecommunications service, including local exchange and interexchange
18 services, provided as a business service. Upon written notice to the
19 commission, a telecommunications company may withdraw any rate list,
20 tariff, or contract not required to be filed under this section
21 subdivision if the telecommunications company posts the rates, terms, and
22 conditions of its telecommunications service on the company's web site.
23 (2) In an exchange in which local competition does not exist, basic
24 local exchange rates may be increased by a telecommunications company
25 only after ninety days' notice to all affected subscribers. Such notice
26 of increase shall include (a) the reasons for the rate increase, (b) a
27 description of the affected telecommunications service, (c) an
28 explanation of the right of the subscriber to petition the commission for
29 a public hearing on the rate increase, (d) a list of exchanges which are
30 affected by the proposed rate increase, and (e) the dates, times, and
31 places for the public informational meetings required by this section.
1 (3) A telecommunications company which proposes to increase its
2 basic local exchange rates shall hold at least one public informational
3 meeting in each public service commissioner district as established by
4 section 75-101.01 in which there is an exchange affected by the proposed
5 rate increase.
6 Sec. 22. Original sections 76-2301, 76-2303, 76-2305, 76-2315,
7 76-2319, 76-2322, 76-2323, 76-2325, 86-101, 86-103, 86-124, and 86-144,
8 Reissue Revised Statutes of Nebraska, are repealed.
9 Sec. 23. The following section is outright repealed: Section
10 76-2316, Reissue Revised Statutes of Nebraska.
11 2. On page 1, strike beginning with "the" in line 1 through line 10
12 and insert "telecommunications; to amend sections 76-2301, 76-2303,
13 76-2305, 76-2315, 76-2319, 76-2322, 76-2323, 76-2325, 86-101, 86-103,
14 86-124, and 86-144, Reissue Revised Statutes of Nebraska; to define,
15 redefine, and eliminate terms; to change the One-Call Notification System
16 Act and the Nebraska Telecommunications Regulation Act as prescribed; to
17 harmonize provisions; to repeal the original sections; and to outright
18 repeal section 76-2316, Reissue Revised Statutes of Nebraska."

LEGISLATIVE BILL 680. Placed on Select File with amendment.
ER128
1 1. In the Standing Committee amendments, AM1537, on page 2, line 30,
2 strike "this act" and insert "the Uniform Civil Remedies for Unauthorized
3 Disclosure of Intimate Images Act".
4 2. On page 1, line 1, after the semicolon insert "to amend section
5 25-213, Reissue Revised Statutes of Nebraska;"; in line 3 strike "and
6 construction; and" and insert ", construction, and tolling of statutes of
7 limitation;"; and in line 4 after "severability" insert "; and to repeal
8 the original section".

(Signed) Julie Slama, Chairperson
MESSAGE(S) FROM THE GOVERNOR

May 17, 2019

Patrick J. O’Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O’Donnell:

Engrossed Legislative Bills 96, 155, 179, 184, 375, 411e, 418, 478e, 560, 570e, 570Ae, and 595 were received in my office on May 13, 2019. These bills were signed and delivered to the Secretary of State on May 17, 2019.

Sincerely,

(Signed) Pete Ricketts
Governor

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Gragert has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 150, Introduced by Albrecht, 17.

WHEREAS, May 24, 2019, is National Poppy Day; and
WHEREAS, National Poppy Day is celebrated in memory of all veterans who have given their lives, the ultimate sacrifice; and
WHEREAS, red crepe paper poppies have been made, worn, displayed, and distributed for fundraising efforts by veterans' groups such as the American Legion Family and American Legion Auxiliary, for decades to observe both Memorial Day and Veterans Day; and
WHEREAS, each year veteran poppy makers across Nebraska, including Dennis Otte of Wayne, make thousands of memorial poppies each year to fundraise and remember; and
WHEREAS, National Poppy Day serves as a strong renewal of our nation's commitment to a powerful reminder of the cost of our freedom.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature remembers the lives lost in World War I and appreciates the work of veteran poppy makers that help us celebrate Memorial Day, Veterans Day, and National Poppy Day.
2. That copies of this resolution be sent to the American Legion Auxiliary for Nebraska and Dennis Otte.

Laid over.

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 120, 121, 122, 125, and 133 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 120, 121, 122, 125, and 133.

**BILL ON FINAL READING**

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB293 with 33 ayes, 6 nays, 7 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 293. With Emergency Clause.**

A BILL FOR AN ACT relating to appropriations; to amend Laws 2018, LB944, sections 27, 43, 53, 66, 67, 68, 69, 70, 94, and 109; and section 48-1,116, Revised Statutes Cumulative Supplement, 2018; to define terms; to provide, change, and eliminate appropriations for operation of state government; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 45:

| Albrecht   | Crawford | Hansen, M. | Lathrop | Quick    |
| Arch       | DeBoer   | Hilgers    | Lindstrom | Scheer  |
| Blood      | Dorn      | Hilkemann  | Linehan  | Slama    |
| Bolz       | Friesen   | Howard     | Lowe     | Stinner  |
| Bostelman  | Geist     | Hughes     | McCollister | Vargas |
| Brandt     | Gragert   | Hunt       | McDonnell | Walz    |
| Briese     | Groene    | Kolowski   | Moser    | Wayne    |
| Chambers   | Halloran  | Kolterman  | Murman   | Williams |
| Clements   | Hansen, B.| La Grone   | Pansing | Brooks Wishart |
Voting in the negative, 2:

Brewer  Erdman

Excused and not voting, 2:

Cavanaugh  Morfeld

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**WITHDRAW - Amendments to LB294**

Senator La Grone withdrew his amendments, AM308, AM309, and AM1638, found on pages 516 and 1557, to LB294.

**MOTION(S) - Return LB294 to Select File**

Senator Erdman moved to return LB294 to Select File for his specific amendment, AM1866, found on page 1584.

Senator Stinner offered the following motion:

MO98
Invoke cloture pursuant to Rule 7, Sec. 10.

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

Voting in the affirmative, 39:

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<th>Arch</th>
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Voting in the negative, 8:

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<td>Bostelman</td>
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<td>Erdman</td>
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Present and not voting, 2:

Friesen  Lowe

The Stinner motion to invoke cloture prevailed with 39 ayes, 8 nays, and 2 present and not voting.
Senator Erdman requested a roll call vote on his motion to return to Select File.

Voting in the affirmative, 13:

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Voting in the negative, 34:

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Present and not voting, 2:

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The Erdman motion to return failed with 13 ayes, 34 nays, and 2 present and not voting.

**BILL ON FINAL READING**

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB294 with 35 ayes, 10 nays, and 4 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 294, With Emergency Clause.**

A BILL FOR AN ACT relating to appropriations; to state intent; to define terms; to make appropriations for the expenses of Nebraska State Government for the biennium ending June 30, 2021; to transfer funds; to provide duties; to provide an operative date; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 35:
A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 295.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of salaries of members of the Nebraska Legislature and payments to be made as provided by Chapter 68, article 6, for FY2019-20 and FY2020-21; to provide an operative date; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 43:

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<th>Arch</th>
<th>Crawford</th>
<th>Hilgers</th>
<th>Lathrop</th>
<th>Scheer</th>
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<td>Chambers</td>
<td>Hansen, M.</td>
<td>La Grone</td>
<td>Quick</td>
<td>Wishart</td>
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Voting in the negative, 4:

<table>
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<tr>
<th>Albrecht</th>
<th>Clements</th>
<th>Halloran</th>
<th>Moser</th>
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<td>Bostelman</td>
<td>Erdman</td>
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<td>Brewer</td>
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Hughes Linehan

Briese Groene Kolterman Murman Williams
A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 296.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of the salaries and benefits of certain state officers for FY2019-20 and FY2020-21; to define terms; to provide an operative date; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Present and not voting, 2:

Geist
Halloran

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**MOTION(S) - Return LB297 to Select File**

Senator Erdman moved to return LB297 to Select File for the following specific amendment:

```
AM1868

(Amendments to Final Reading copy)
```

1 1. Strike section 17.
2 2. Renumber the remaining sections accordingly.

**PRESIDENT FOLEY PRESIDING**

Senator Erdman requested a roll call vote on his motion to return to Select File.

Voting in the affirmative, 17:

Albrecht  Erdman  Hansen, B.  Linehan  Slama  
Brandt  Friesen  Hilgers  Lowe  
Brewer  Groene  Hughes  Moser  
Clements  Halloran  La Grone  Murman

Voting in the negative, 30:

Arch  Crawford  Hilkemann  Lindstrom  Stinner  
Blood  DeBoer  Howard  McCollister  Vargas  
Bolz  Dorn  Hunt  McDonnell  Walz  
Bostelman  Geist  Kolowski  Morfeld  Wayne  
Cavanaugh  Gragert  Kolterman  Pansing Brooks  Williams  
Chambers  Hansen, M.  Lathrop  Quick  Wishart

Present and not voting, 1:

Bries

Excused and not voting, 1:

Scheer

The Erdman motion to return failed with 17 ayes, 30 nays, 1 present and not voting, and 1 excused and not voting.

**BILLS ON FINAL READING**

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB297 with 33 ayes, 9 nays, 6 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 297**, With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to define terms; to appropriate funds for capital construction and property acquisition as
prescribed; to state intent; to require program statements and a request for funding; to provide an operative date; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 38:

Arch  DeBoer  Hilkemann  Lindstrom  Slama
Blood  Dorn  Howard  Linehan  Stinner
Bolz  Geist  Hughes  McCollister  Walz
Brandt  Gragert  Hunt  McDonnell  Wayne
Briese  Groene  Kolowski  Morfeld  Williams
Cavanaugh  Hansen, B.  Koltermann  Moser  Wishart
Chambers  Hansen, M.  La Grone  Pansing Brooks
Crawford  Hilgers  Lathrop  Quick

Voting in the negative, 9:

Albrecht  Brewer  Erdman  Halloran  Murman
Bostelman  Clements  Friesen  Lowe

Present and not voting, 1:

Vargas

Excused and not voting, 1:

Scheer

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB298 with 35 ayes, 11 nays, 2 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 298. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to amend sections 2-4018, 61-218, 66-1334, 71-7611, and 86-563, Reissue Revised Statutes of Nebraska, and sections 9-1,101, 45-621, 81-1426.01, 81-15,175, and 84-1227, Revised Statutes Cumulative Supplement, 2018; to provide, change, and eliminate sources, uses, and transfers of funds; to create and
repeal funds; to harmonize provisions; to repeal the original sections; to outright repeal sections 81-1327 and 86-566, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

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

Voting in the negative, 2:

Brewer Erdman

Excused and not voting, 1:

Scheer

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 299,** With Emergency Clause.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 84-612, Revised Statutes Cumulative Supplement, 2018; to authorize a transfer; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

...
Voting in the negative, 4:

Bostelman Brewer Halloran Lowe

Present and not voting, 1:

Erdman

Excused and not voting, 1:

Scheer

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 464. With Emergency Clause.**

A BILL FOR AN ACT relating to claims against the state; to appropriate funds for the payment of certain claims; to provide for payment of the claims; to authorize agencies to write off certain claims as prescribed; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 46:

Albrecht Clements Hansen, B. Lathrop Stinner
Arch Crawford Hansen, M. Lindstrom Vargas
Blood DeBoer Hilgers Linehan Walz
Bolz Dorn Hilkemann McCollister Wayne
Bostelman Erdman Howard McDonnell Williams
Brandt Friesen Hughes Morfeld Wishart
Brewer Geist Hunt Murman
Briese Gragert Kolowski Pansing Brooks
Cavanaugh Groene Kolterman Quick
Chambers Halloran La Grone Slama
Voting in the negative, 1:

Moser

Present and not voting, 1:

Lowe

Excused and not voting, 1:

Scheer

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 293, 294, 295, 296, 297, 298, 299, and 464.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 62. Placed on Final Reading.
LEGISLATIVE BILL 123. Placed on Final Reading.
LEGISLATIVE BILL 135. Placed on Final Reading.
LEGISLATIVE BILL 220. Placed on Final Reading.
LEGISLATIVE BILL 244. Placed on Final Reading.
LEGISLATIVE BILL 248. Placed on Final Reading.
LEGISLATIVE BILL 260. Placed on Final Reading.
LEGISLATIVE BILL 281. Placed on Final Reading.
LEGISLATIVE BILL 308. Placed on Final Reading.
LEGISLATIVE BILL 315. Placed on Final Reading.
LEGISLATIVE BILL 374. Placed on Final Reading.
LEGISLATIVE BILL 392. Placed on Final Reading.
LEGISLATIVE BILL 414. Placed on Final Reading.
LEGISLATIVE BILL 427. Placed on Final Reading.
LEGISLATIVE BILL 447. Placed on Final Reading.
LEGISLATIVE BILL 447A. Placed on Final Reading.
LEGISLATIVE BILL 454. Placed on Final Reading.
LEGISLATIVE BILL 476. Placed on Final Reading.
LEGISLATIVE BILL 505. Placed on Final Reading.
LEGISLATIVE BILL 525. Placed on Final Reading.
LEGISLATIVE BILL 533. Placed on Final Reading.
LEGISLATIVE BILL 559. Placed on Final Reading.
LEGISLATIVE BILL 561. Placed on Final Reading.
LEGISLATIVE BILL 564. Placed on Final Reading.
LEGISLATIVE BILL 571. Placed on Final Reading.
LEGISLATIVE BILL 571A. Placed on Final Reading.
LEGISLATIVE BILL 609. Placed on Final Reading.
LEGISLATIVE BILL 719. Placed on Final Reading.
LEGISLATIVE BILL 719A. Placed on Final Reading.
LEGISLATIVE BILL 726. Placed on Final Reading.

(Signed) Julie Slama, Chairperson

COMMITTEE REPORT(S)

Education

LEGISLATIVE BILL 515. Placed on General File with amendment.
AM1673 is available in the Bill Room.

(Signed) Mike Groene, Chairperson

SPEAKER'S MAJOR PROPOSAL

May 21, 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 LB720 be designated as a 2019 Speaker's Major Proposal.

Respectfully,

(Signed) Senator Mike Hilgers
Chair, Executive Board

C: Speaker Jim Scheer
Senator Mark Kolterman

AMENDMENT(S) - Print in Journal

Senator Wayne filed the following amendment to LB657A:
AM1883

(Amendments to Final Reading copy)
1 1. Strike original section 1 and insert the following new section:
2 Section 1. There is hereby appropriated (1) $50,000 from the
3 Nebraska Hemp Program Fund for FY2019-20 and (2) $110,000 from the
4 Nebraska Hemp Program Fund for FY2020-21 to the Department of
5 Agriculture, for Program 78, to aid in carrying out the provisions of
6 Legislative Bill 657, One Hundred Sixth Legislature, First Session, 2019.
Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $50,000 for FY2019-20 or $75,000 for FY2020-21.

It is the intent of the Legislature that the Department of Agriculture shall provide a report to the Appropriations Committee of the Legislature no later than January 15, 2020, detailing: (1) Expenses incurred to date related to Legislative Bill 657, One Hundred Sixth Legislature, First Session, 2019, including costs paid from the Noxious Weed Cash Fund; (2) license applications received from cultivators, processor-handlers, and brokers; (3) the number of approved license applications for growers, processor-handlers, and brokers; (4) the projected fee revenue resulting from the approved applications; (5) the geographic location of the approved licensees; and (6) estimated program funding needs for the remainder of FY2019-20 and for FY2020-21.

Senator Friesen filed the following amendment to LB462:

AM1909

( Amendments to E&R amendments, ER127)

1 1. Insert the following new section:
2 Sec. 7. Section 76-2318, Reissue Revised Statutes of Nebraska, is amended to read:
3 76-2318 Operators of underground facilities shall become members of and participate in the statewide one-call notification center.
4 2. On page 8, line 13, strike "all" and insert "basic local exchange".
5 3. On page 9, line 6, after the last comma insert "76-2318," and in line 13 after the second comma insert "76-2318,"
6 4. Renumber the remaining sections and correct internal references accordingly.

Senator Lindstrom filed the following amendment to LB186:

AM1823

( Amendments to Final Reading copy)

1 1. Strike section 26 and insert the following new sections:
2 Sec. 24. Section 84-618, Revised Statutes Cumulative Supplement, 2018, is amended to read:
3 84-618 (1) The Treasury Management Cash Fund is created. A pro rata share of the budget appropriated for the treasury management functions of the State Treasurer and for the administration of the achieving a better life experience program as provided in sections 77-1401 to 77-1409 shall be charged to the income of each fund held in invested cash, and such charges shall be transferred to the Treasury Management Cash Fund. The allocation of charges may be made by any method determined to be reasonably related to actual costs incurred by the State Treasurer in carrying out the treasury management functions under section 84-602 and in carrying out the achieving a better life experience program as provided in sections 77-1401 to 77-1409. Approval of the agencies, boards, and commissions administering these funds shall not be required.
4 (2) It is the intent of this section to have funds held in invested


cash be charged a pro rata share of such expenses when this is not
prohibited by statute or the Constitution of Nebraska.
(3) The Treasury Management Cash Fund shall be used for the treasury
management functions of the State Treasurer and for the administration of
the achieving a better life experience program as provided in sections
77-1401 to 77-1409. To the extent permitted by section 529A as defined in
section 77-1401, the fund may receive gifts for administration,
operation, and maintenance of a program established under sections
77-1403 to 77-1409.
(4) Transfers may be made from the Treasury Management Cash Fund to
the General Fund and to the Administration Cash Fund created in section
33-102 at the direction of the Legislature. Any money in the Treasury
Management Cash Fund available for investment shall be invested by the
state investment officer pursuant to the Nebraska Capital Expansion Act
and the Nebraska State Funds Investment Act.
(5) On or before July 5, 2019, or as soon thereafter as possible,
the State Treasurer shall transfer eighty-two thousand one hundred sixty-
seven dollars from the Treasury Management Cash Fund to the
Administration Cash Fund. On or before July 1, 2020, the State Treasurer
shall transfer twenty-seven thousand six hundred eighty-two dollars from
the Treasury Management Cash Fund to the Administration Cash Fund.
Sec. 27. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14,
15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, and 29 of this act become
operative on July 1, 2020. The other sections of this act become
operative on their effective date.
Sec. 28. Original section 84-618, Revised Statutes Cumulative
Supplement, 2018, is repealed.
Sec. 30. Since an emergency exists, this act takes effect when
passed and approved according to law.
2. On page 1, line 3, strike "section 23-1503.01" and insert
"sections 23-1503.01 and 84-618"; in line 5 after the semicolon insert
"to provide for transfers of funds;"; in line 8 strike "an operative
date" and insert "operative dates", strike "and", and after "sections"
insert ";"; and to declare an emergency.
3. Renumber the remaining sections accordingly.

Senator Lindstrom filed the following amendment to LB186A:
AM1814
(Amendments to Final Reading copy)
1. Insert the following new section:
Sec. 2. Since an emergency exists, this act takes effect when
passed and approved according to law.
2. On page 1, line 3, before the period insert "; and to declare an
emergency."
3. On page 2, line 2, strike both occurrences of "General" and
insert "Administration Cash"; and strike beginning with the second "and"
in line 2 through "Fund" in line 3.
RESOLUTION(S)

LEGISLATIVE RESOLUTION 151. Introduced by Groene, 42.

PURPOSE: The purpose of this resolution is to examine the financing of public education and develop recommendations for improving school funding in Nebraska. The study committee shall examine school finance policy in other states and relevant studies and literature with a focus on the mix of taxable resources used to support education.

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

1. That the Education 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 152. Introduced by Groene, 42.

PURPOSE: The purpose of this resolution is to examine any issues within the jurisdiction of the Education 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 Education 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 153. Introduced by Groene, 42.

PURPOSE: The purpose of this interim study is to:

1. Examine the administrative costs of local systems and school districts, including, but not limited to, the definition of what constitutes an administrative cost and the portion of total authorized expenditures that are budgeted for such costs; and
2. Investigate methods for reducing such costs.

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

1. That the Education 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 154. Introduced by Groene, 42.

PURPOSE: The purpose of this interim study is to:

(1) Examine statutes related to augmentation projects in relationship to the Nebraska Cooperative Republican Platte Enhancement (N-CORPE) interlocal project in Lincoln County, Nebraska;

(2) Examine existing statutes pertaining to integrated management plans and augmentation plans related to ground water; and

(3) Examine statutes and opinions of the Nebraska Supreme Court and Nebraska Court of Appeals in reference to the relationship between land ownership and ground water use for augmentation or transfer, including the decisions in Estermann v. Bose, 296 Neb. 228 (2017), Olson v. City of Wahoo, 124 Neb. 802 (1933), Sorensen v. Lower Niobrara Natural Resources District, 221 Neb. 180 (1985), and Upper Republican Natural Resources District v. Dundy County Board of Equalization, 300 Neb. 256 (2018).

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 155. Introduced by Wayne, 13.

PURPOSE: The purpose of this interim study is to examine issues related to municipalities that border another state. The interim study shall include, but not be limited to:

(1) A review of municipalities that border one or more neighboring states;

(2) A review of the percentage of Nebraska's population that resides in municipalities that border one or more neighboring states; and

(3) An examination of the impact of policy changes in neighboring states on Nebraska municipalities that border such states.

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 156. Introduced by DeBoer, 10.

PURPOSE: The purpose of this interim study is to examine strategies to prevent suicide by youth involved in the Nebraska juvenile justice system.

Involvement with the juvenile justice system has been linked to an increased suicide risk among youth. Factors that may increase suicide risk in this population include mental health or substance use disorders, the loss of a friend or family member to suicide or another cause of death, social isolation, relationship problems, and separation from family.

Administrators, staff, and others in the juvenile justice system can play an important role in suicide prevention. Adopting suicide prevention protocols, guidelines, and tools will help improve the Nebraska juvenile justice system's intervention standards and mental health care, thereby contributing to suicide prevention and to the overall health and well-being of justice-involved youth.

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

(1) Best practices for suicide prevention in the juvenile justice system;
(2) Collaboration between agencies involved in the Nebraska juvenile justice system to identify and provide services to youth who are at-risk of suicide;
(3) Availability of appropriate services for youth in the Nebraska juvenile justice system who are at-risk of suicide; and
(4) Effective data collection and information-sharing practices for the purposes of law, policy, and program development, for the purposes of individual case planning and decisionmaking, and for program evaluation and performance measurement relating to youth who are at-risk of suicide.

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 157. Introduced by DeBoer, 10.

PURPOSE: The purpose of this interim study is to conduct an in-depth review of the financing of the public elementary and secondary schools. The issues addressed by this interim study shall include, but not be limited to:

1. The methods of financing public elementary and secondary schools, including financing methods used in other states, which would provide equitable educational opportunities across the state and offer alternatives to heavy reliance on property taxes;
2. The option of using income tax as a component in the financing of public elementary and secondary schools;
3. The option of using sales tax as a component in the financing of public elementary and secondary schools, including, but not limited to, an examination of the experience of any other states with such option;
4. Financing issues as they relate to the quality and performance of public elementary and secondary schools;
5. Options for funding expanded public prekindergarten services;
6. Options for funding college-readiness and career-readiness programs, including, but not limited to, programs of excellence, dual-enrollment courses, and career academies;
7. The costs and resources necessary to meet the diverse and growing needs of students across the state, including, but not limited to, the needs of poverty students and limited English proficiency students;
8. Methods used by other states to fund public elementary and secondary school infrastructure needs; and
9. Other issues related to public elementary and secondary school financing as necessary.

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

1. That the Education 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 158. Introduced by DeBoer, 10.

PURPOSE: The purpose of this interim study is to examine matters related to adoption procedures in Nebraska. The interim study shall include, but not be limited to a review of:

1. Adoption and stepparent adoption statutes and relevant case law in Nebraska, including the criteria a child must meet in order to be eligible for adoption;
2. Practices of the Department of Health and Human Services related to the foster and adoption processes, including, but not limited to, placement
criteria, home visit requirements, and the timeline for adoption finalization; and

(3) Adoption statutes from other states, including how other states have modernized and adapted their adoption law to address changes in cultural and medical practices.

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 159. Introduced by Crawford, 45.

PURPOSE: The purpose of this interim study is to examine the rules of the Legislature regarding information required to be included in records of the committees of the Legislature. The issues addressed by this interim study shall include, but not be limited to, the requisite information for a committee statement and how written testimony provided for a public hearing is recorded and reported by a committee.

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

1. That a select interim committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution. The select interim committee shall be composed of the members of the Rules Committee of the Legislature.

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 160. Introduced by Howard, 9.

PURPOSE: The purpose of this interim study is to assess the mental and behavioral health needs of Nebraskans and the current shortages of services and resources needed to ensure a robust behavioral health service delivery system. The issues addressed by this interim study shall include, but not be limited to:

(1) Nebraska's current system of care and adherence to the Behavioral Health Strategic Plan for 2017-2020;

(2) Behavioral health programs and services administered by the Department of Health and Human Services and the behavioral health regions;
Funding sources for behavioral health assessment, treatment, and community support;
(4) Model policies and programs used by behavioral health groups to ensure community mental health and behavioral health needs are met; and
(5) Emergency protective custody and steps the Department of Health and Human Services takes to ensure a safe and appropriate environment for individuals placed in such custody.

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

1. That the Health and Human Services 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 161. Introduced by Legislative Performance Audit Committee: Geist, 25, Chairperson; Friesen, 34; Scheer, 19; Stinner, 48.

PURPOSE: The purpose of this interim study is to examine policy issues revealed during a performance audit of the Nebraska Advantage Microenterprise Tax Credit Act. The Legislative Performance Audit Committee recommended the introduction of an interim study to fully explore, and propose solutions to, administrative and compliance difficulties caused by design and definitional issues.

The office of Legislative Audit reported that, according to the Department of Revenue, compared to other incentive programs administered by the Department of Revenue, aspects of the Nebraska Advantage Microenterprise Tax Credit Act increase the risk that participants receive credit for activities not intended by the Legislature, make the program more difficult to administer, and make it difficult to comply with program requirements.

The issues addressed by this interim study shall include, but not be limited to:
(1) Potential limitations of transactions that generate credit under the act but were not intended by the Legislature to do so;
(2) Difficulties for taxpayers and department staff raised by terms within the act that are not clearly defined; and
(3) Taxpayer compliance burdens.

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

1. That the Revenue 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 162. Introduced by Bostelman, 23.

PURPOSE: The purpose of this interim study is to examine issues impacting volunteer emergency medical personnel and to continue the work done through Legislative Resolution 395, One Hundred Fifth Legislature, Second Session, 2018. Nebraska's volunteer emergency medical service providers offer significant assistance throughout the state, especially where the cost of tax-supported services is prohibitive.

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

1. The use of the electronic Nebraska Ambulance Rescue Service Information System for the collection and analysis of patient care data, including a history of the system, and the use of data by volunteer emergency medical services;
2. Recommended improvements to such data system;
3. The education and training of applicants to become volunteer emergency medical technicians; and
4. The billing and collection methods for services provided by volunteer emergency medical departments.

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

1. That the Health and Human Services 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 163. Introduced by Howard, 9.

PURPOSE: The purpose of this interim study is to examine any issues within the jurisdiction of the Health and Human Services 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 Health and Human Services 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 164. Introduced by Williams, 36; Kolterman, 24; Lindstrom, 18.

PURPOSE: The purpose of this interim study is to examine the need to update the insurance laws of Nebraska in response to technology advancement and innovation, also known as insurtech, in the insurance industry. The interim study shall include, but not be limited to, a review of the interaction of insurance regulation and artificial intelligence, blockchain, autonomous vehicles, and the Internet of things. In order to carry out the purposes of this interim study, the committee should seek the assistance of the Department of Insurance and should consider the input of interested parties, as the committee deems necessary and appropriate.

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

1. That the Banking, Commerce and Insurance 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 165. Introduced by McDonnell, 5.

PURPOSE: The purpose of this interim study is to examine issues related to municipal firefighting and emergency medical services. The interim study shall examine:

(1) Which municipalities employ paid firefighters and emergency medical technicians, which municipalities utilize volunteer firefighters and emergency medical technicians, and which municipalities utilize a hybrid of paid and volunteer firefighters and emergency medical technicians;

(2) Municipal fire and emergency medical service response times and standards and how such response times and standards are defined;

(3) The effect of municipal fire and emergency medical service response times and standards on municipal bond ratings and insurance ratings; and

(4) The population thresholds at which municipal fire and emergency medical services are considered essential services.

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 166. Introduced by Friesen, 34; Bostelman, 23; Brandt, 32; Walz, 15.

PURPOSE: The purpose of this interim study is to review the report of the Rural Broadband Task Force that was created by Laws 2018, LB994. The task force is charged with studying issues relating to broadband availability, quality, and affordability in rural areas and comparability to broadband services in urban areas. According to section 86-1102, the task force is required to present its findings in a report to the Executive Board of the Legislative Council by November 1, 2019, and the task force is to examine issues relating to availability, adoption, and affordability of broadband services in rural Nebraska. This interim study shall review the report of the task force and invite testimony from stakeholders regarding the recommendations of the task force.

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

1. That the Transportation and Telecommunications 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 167. Introduced by Friesen, 34; Bostelman, 23.

PURPOSE: The purpose of this interim study is to review the current model of collecting taxes to build and repair roads. In Nebraska, state and local governments rely primarily on fuel taxes to fund highway construction and repair. Legislative Bill 366, One Hundred Sixth Legislature, First Session, 2019, proposed an increased registration fee on electric-powered vehicles which do not pay fuel tax. As electric-powered vehicles and hybrid vehicles continue to increase in market share and gasoline-powered vehicles continue to drive more miles per gallon, fewer dollars are available for road repair and construction.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Transportation and Telecommunications 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 168. Introduced by Friesen, 34.

PURPOSE: The purpose of this interim study is to examine any issues within the jurisdiction of the Transportation and Telecommunications 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 Transportation and Telecommunications 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 169. Introduced by Friesen, 34.

PURPOSE: The purpose of this interim study is to examine issues raised during the hearing and debate on Legislative Bill 462, One Hundred Sixth Legislature, First Session, 2019, and examine potential improvements to the enforcement of the One-Call Notification System Act. The issues addressed by this interim study shall include, but not be limited to:
(1) The creation of a dispute resolution board to hear complaints of violations of the One-Call Notification System Act and make recommendations on the final determination of such complaints;
(2) The composition of such dispute resolution board, the powers of and limitations on such dispute resolution board, and the processes that should be employed by such dispute resolution board;
(3) How the expenses of such a dispute resolution board may be funded without creating a General Fund impact;
(4) The appropriate state agency to have authority over the dispute resolution board; and
(5) Alternatives to a dispute resolution board that would increase the enforcement efficiency and effectiveness under the One-Call Notification System Act.
In order to carry out the purposes of this resolution, the assistance and input of the underground construction industry, operators of underground utility facilities, the board of directors of the statewide one-call notification center, the State Fire Marshal, the Attorney General, and other parties, agencies, or political subdivisions impacted by such issues shall be sought.

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

1. That the Transportation and Telecommunications 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 170. Introduced by Morfeld, 46.

PURPOSE: The purpose of this interim study is to study the Department of Health and Human Services' plan to submit a demonstration project waiver for the medical assistance program under section 1115 of the Social Security Act.

In November 2018, the people of Nebraska voted to expand access to the medical assistance program through Initiative No. 427. On April 1, 2019, the Division of Medicaid and Long-Term Care of the Department of Health and Human Services submitted three state plan amendments to the federal Centers for Medicaid and Medicare Services, which are necessary to implement medicaid expansion. Approval of those state plan amendments would allow implementation and coverage to begin. However, the department does not plan to begin coverage until October 1, 2020, nearly two years after Nebraskans voted for such coverage, because the department is tying expansion to an optional 1115 waiver, which is not necessary for expansion, and that will make significant changes to Nebraska's current medical assistance program.

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

(1) The detailed substance of the 1115 waiver and application submitted by the Department of Health and Human Services to the Centers for Medicaid and Medicare Services, including work requirements and benefit limitations;

(2) Any challenges to beneficiaries, providers, contractors, or the department in implementing these significant policy changes to Nebraska's medical assistance program;

(3) The additional fiscal impact of the 1115 waiver, including the increased cost of the 1115 waiver compared to the expansion of the medical assistance program contemplated by Initiative No. 427 and completed through the submission of state plan amendments; and
(4) Whether significant policy changes to the structure, benefits, and administration of the medical assistance program should be made or approved by the state's policymaking body.

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

1. That the Health and Human Services 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 171. Introduced by Morfeld, 46.

PURPOSE: The purpose of this interim study is to examine the impact of lowering the age of majority from 19 years of age to 18 years of age for making health care decisions.

This interim study shall include, but not be limited to, an examination of:

(1) The age of majority for health care decisions in other states;

(2) Any states that have an age of majority for health care decisions of 18 years of age or younger;

(3) The potential economic impacts of changing the age of majority for health care decisions; and

(4) The impact the age of majority for health care decisions has on health care providers and insurers.

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 172. Introduced by Williams, 36; Howard, 9.

PURPOSE: The purpose of this resolution is to study and analyze state and local policy and initiatives to retain and incent health care providers and health-related businesses in the state to remain and expand in Nebraska. This interim study shall further examine the potential advantages of combining employee incentives of existing loan forgiveness programs with federal and state benefits from federally designated Opportunity Zones to stimulate private investment by health-related industries and health
professions to address economic development and workforce development in high-need areas across Nebraska.

The interim study shall include, but not be limited to, an examination of the following:

1. The creation of Health Enterprise Zones to incent licensed medical clinics and providers to expand or establish a presence in a designated health care service shortage area;
2. Potentially eligible census tracts across Nebraska with defined health care disparities that have also been designated by the U.S. Department of Treasury as an Opportunity Zone;
3. The potential economic impact and historic data on health care businesses or entities within a federally designated Opportunity Zone and the potential impact of additional state incentives and regulatory flexibility through a state-established Health Opportunity Zone;
4. The potential benefits and outcomes of establishing a state and local fund to award matching grants to attract health care practitioners to state-designated health provider shortage areas;
5. Current state programs that assist health care, biomedical, and pharmaceutical businesses expand investment and the workforce in Nebraska; and
6. Opportunities to align or improve systems that support Nebraska's health care workforce in underserved and high-need communities across the state.

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

1. That the Health and Human Services 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 173. Introduced by Quick, 35; Albrecht, 17; Pansing Brooks, 28.

PURPOSE: The purpose of this interim study is to examine health concerns related to the public use of and secondhand exposure to electronic nicotine delivery systems and other products including, but not limited to, e-cigarettes and vaping devices.

The interim study shall include, but not be limited to, an examination of:

1. The chemicals, nicotine, particulate matter, heavy metals, and pollutants found in such devices;
2. The health concerns of people who are involuntarily exposed to toxins, chemicals, particulate matter, heavy metals, and pollutants;
(3) The health problems also associated with secondhand smoke, vapor, fog, mist, gas, or aerosol products because of exposure to toxins, chemicals, particulate matter, heavy metals, and pollutants; and
(4) Potential statutory changes necessary to prevent exposure to secondhand nicotine vapor to protect population health and environmental health.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Health and Human Services 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 174. Introduced by Cavanaugh, 6.

PURPOSE: The purpose of this interim study is to examine the Highway Trust Fund and ways it can be used to increase transit infrastructure in areas with limited access. The issues addressed by this interim study shall include, but not be limited to:
(1) Transit access to job centers, educational opportunities, and training opportunities;
(2) Transit access to healthcare and other human services;
(3) Transit access to grocery stores, farmers markets, and food sources that alleviate food deserts;
(4) The availability of infrastructure to support low-cost travel such as sidewalks, bicycle facilities, and public transit;
(5) The availability of sidewalks and bicycle infrastructure near schools and along transit lines;
(6) The air quality impacts of transportation infrastructure; and
(7) A state-level funding formula for transit in Nebraska and how it can be flexible to avoid unfair distribution of funds among rural and urban interests.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Transportation and Telecommunications 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 175. Introduced by Cavanaugh, 6.

PURPOSE: The purpose of this interim study is to ensure accelerated broadband deployment statewide. The issues addressed by this interim study shall include, but not be limited to:

1. Whether the Nebraska Public Service Commission has sufficient authority to effectuate the withholding and redistribution of Universal Service Fund support called for by the Rural Broadband Task Force;
2. Changes needed to carry out the recommendations of the Rural Broadband Task Force;
3. The need for improved mapping of areas of the state unserved and underserved by broadband;
4. Changes needed to facilitate public-private partnerships in the deployment of broadband;
5. Any impediments placed by the government that should be removed or modified to ensure accelerated broadband deployment;
6. Federal agencies or officials needed to secure more telecommunications infrastructure support for Nebraska; and
7. How to best distribute financial support to ensure accelerated broadband deployment.

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

1. That the Transportation and Telecommunications 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 176. Introduced by Cavanaugh, 6; Morfeld, 46.

PURPOSE: The purpose of this interim study is to examine the metrics used in the juvenile justice system to track outcomes for youth who are under system supervision and after contact with the juvenile justice system. National juvenile justice best practices encourage policymakers to accurately measure recidivism rates and other youth outcomes and analyze, report, and use such data to promote accountability and a more effective juvenile justice system.

The interim study shall include, but not be limited to:

1. An examination of how the juvenile justice system measures recidivism for youth involved in the juvenile justice system, considering the multiple ways they may have subsequent contact with such system;
2. An analysis of recidivism data in Nebraska's juvenile justice system to account for risk levels and other key youth characteristics and variables;
(3) An examination of the infrastructure of the juvenile justice system to collect, analyze, and report recidivism data;
(4) An examination of how the juvenile justice system makes recidivism data accessible to key constituents and the general public;
(5) An examination of how the juvenile justice system uses recidivism data to inform juvenile justice policy, practice, and resource allocation; and
(6) An examination of how the juvenile justice system tracks outcomes for youth, including educational attainment, behavioral health improvements, skill development, employment, or other metrics to assess whether youth are transitioning to a crime-free and productive adulthood.

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 177. Introduced by Cavanaugh, 6.

PURPOSE: The purpose of this interim study is to examine issues faced by youth in the child welfare system who are pregnant or parenting. The issues addressed by this interim study shall include, but not be limited to:
(1) The number of youth in the child welfare system who are pregnant and who are parenting;
(2) The availability of private and public support services for such youth;
(3) The use of private and public support services for such youth by the Department of Health and Human Services;
(4) Initiatives, programs, administrative policies, and legislative policies implemented in other states that have improved outcomes for pregnant or parenting youth;
(5) The impacts of the federal Family First Prevention Services Act of 2017 on the delivery and availability of services for pregnant and parenting youth;
(6) The perspectives and experiences of youth who are or who have been part of Nebraska's child welfare system; and
(7) Intergenerational strategies to stop the cycle of involvement in the child welfare system, including, but not limited to, addressing the cliff effect in public benefit programs and access to quality early childhood education, health care, postsecondary educational opportunities, and workforce training.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Health and Human Services 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 178.** Introduced by Cavanaugh, 6; Wayne, 13.

**PURPOSE:** The purpose of this interim study is to examine the distribution of affordable housing across the state and how the lack of available affordable housing can impact the workforce. The issues addressed by this interim study shall include, but not be limited to:

1. The prevalence of unfilled jobs across the state and the industries and communities that are most severely hampered from growing their workforce due to a lack of available housing;
2. The distribution of housing vacancies across the state;
3. The distribution and allocation of housing development subsidies across the state;
4. The number of jobs that are currently unfilled because of a lack of adequate housing for the workforce and the overall economic impact that a lack of adequate housing has on the State of Nebraska; and
5. The overall need for increased investment in housing development, rental assistance, and home-buyer assistance.

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.

**LEGISLATIVE RESOLUTION 179.** Introduced by Cavanaugh, 6; Dorn, 30; Wishart, 27.

**PURPOSE:** The purpose of this interim study is to examine the fiscal impact of the Supplemental Nutrition Assistance Program and childcare subsidies. The interim study shall examine:

1. The fiscal impact of the Supplemental Nutrition Assistance Program;
2. The fiscal impact of increasing or expanding the availability of benefits under the Supplemental Nutrition Assistance Program;
3. The fiscal impact of the child care subsidy program; and
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Appropriations 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 180. Introduced by Cavanaugh, 6; Morfeld, 46.

PURPOSE: The purpose of this interim study is to examine the practice of mindfulness to reduce the number of children and adults in crisis. The Legislature is concerned about suicide, school safety, and behavioral health. In Nebraska, health systems have recognized increases in children dealing with behavioral health issues. Incidences of children dealing with anxiety, depression, and social-emotional issues have placed increased strain on our public health system, schools, and medical infrastructure.

Adverse Childhood Experiences (ACEs) and the impact of such experiences on the brain of a child have been identified as risk factors in the long-term physical and emotional health of people. The impacts of ACEs have created heavy demands on public resources and created challenges to workforce development.

Studies have shown that mindfulness techniques teach children and adults to heighten their awareness of the present moment, including what they are hearing, seeing, feeling, or smelling. These few brief moments of focused attention can interrupt impulsive behaviors or negative thoughts and are calming for children and adults. Mindfulness strategies have been taught by many different educational and mental health professionals. Mindfulness techniques can be used as a preventative program to lower demands on mental health resources.

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

1. Best practices for mindfulness strategies;
2. How mindfulness techniques can be helpful in assisting children with ACEs;
3. Ways to provide mindfulness strategies to more people;
4. How the public health infrastructure and mental health professionals can align to provide preventative programs of mindfulness; and
5. How the elementary, secondary, and postsecondary educational systems can engage the health care system to provide more preventative support through mindfulness.
To carry out the interim study, professionals in mental health, public health, wellness, and insurance, the Department of Health and Human Services, the State Department of Education, teachers, administrators, school board members, and others may be consulted to share data, develop strategies and make recommendations to develop a long-term vision on how to address behavioral health needs through mindfulness.

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

1. That the Health and Human Services 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 Wayne name withdrawn from LB605.

VISITOR(S)

Visitors to the Chamber were members of the Monument Prevention Youth Advisory Board from Scotts Bluff County; students from Gates Elementary School, Grand Island; Senator Lowe's wife, son, and daughter-in-law, Kim, Rob, and Shelby Lowe, from Kearney; students from Swanson Elementary School, Omaha; Senator Hilgers' wife, daughters, and son, Heather, Elsie, Clara Jane, and "Little" Mike Hilgers, and Senator Hilgers' brother-in-law, Clint Hicks; and students from Pawnee Elementary School, Omaha.

RECESS

At 11:58 a.m., on a motion by Senator Howard, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Hughes presiding.

ROLL CALL

The roll was called and all members were present except Senators Bolz, Friesen, Hilkemann, Scheer, Stinner, and Wishart who were excused until they arrive.
RESOLUTION(S)

LEGISLATIVE RESOLUTION 181. Introduced by Dorn, 30; Stinner, 48.

PURPOSE: The purpose of this interim study is to examine new funding streams for financial stability of the simulation-in-motion Nebraska program. Legislative Bill 666, One Hundred Sixth Legislature, First Session, 2019, would transfer funds to the University of Nebraska Medical Center to purchase a simulation-in-motion program to train first responders and emergency medical technicians in rural areas.

Simulation-in-motion vehicles are mobile trucks that provide hands-on training with high-fidelity, life-like mannequins. These trucks travel across the state and provide invaluable training to emergency care providers, including doctors, emergency medical responders, emergency medical technicians, nurses, paramedics, and other emergency health care personnel.

The initial investment in the simulation-in-motion program in Nebraska was made possible through a grant by the Leona M. and Harry B. Helmsley Charitable Trust and other donors to the program. A sustainable funding stream is needed to financially support the program.

The interim study shall include, but not be limited to, input from the following:

1. One representative of the "50 cents for Life" program administered by the Department of Health and Human Services;
2. One representative of the University of Nebraska with knowledge of the simulation-in-motion Nebraska program;
3. Three representatives in the emergency medical field, which may include an emergency medical technician, a doctor, or a nurse who provides emergency medical care in hospitals; and
4. Other individuals with expertise in the program or emergency medical issues.

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

1. That the Appropriations 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 182. Introduced by Kolterman, 24.

PURPOSE: The purpose of this interim study is to examine methods for the early screening of melanoma and modernization of reimbursement for telehealth for such screening due to the rising incidents of melanoma and other skin cancers in Nebraska. The issues addressed by this interim study shall include, but not be limited to:
(1) The impact of melanoma and other skin cancers in Nebraska;
(2) The distribution of dermatologists in Nebraska and provider shortage areas;
(3) Methods to improve access to cancer screening including teledermatology;
(4) Minimum photograph and video resolution needed to diagnose skin lesions remotely; and
(5) Modern regulations and provider reimbursement models.

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

1. That the Health and Human Services 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 183. Introduced by Geist, 25.

PURPOSE: The purpose of this interim study is to examine whether continuity of care and safety for individuals and the public can be enhanced by allowing mental health providers to coordinate with law enforcement. The study shall include, but not be limited to, a review of mental health records without violating state or federal law.

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.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 21, 2019, at 12:00 p.m. were the following: LBs 293e, 294e, 295e, 296e, 297e, 298e, 299e, and 464e.

(Signed) Laura Gerkin
Clerk of the Legislature's Office
AMENDMENT(S) - Print in Journal

Senator Wayne filed the following amendment to LB86:

AM1912

(Amendments to Final Reading copy)

1. Insert the following new section:

2 Sec. 6. Section 58-703, Revised Statutes Cumulative Supplement, 3 2018, is amended to read:
4 58-703 The Affordable Housing Trust Fund is created. The fund shall 5 receive money pursuant to section 76-903 and may include revenue from 6 sources recommended by the housing advisory committee established in 7 section 58-704, appropriations from the Legislature, transfers authorized 8 by the Legislature, grants, private contributions, repayment of loans, 9 and all other sources. The Department of Economic Development as part of 10 its comprehensive housing affordability strategy shall administer the 11 Affordable Housing Trust Fund.
12 Transfers may be made from the Affordable Housing Trust Fund to the 13 General Fund, the Behavioral Health Services Fund, the Lead-Based Paint 14 Hazard Control Cash Fund, the Rural Workforce Housing Investment Fund, 15 and the Site and Building Development Fund at the direction of the 16 Legislature.
17 The State Treasurer shall transfer fifty-eight thousand one hundred 18 eighty-eight dollars from the Affordable Housing Trust Fund to the 19 General Fund on or before September 15, 2019, on such date as directed by 20 the budget administrator of the budget division of the Department of 21 Administrative Services.
22 2. On page 1, line 3, after "18-2117.04," insert "58-703,"; and in 23 line 11, after the semicolon insert "to transfer funds;".
24 3. On page 20, line 10, after "18-2117.04," insert "58-703,".
25 4. Renumber the remaining sections accordingly.

MOTION(S) - Place LB147 on General File

Senator Groene offered his motion, MO93, found on page 1576, to place 1 LB147 on General File pursuant to Rule 3, Sec. 20(b).

SPEAKER SCHEER PRESIDING

Pending.

GENERAL FILE

LEGISLATIVE BILL 397. Senator Chambers renewed his motion, MO75, found on page 1360, to bracket until June 6, 2019.

PRESIDENT FOLEY PRESIDING

Senator Chambers withdrew his motion to bracket.
Senator Briese offered his amendment, AM1828, found on page 1567.

The Briese amendment was adopted with 37 ayes, 1 nay, 10 present and not voting, and 1 excused and not voting.

Senator Cavanaugh offered her amendment, AM1569, found on page 1366.

Senator Cavanaugh withdrew her amendment.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

**AMENDMENT(S) - Print in Journal**

Senator Wayne filed the following amendment to LB657:

AM1913

(Amendments to Final Reading copy)

1. Insert the following new sections:
2. Sec. 20. Section 2-958, Reissue Revised Statutes of Nebraska, is amended to read:
3. 2-958 (1) A noxious weed control fund may be established for each
4. control authority, which fund shall be available for expenses authorized
5. to be paid from such fund, including necessary expenses of the control
6. authority in carrying out its duties and responsibilities under the
7. Noxious Weed Control Act. The weed control superintendent within the
8. county shall (a) ascertain and tabulate each year the approximate amount
9. of land infested with noxious weeds and its location in the county, (b)
10. ascertain and prepare all information required by the county board in the
11. preparation of the county budget, including actual and expected revenue
12. from all sources, cash balances, expenditures, amounts proposed to be
13. expended during the year, and working capital, and (c) transmit such
14. information tabulated by the control authority to the county board not
15. later than June 1 of each year.
16. (2) The Noxious Weed Cash Fund is created. The fund shall consist of
17. proceeds raised from fees imposed for the registration of pesticides and
18. earmarked for the fund pursuant to section 2-2634, funds credited or
19. transferred pursuant to sections 81-201 and 81-201.05, any gifts, grants,
20. or donations from any source, and any reimbursement funds for control
21. work done pursuant to subdivision (1)(b)(vi) of section 2-954. An amount
22. from the General Fund may be appropriated annually for the Noxious Weed
23. Control Act. The fund shall be administered and used by the director to
24. maintain the noxious weed control program and for expenses directly
25. related to the program. Until January 1, 2020, the fund may also be used
26. to defray all reasonable and necessary costs related to the
27. implementation of the Nebraska Hemp Farming Act. The Department of
28. Agriculture shall document all costs incurred for such purpose. The
29. budget administrator of the budget division of the Department of
30. Administrative Services may transfer a like amount from the Nebraska Hemp
Program Fund to the Noxious Weed Cash Fund no later than October 1, 2022.
(3) Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.
Sec. 23. Sections 17, 18, and 19 of this act become operative on July 1, 2021. The other sections become operative on their effective date.

2. On page 1, line 1, after "amend" insert "section 2-958, Reissue Revised Statutes of Nebraska, and"; in line 3 after the semicolon insert "to provide a use for the Noxious Weed Cash Fund and provide for powers and duties;"; and in line 6 after the first semicolon insert "to provide operative dates;".
3. On page 2, line 17, strike "and" and insert the following new subdivision:
"(6) Facilitate interstate commerce by not impeding the shipment of hemp into and out of this state; and"; and in line 18 strike "(6)" and insert "(7)".
4. On page 5, line 16, after "cultivators" insert "and processor-handlers" and after "cultivated" insert "processed, or handled"; and in line 18 after "act" insert ". The department may, at its discretion, conduct other inspections of a cultivator's or processor-handler's operation, including all sites registered with the department".
5. On page 12, line 8, after the period insert "Transfers from the fund to the Noxious Weed Cash Fund may be made as provided in section 2-958.".
6. On page 17, strike lines 9 through 19 and insert the following new subsections:
"(3) Any person other than a cultivator or processor-handler who is transporting hemp shall carry with such hemp being transported (a) a bill of lading indicating the owner of the hemp, the point of origin of the hemp, and the destination of the hemp and (b) either a copy of the test results pertaining to such hemp or other documentation affirming that the hemp was produced in compliance with section 10113 of the federal Agriculture Improvement Act of 2018, Public Law 115-334, as such section existed on January 1, 2019.
(a) The department may develop a form bill of lading for use by a person other than a cultivator or processor-handler transporting hemp pursuant to subsection (3) of this section for hemp originating in this state. Such bill of lading shall, at a minimum, identify the transporting person and indicate the owner, point of origin, and destination of the hemp.
(b) The department, in consultation with the Nebraska State Patrol, may adopt and promulgate rules and regulations regulating the carrying or transporting of hemp in this state to ensure that marijuana or any other controlled substance is not disguised as hemp and carried or transported into, within, or through this state.
(c) No person shall carry or transport hemp in this state unless such hemp is:
(i) Produced in compliance with:
24 (A) For hemp originating in this state, the requirements of section 10113 of the federal Agriculture Improvement Act of 2018, Public Law 115-334, as such section existed on January 1, 2019, and the Nebraska Hemp Farming Act and any rules and regulations adopted and promulgated thereunder; or
25 (B) For hemp originating outside this state, the requirements of section 10113 of the federal Agriculture Improvement Act of 2018, Public Law 115-334, as such section existed on January 1, 2019; and
26 (ii) Carried or transported:
27 (A) By a cultivator or processor-handler as provided in subsections 1 and (2) of this section; or
28 (B) By a person other than a cultivator or processor-handler as provided in subsection (3) of this section.
29 (d) No person shall transport hemp in this state concurrently with any other plant material that is not hemp.
30 (5)(a) A peace officer may detain any person carrying or transporting hemp in this state if such person does not provide the documentation required by this section. Unless the peace officer has probable cause to believe the hemp is, or is being carried or transported with, marijuana or any other controlled substance, the peace officer shall immediately release the hemp and the person carrying or transporting such hemp upon production of such documentation.
31 (b) The failure of a person detained as described in this subsection to produce documentation required by this section shall constitute probable cause to believe the hemp may be marijuana or any other controlled substance. In such case, a peace officer may collect such hemp for testing to determine the delta-9 tetrahydrocannabinol concentration in the hemp, and, if the peace officer has probable cause to believe the person detained is carrying or transporting marijuana or any other controlled substance in violation of state or federal law, the peace officer may seize and impound the hemp or marijuana or other controlled substance and arrest such person.
32 (c) This subsection does not limit or restrict in any way the power of a peace officer to enforce violations of the Uniform Controlled Substances Act and federal law regulating marijuana and other controlled substances.
33 (6) In addition to any other penalties provided by law, including those imposed under the Nebraska Hemp Farming Act, any person who intentionally violates this section shall be guilty of a Class IV misdemeanor and fined not more than one thousand dollars.

Senator Linehan filed the following amendment to LB288:

AM1929

(Amendments to Standing Committee amendments, AM1594)
1 1. On page 5, line 16, strike "2019" and insert "2021"; and strike 2 lines 24 through 31.
3 2. On page 6, strike lines 1 through 11; in line 12 strike "(c)" and
COMMITTEE REPORT(S)
General Affairs

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

George Morrissey - State Electrical Board

Susan Lutz - Nebraska Commission on Problem Gambling

Amy Haddad - Nebraska Arts Council
Walter Seiler - Nebraska Arts Council

(Signed) Tom Briese, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 184. Introduced by Quick, 35; Howard, 9; Walz, 15.

PURPOSE: The purpose of this interim study is to examine how to provide a sustainable and adequate stream of state funds to local public health departments to ensure the departments are able to meet their core
responsibilities and functions as set forth in statute. The study shall include, but not be limited to, the following:

1. The history of the formation and funding of local public health departments;
2. An examination of current and future public health threats;
3. An examination of health care cost-containment strategies that can slow the growth of overall health care spending by instituting strategic chronic disease management programs and prevention strategies;
4. A review of public health readiness programs, current public health detection programs, and disease prevention efforts;
5. A review of the core public health functions and essential elements set forth in section 71-1628.04 and the necessary revenue streams available to local public health departments to fulfill core public health functions;
6. Identification of additional health-related funding streams that have a nexus with core public health functions; and
7. A strategic plan for investments in local public health departments to properly equip them to respond to a critical public health crisis within their community.

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

1. That the Appropriations 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 185. Introduced by Crawford, 45; Blood, 3.

WHEREAS, Bellevue became home to Nebraska's first school system in 1833, founded by Baptist missionaries, Moses Merrill and his wife Eliza Wilcox Merrill; and
WHEREAS, Bellevue's first public school, known as Bellevue School District #1, renamed Main School in 1911, was constructed in 1869 on the site of what is now Mission Middle School; and
WHEREAS, the Main School site served as an elementary, junior high, and high school until 1966 when its name was changed to Mission; and
WHEREAS, Bellevue has operated a school on the site of the Mission Middle School from 1869 through 2019; and
WHEREAS, Mission Middle School is a "Community of Learners Achieving Success Safely", shaping the future through engagement, innovation, and a culture of belonging; and
WHEREAS, Mission Middle School has educated thousands of students, including multiple generations of Bellevue families who have lived, worked, and prospered in the Bellevue community; and
WHEREAS, Mission Middle School, Bellevue Public Schools, the community of Bellevue, and the State of Nebraska are celebrating the 150th year of education at this site with events involving students, alumni, and the community during the month of August in 2019.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature recognizes Mission Middle School's 150th anniversary.
2. That a copy of this resolution be sent to Mission Middle School.

Laid over.

LEGISLATIVE RESOLUTION 186. Introduced by McDonnell, 5.

PURPOSE: The purpose of this interim study is to examine the potential elimination of exemptions for goods and services under sales and use tax laws. The study shall identify and evaluate:
(1) The relative tax burdens of property taxes, income taxes, and sales taxes by income level and geographic location in the state;
(2) Sales tax exemptions for which there is an identifiable tax expenditure;
(3) Sales tax exemption categories that are important to avoid double taxation of inputs, such as exemptions for business and production inputs, as well as exemptions for the trade-in value of personal property in new sales;
(4) Sales tax exemption categories that are important to retain a competitive position with the six states bordering Nebraska and with the Midwest region;
(5) Sales tax exemption categories that are strategically important to our state economy including retention of highly mobile businesses that can relocate easily;
(6) Transactions that involve small businesses or a small number of sales where the compliance burdens are potentially excessive in relation to the tax collected;
(7) Historical trends and shifts in the state, regional, and national economies with respect to the sale of goods and services; and
(8) Structural tax reforms appropriate for modernizing the state tax system in the changing global economy while promoting state competitiveness and growth.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Revenue 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 187. Introduced by Lowe, 37; Brewer, 43.

PURPOSE: The purpose of this study is to determine the feasibility and fiscal impact of hiring outside consultants to perform an efficiency review of state agencies. The people of this state expect that their government will efficiently provide services and will responsibly and effectively spend tax dollars. With the great fiscal challenges facing the state, these expectations and challenges require occasional review of the ways state agencies conduct business.

An efficiency review means a study to identify:
(1) Areas of state agency operations that can be improved to make the delivery of services more cost-effective;
(2) Outdated practices that can be eliminated;
(3) Increased statewide efficiencies;
(4) Potential new sources of nontax funding; and
(5) Methods to make state agencies more accountable to the people of the state.

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 188. Introduced by Hansen, M., 26.

PURPOSE: The purpose of this interim study is to review the policy of operating trains of increasing length and the effects on worker safety and on the operations of businesses near railroad crossings. The issues addressed by this interim study shall include, but not be limited to:
(1) The safety of rail workers and the general public;
(2) Whether the size and contents of the load of the train matters for the safety of operating trains of greater lengths; and
(3) The effects of longer trains on businesses located near crossings that could adversely impact customers, and whether operating with a crew of less than two persons impacts such delays.

The interim study shall seek input from affected stakeholders, including rail worker labor unions.

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.

**LEGISLATIVE RESOLUTION 189.** Introduced by Hansen, M., 26.

PURPOSE: The purpose of this interim study is to examine the effectiveness of 24/7 sobriety programs and determine potential standards for statewide implementation. The study committee shall consider testimony received on Legislative Bill 335, One Hundred Sixth Legislature, First Session, 2019.

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 190.** Introduced by Quick, 35; McDonnell, 5; Walz, 15.

PURPOSE: The purpose of this interim study is to examine Nebraska's history of involvement in the Midwest Interstate Passenger Rail Compact. The Midwest Interstate Passenger Rail Compact brings together nine states to coordinate and advocate for development and implementation of improvements to intercity passenger rail service in the midwest.

This interim study shall include, but not be limited to, an examination of:

1. Legislation introduced and enacted regarding the Midwest Interstate Passenger Rail Compact in Nebraska;

2. The history of involvement in the Midwest Interstate Passenger Rail Compact;

3. Advantages of participation to member states and the region; and

4. Action needed by the Legislature to reenter the Midwest Interstate Passenger Rail Compact, including the passage of Legislative Bill 401 of the One Hundred Sixth Legislature, 2019.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Transportation and Telecommunications 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 191. Introduced by Arch, 14.

PURPOSE: The purpose of this resolution is to study and evaluate the potential use of Physician Orders for Life-Sustaining Treatment (POLST) and the potential use of out-of-hospital Do Not Resuscitate (DNR) protocols.

POLST are used to convert patients' medical treatment preferences into medical orders. It is completed based upon conversations among health care professionals with the patient, or with a designated proxy decision maker if identified in an advance medical directive. One of the main components of POLST is the development and use of a standardized form that provides specific medical treatment orders for cardiopulmonary resuscitation, medical intervention, artificial nutrition, and antibiotics. The standard form is designed to transfer across treatment settings so it is readily available to medical personnel, including emergency medical technicians, emergency physicians and nurses, and nursing facility staff.

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

1. That the Health and Human Services 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.


PURPOSE: The purpose of this interim study is to examine workforce development initiatives with emphasis on hearing the perspectives of employees across industries. Studies, including the Legislature's "Economic Development Task Force Report", the Department of Economic Development's "Nebraska's Next Economy Report", and Accelerate Nebraska's "Nebraska Statewide Story", identify the need for additional skilled workers. Long-term industry projections indicate that employment in all industries is expected to grow statewide, specifically in health care, social services, professional, scientific, and technical services industries.
The issues addressed by this interim study shall include, but not be limited to:

1. Nationally best practices for promoting career training leading to workforce development for high-quality jobs;
2. Innovative processes and programs for workforce training opportunities and educational programs established and fostered in other states;
3. What is needed to produce individuals with career-ready skills for skilled jobs;
4. Opportunities to meet the needs of Nebraska's workforce;
5. Barriers faced by underrepresented communities, underemployed workers, young workers, and returning workers who are needed as a part of the solution to our workforce challenges; and
6. Opportunities for public and private partnership and investment, such as job training.

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.

LEGISLATIVE RESOLUTION 193. Introduced by Bolz, 29.

PURPOSE: The purpose of this interim study is to assess implementation of the federal Family First Prevention Services Act in Nebraska and identify opportunities for children and families in Nebraska. The Family First Prevention Services Act is a historic federal law that permits states the option to use federal Title IV-E funding for prevention services, including mental health and substance abuse treatment, for children at imminent risk of entering foster care and their parents or kin caregivers and for pregnant and parenting youth. The interim study shall include, but not be limited to, a review of:

1. Opportunities to maximize federal funding;
2. Best practices for implementing prevention services, specifically evidence-based services;
3. Strategies for appropriate oversight of child welfare services, including prevention services;
4. Kinship navigator programs to assist families accessing services and supports leading to family success; and
5. The adequacy of provider networks for prevention services and supports.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Health and Human Services 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 194. Introduced by Hilgers, 21.

PURPOSE: The purpose of this interim study is to examine the benefits of employee stock ownership programs and strategies to promote the implementation of such programs. The issues addressed by this interim study shall include, but not be limited to:
(1) Tax and finance questions raised by employee stock ownership programs, including bank financing and accessibility;
(2) Legislation passed at the federal and state level to foster such programs;
(3) The benefits of such programs for companies, employees, and the economy;
(4) The number of such programs in the state and the effects of the programs on their companies and communities, including workforce satisfaction and productivity; and
(5) The ability of employee-owned companies to remain in their local communities and to retain workers during an economic downturn.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Banking, Commerce and Insurance 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 195. Introduced by Hilgers, 21.

WHEREAS, Diffuse Intrinsic Pontine Glioma (DIPG) affects between 200 and 400 children in the United States each year; and
WHEREAS, brain tumors are the leading cause of cancer-related deaths in children; and
WHEREAS, DIPG is the second most common malignant brain tumor found in children and the leading cause of childhood death due to brain tumors; and
WHEREAS, the prognosis has not improved for children with DIPG in more than 35 years, but new medical technology and research are offering hope for treatments for children afflicted with this disease; and
WHEREAS, May 17, 2019, has been declared Diffuse Intrinsic Pontine Glioma Awareness Day to increase public awareness of this deadly childhood cancer.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature recognizes May 17, 2019, as Diffuse Intrinsic Pontine Glioma Awareness Day.
2. That the Legislature encourages the residents of Nebraska to learn about DIPG and support DIPG research.

Laid over.

LEGISLATIVE RESOLUTION 196. Introduced by Vargas, 7.

WHEREAS, the Omaha South High Magnet School boys’ soccer team, under the leadership of Coach Joe Maass, won the 2019 Class A Boys State Soccer Championship; and
WHEREAS, the Omaha South Packers defeated the Creighton Prep Junior Jays in a 2-1 shootout; and
WHEREAS, Omaha South senior, Jeramiah Gonzales, stopped three attempts and watched another attempt sail over the net to keep Creighton Prep from scoring in four of five rounds in the shootout; and
WHEREAS, Omaha South has won three of the last seven Class A Boys State Soccer Championships; and
WHEREAS, Omaha South freshman, Edwin Cisneros-Garcia, scored the tying goal with less than five minutes remaining to force overtime; and
WHEREAS, the Legislature recognizes the hard work and dedication of the student-athletes, coaches, and parents of the Omaha South Packers boys’ soccer team; and
WHEREAS, the Legislature recognizes the time and effort of Omaha South Principal Ruben Cano and athletic director Dennis Mitchell; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates the Omaha South boys’ soccer team and Coach Joe Maass on winning the 2019 Class A Boys State Soccer Championship.
2. That a copy of this resolution be sent to Omaha South High Magnet School and Coach Joe Maass.
LEGISLATIVE RESOLUTION 197. Introduced by Vargas, 7; Lathrop, 12.

PURPOSE: The purpose of this resolution is to conduct a comprehensive study of due process for inmates in restrictive housing and to make recommendations to support and improve due process for such population in Nebraska. The study shall include, but not be limited to, an examination of the following:

1. Best practices regarding due process for inmates in restrictive housing;
2. The length of time between when an inmate is placed in immediate segregation and when a determination is made regarding whether or not such inmate is to remain in long-term restrictive housing;
3. The best system for due process in such circumstances, including examining the appropriate jurisdiction to hear such due process cases;
4. The definition of restrictive housing;
5. The definition of general population;
6. The amount of structured and unstructured out-of-cell time an inmate is allowed, including the possibility of requirements that inmates placed on restrictive housing from fifteen days up to six months be allowed two hours of out-of-cell time, inmates placed on restrictive housing from six months to twelve months be allowed four hours of out-of-cell time, and after twelve months on restrictive housing, an inmate be allowed six hours of out-of-cell time each day;
7. The rate at which minority populations are placed in restrictive housing compared to other populations;
8. The extent to which restrictive housing is achieving the goal of rehabilitation;
9. Best practices to train corrections staff to work with the population in restrictive housing; and
10. The programming available for inmates in restrictive housing.

The study committee shall seek input from interested stakeholders, including the Department of Corrections.

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 198. Introduced by Wishart, 27.

PURPOSE: The purpose of this interim study is to examine the implementation of a statewide registry for Alzheimer's disease and related
dementias. The registry should collect and disseminate usable data to inform the development of public policy, programs, and services related to the aging population, identify epidemiological trends, and provide nonidentifying data to support research on Alzheimer's disease and related disorders. The Nebraska State Plan for Alzheimer's and Related Dementias identified the establishment of an Alzheimer's disease and related dementia registry as one of 31 recommended actions.

The study shall include, but not be limited to, examination of:

1. The costs associated with implementation and federal funding opportunities through the Centers for Disease Control and Prevention, National Institute on Aging, and other sources;
2. Opportunities for public and private partnership in the recording of data and dissemination of information;
3. The development and maintenance of a secure data system capable of accurate and secure collection and storage of health information pertaining to Alzheimer's disease and related dementias;
4. Methods for safeguarding the confidentiality of health information contained in the registry;
5. The methods for case identification and the core data elements to be collected for cases of Alzheimer's disease and related dementias;
6. Methods for raising public awareness of and participation in a registry for Alzheimer's disease and related dementias; and
7. The best methods for transmitting the collected information to health departments, research institutions, health systems, and the public in a timely and appropriate manner.

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

1. That the Health and Human Services 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.

COMMITTEE REPORT(S)
Government, Military and Veterans Affairs

LEGISLATIVE BILL 436. Placed on General File with amendment.
AM1601
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. (1) The Legislature gives the Nebraska State Data Center
4 program the authority to form Nebraska's official Complete Count
5 Committee on behalf of the State of Nebraska.
6 (2) The program may solicit and spend private funds to carry out the
7 duties of the committee.
8 (3) This section terminates on January 1, 2021.
9 Sec. 2. Since an emergency exists, this act takes effect when passed
10 and approved according to law.

(Signed) Tom Brewer, Chairperson

COMMITTEE REPORT(S)
Government, Military and Veterans Affairs

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Sharon Rues - State Personnel Board
Christopher Waddle - State Personnel Board


The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Roger L. Jasnoch - Nebraska Tourism Commission
Starr Lehl - Nebraska Tourism Commission
Debra Nelson-Loseke - Nebraska Tourism Commission


(Signed) Tom Brewer, Chairperson

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 300. With Emergency Clause.

A BILL FOR AN ACT relating to judges' salaries; to amend section 24-201.01, Revised Statutes Cumulative Supplement, 2018; to change judges' salaries; to provide an operative date; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "
Voting in the affirmative, 43:

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

Voting in the negative, 0.

Present and not voting, 4:

Bolz          Erdman        Lindstrom     Morfeld

Excused and not voting, 2:

Stinner       Wayne

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 300A. With Emergency Clause.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 300, One Hundred Sixth Legislature, First Session, 2019; to provide an operative date; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 44:

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

Voting in the negative, 0.
Present and not voting, 3:
Bolz      Erdman    Lindstrom

Excused and not voting, 2:
Stinner    Wayne

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION(S) - Return LB460 to Select File

Senator Howard moved to return LB460 to Select File for the following specific amendment:

AM1891

(Amendments to Final Reading copy)

1 1. On page 11, strike lines 10 through 20 and insert the following
2 new subsection:
3 "(2) An individual eighteen years of age or older working in a
4 residential child-caring agency shall also submit to the following
5 background checks not less than once during each five-year period: A
6 search of the following registries, repositories, or data bases in the
7 state where the individual resides and each state where the individual
8 resided during the preceding five years:
9 (a) State criminal registries or repositories;
10 (b) State sex offender registries or repositories; and
11 (c) State-based child abuse and neglect registries and data bases.".

The Howard motion to return prevailed with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 460. The Howard specific amendment, AM1891, found in this day's Journal, was adopted with 44 ayes, 0 nays, 4 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

BILL ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB675 with 31 ayes, 10 nays, 7 present and not voting, and 1 excused and not voting.
The following bill was put upon final passage:

**LEGISLATIVE BILL 675.** With Emergency Clause.

A BILL FOR AN ACT relating to education; to amend sections 77-3446, 79-515, 79-807, 79-1110, 79-1113, 79-1115, 79-1115.01, 79-1117, 79-1119, 79-1119.01, 79-1124, 79-1125.01, 79-1126, 79-1127, 79-1128, 79-1129, 79-1130, 79-1132, 79-1135, 79-1136, 79-1138, 79-1139, 79-1142, 79-1145, 79-1147, 79-1148, 79-1149, 79-1154, 79-1155, 79-1156, 79-1157, 79-1158, 79-1159, 79-1159.01, 79-1160, 79-1161, 79-1162, 79-1163, 79-1164, 79-1167, 79-1302, 79-1304, 79-2202, 83-121, and 83-1225, Reissue Revised Statutes of Nebraska, sections 79-318, 79-1003, 79-1005.01, 79-1007.07, 79-1007.09, 79-1008.01, 79-1017.01, and 79-1144, Revised Statutes Cumulative Supplement, 2018, and section 79-1022, Revised Statutes Cumulative Supplement, 2018, as amended by section 1, Legislative Bill 430, One Hundred Sixth Legislature, First Session, 2019; to change the base limitation for school districts; to change the authorized length for specified contracts; to change basic skills competency requirements as prescribed; to define and redefine terms; to change provisions of the Tax Equity and Educational Opportunities Support Act; to clarify state aid calculations; to change provisions relating to the certification and distribution of state aid; to change provisions of the Special Education Act as prescribed; to eliminate obsolete provisions relating to special education; to adopt updated federal laws and regulations; to change grant provisions as prescribed; to change duties as prescribed; to change distance education and technology terminology; to eliminate a reporting requirement, expired state aid provisions, residential care placement requirements, special education waiver provisions, an outdated duty regarding the Education Innovation Fund, and funding provisions for the Interstate Compact on Educational Opportunity for Military Children; to harmonize provisions; to repeal the original sections; to outright repeal sections 79-527, 79-1007.04, 79-1007.17, 79-1007.23, 79-1007.25, 79-1028.03, 79-1152, 79-1153, 79-1188, and 79-2206, Reissue Revised Statutes of Nebraska, and section 79-1008.02, Revised Statutes Cumulative Supplement, 2018; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:
Voting in the negative, 0.

Excused and not voting, 1:

Stinner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 300, 300A, and 675.

**SELECT FILE**

**LEGISLATIVE BILL 492.** ER111, found on page 1508, was adopted.

Senator La Grone requested a machine vote on the advancement of the bill.

Advanced to Enrollment and Review for Engrossment with 29 ayes, 7 nays, 11 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 592.** ER124, found on page 1595, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 323.** ER85, found on page 1197, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 323A.** Advanced to Enrollment and Review for Engrossment.
LEGISLATIVE BILL 481. Title read. Considered.

Committee AM1815, found on page 1561, was offered.

Senator Bolz moved for a call of the house. The motion prevailed with 20 ayes, 6 nays, and 23 not voting.

Senator Bolz requested a roll call vote on the committee amendment.

Voting in the affirmative, 23:

Bolz  DeBoer  Kolterman  Morfeld  Wayne
Brandt  Dorn  Lathrop  Pansing  Brooks  Williams
Brewer  Groene  Lindstrom  Scheer  Wishart
Cavanaugh  Hilkemann  McCollister  Vargas
Crawford  Kolowski  McDonnell  Walz

Voting in the negative, 15:

Albrecht  Friesen  Halloran  Hughes  Moser
Chambers  Geist  Hansen, B.  Hunt  Murman
Erdman  Gragert  Howard  Lowe  Slama

Present and not voting, 10:

Arch  Bostelman  Clemens  Hilgers  Linehan
Blood  Briese  Hansen, M.  La Grone  Quick

Excused and not voting, 1:

Stinner

The committee amendment lost with 23 ayes, 15 nays, 10 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator M. Hansen offered the following motion:

MO99
Reconsider the vote taken on AM1815.

The M. Hansen motion to reconsider prevailed with 26 ayes, 7 nays, and 16 present and not voting.

Committee AM1815, found on page 1561, was reconsidered.
The committee amendment was adopted with 26 ayes, 7 nays, and 16 present and not voting.

Senator Bolz withdrew her amendment, AM614, found on page 738.

Senator Stinner withdrew his amendment, AM1125, found on page 1031.

Advanced to Enrollment and Review Initial with 32 ayes, 1 nay, and 16 present and not voting.

**LEGISLATIVE BILL 481A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 2 nays, and 16 present and not voting.

**LEGISLATIVE BILL 593.** Senator Wayne withdrew his motion, MO41, found on page 1006, to indefinitely postpone pursuant to Rule 6, Sec. 3(f).

Title read. Considered.

Committee AM996, found on page 1521, was adopted with 39 ayes, 0 nays, and 10 present and not voting.

Advanced to Enrollment and Review Initial with 44 ayes, 0 nays, and 5 present and not voting.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on May 21, 2019, at 4:00 p.m. were the following: LBs 300e, 300Ae, and 675e.

(Signed) Laura Gerkin
Clerk of the Legislature's Office

**MESSAGE(S) FROM THE GOVERNOR**

May 21, 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:

This letter is to inform you that the request for confirmation of the appointment of Trent D. Kleinow as a member of the State Emergency Response Commission is respectfully withdrawn.
RESOLUTION(S)

LEGISLATIVE RESOLUTION 199. Introduced by DeBoer, 10; Hilgers, 21; McCollister, 20.

PURPOSE: The purpose of this interim study is to examine Nebraska's redistricting process. The interim study shall include, but not be limited to:

(1) A review of the federal and state constitutional and statutory provisions relating to reapportionment and redistricting;
(2) A review of applicable United States Supreme Court and Nebraska Supreme Court decisions relating to redistricting;
(3) A review of the redistricting process used in Nebraska in 1991, 2001, and 2011. The review shall include an in-depth examination of the (a) substantive, administrative, and procedural guidelines used during each of those decades, including the redistricting criteria used during each of those decades, (b) computer software used and the process of creating and merging databases with such software, (c) the role of staff in the process during those previous decades, (d) process timeline, (e) legal challenges, if any, (f) public confidence in the redistricting process, and (g) all other issues necessary to understand the redistricting process;
(4) An examination of the redistricting processes used in other states including, but not limited to, (a) best practices for apportioning districts between changing rural and urban populations, (b) demographic criteria considered in the redistricting process, (c) the role of staff or non-legislative personnel in the process, and (d) public confidence in the redistricting process in other states; and
(5) Any recommendations for the 2021 redistricting process.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Executive Board of the Legislative Council 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 200. Introduced by Quick, 35; Howard, 9; Lathrop, 12; McDonnell, 5; Pansing Brooks, 28; Walz, 15; Wishart, 27.

PURPOSE: The purpose of this interim study is to examine programming provided at the Youth Rehabilitation and Treatment Center-Geneva and the Youth Rehabilitation and Treatment Center-Kearney and the needs for
additional programming. The interim study shall include, but not be limited to, an examination of the following:

(1) Staff-to-youth ratios at each center;
(2) Programming available to youth at each center including the use of evidence-based programming;
(3) Mental health treatment options and programming available for youth in each center;
(4) The effectiveness of reentry planning and transition supports and services provided to youth exiting the centers;
(5) Educational programming available and provided to the youth at each center; and
(6) Potential statutory and regulatory changes necessary to best support the staff and youth at the treatment centers.

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

1. That the Health and Human Services 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 201. Introduced by Vargas, 7.

PURPOSE: The purpose of this interim study is to examine the role truancy plays in the school-to-prison pipeline and explore possible alternatives to reduce truancy and ensure students are educationally successful. The study shall include, but not be limited to, an examination of the following:

(1) State policy and services regarding truancy;
(2) National best practices relating to truancy;
(3) Exploring pathways, such as alternative programs, that could be available for youth;
(4) Factors that contribute to youth truancy;
(5) Best practices in assessing the risks and needs of youth and implementing policies that reflect the desire to help youth succeed;
(6) The extent to which truancy contributes to the school-to-prison pipeline; and
(7) Other issues pertinent to truant students.

The interim study shall seek input from interested stakeholders.

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 202. Introduced by McCollister, 20; Bolz, 29; Briese, 41; Crawford, 45; Friesen, 34; Hansen, M., 26; Kolterman, 24; Lathrop, 12; Vargas, 7; Wayne, 13; Williams, 36.

PURPOSE: The purpose of this interim study is to examine the use and administration of the Nebraska affordable housing tax credit and ensure it is being fully utilized to leverage available federal funding and maximize the development of workforce housing in Nebraska.

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

1. The feasibility of workforce housing projects funded by four-percent low-income housing tax credits and bonds in the State of Nebraska;
2. The flexibility of the Nebraska affordable housing tax credit to provide gap financing to four-percent low-income housing tax credit and bond projects and legislative or administrative changes required to expand such opportunities; and
3. An examination of other states and their affordable housing tax credit programs, including how they leverage state credits to maximize federal low-income housing tax credits and the development of workforce housing.

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

1. That the Revenue 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 203. Introduced by Bostelman, 23; Albrecht, 17; Arch, 14; Blood, 3; Bolz, 29; Brandt, 32; Brewer, 43; Briese, 41; Cavanaugh, 6; Chambers, 11; Clements, 2; Crawford, 45; DeBoer, 10; Dorn, 30; Erdman, 47; Friesen, 34; Geist, 25; Gragert, 40; Groene, 42; Halloran, 33; Hansen, B., 16; Hansen, M., 26; Hilgers, 21; Hilkenmann, 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; Pansing Brooks, 28; Quick, 35; Scheer, 19; Slama, 1; Stinner, 48; Vargas, 7; Walz, 15; Wayne, 13; Williams, 36; Wishart, 27.
WHEREAS, during March, 2019, the region experienced a powerful bomb
cyclone with a rare combination of extreme rain and snow causing flooding
and blizzard conditions throughout the state; and
WHEREAS, this natural disaster caused significant loss of life, homes,
businesses, and livestock, causing damages in excess of two billion dollars; and
WHEREAS, on March 12th Governor Ricketts declared a state of
emergency for Nebraska and on March 21st President Trump approved a
disaster declaration for the state enabling federal assistance; and
WHEREAS, Nebraskans have shown tremendous resiliency in the wake of
this natural disaster; and
WHEREAS, many individuals, non-profits, and businesses across the state
joined in with rescue operations, recovery, and fundraising; and
WHEREAS, many Nebraskans and the Federal Emergency Management
Agency assisted in flood relief, including the Nebraska Emergency
Management Agency, emergency managers, the Nebraska National Guard,
fire and rescue crews, law enforcement, volunteers, medical staff, local
contractors, neighbors, friends, and countless others who took part in the
disaster response and recovery relief efforts.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE
ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST
SESSION:
1. That the Legislature thanks the Federal Emergency Management
Agency, the Nebraska Emergency Management Agency, and the emergency
managers for their outstanding leadership and support during the flooding
and recovery.
2. That the Legislature recognizes first responders, law enforcement
personnel, the Nebraska National Guard, public power, the Department of
Transportation, and the local businesses, churches, organizations, and
countless volunteers for all their efforts during the flooding and recovery.
3. That the Legislature recognizes the extraordinary contributions by
fellow Nebraska residents and residents of other states who selflessly gave
of their own time and resources to assist their neighbors in need during this
disaster.
4. That copies of this resolution be sent to the Federal Emergency
Management Agency and the Nebraska Emergency Management Agency.

Laid over.

LEGISLATIVE RESOLUTION 204. Introduced by Lathrop, 12.

PURPOSE: The purpose of this interim study is to examine any issues
within the jurisdiction of the Judiciary 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 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 205.** Introduced by Lathrop, 12.

PURPOSE: The purpose of this interim study is to examine issues related to child custody proceedings and parenting time determinations for families of divorce. The issues addressed by this interim study shall include, but not be limited to:

1. How custody and parenting time decisions affect outcomes for children; and
2. Ways to better promote custody or parenting plans that reflect contemporary views on parenthood and child-rearing.

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 206.** Introduced by Lathrop, 12.

PURPOSE: The purpose of this interim study is to examine options for the elimination of cash bail, appearance bonds, and related provisions, and examine risk assessment tools for pretrial release, post-conviction custody, and supervision status determinations. The issues addressed by this interim study shall include, but not be limited to:

1. Available assessment tools to determine the risk that a defendant awaiting trial will fail to appear or presents an ongoing threat to the community, or the risk that a person convicted of a crime will reoffend;
2. Whether the state could improve efficiency and efficacy of risk assessments by reducing the number of tools it uses;
3. How elimination of cash bail would impact county jail populations; and
4. How the judicial branch, state agencies, and local governments could accommodate elimination of cash bail, including required administrative support, supervision, and potential fiscal impacts.

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 207. Introduced by Briese, 41.

PURPOSE: The purpose of this resolution is to examine the possible elimination of various exemptions of goods and exclusions of services under Nebraska's sales and use tax laws. The study shall include, but not be limited to, identifying and evaluating:

1. Criteria to consider when evaluating the feasibility of eliminating specific exemptions and exclusions;
2. How other states treat goods and services in their sales and use tax base, and specifically, the six states bordering Nebraska;
3. The tax expenditures associated with specific Nebraska sales and use tax exemptions and exclusions;
4. Historical trends and shifts in the economies of goods and services; and
5. Nebraska's current tax structure relative to its reliance on income, sales and use, and property taxes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Revenue 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 208. Introduced by Pansing Brooks, 28; Arch, 14; Blood, 3; Bolz, 29; Bostelman, 23; Brandt, 32; Brewer, 43; Briese, 41; Cavanaugh, 6; Crawford, 45; DeBoer, 10; Dorn, 30; Friesen, 34; Geist, 25; Gragert, 40; Hansen, M., 26; Hilgers, 21; Hilkemann, 4; Howard, 9; Hunt, 8; Kolowski, 31; Kolterman, 24; La Grone, 49; Lathrop, 12; Lindstrom, 18; Linehan, 39; McCollister, 20; McDonnell, 5; Morfeld, 46; Murman, 38; Quick, 35; Scheer, 19; Slama, 1; Sinner, 48; Vargas, 7; Walz, 15; Wayne, 13; Williams, 36; Wishart, 27.

PURPOSE: The purpose of this interim study is to examine state and school district policies that relate to maintaining a safe and positive school learning environment.

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

1. Best practices for school personnel to address disruptions in the classroom;
(2) Best practices for school personnel to intervene during student conflict and physical altercations;
(3) Best practices for the State Department of Education and school districts to adopt and implement that support and maintain safe and positive school learning environments;
(4) Best practices for training school personnel to support and maintain safe and positive school learning environments, including conflict de-escalation and interventions; and
(5) Mental and behavioral health support and resources available in schools.

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

1. That the Education 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 209. Introduced by Bolz, 29; Stinner, 48.

PURPOSE: The purpose of this resolution is to study state and federal funding options for existing and potential research by the University of Nebraska on local, state, and global water management systems, water quality, water sustainability technology and infrastructure, and sustainable production agriculture.

The interim study shall include, but not be limited to, an examination of the following:

(1) State and federal research by the University of Nebraska on Nebraska's water management systems with corresponding historical appropriations;
(2) State and federal research by the University of Nebraska on Nebraska's water quality and health impacts with corresponding historical appropriations;
(3) State and federal research by the University of Nebraska on water sustainability technology and infrastructure with corresponding historical appropriations;
(4) Best practices, model initiatives, and funding mechanisms that seek to increase state and federal funding to academic research on water sustainability, technology, and quality;
(5) Past state appropriations and initiatives that expanded research capabilities at the University of Nebraska in water sustainability, water quality, water management systems, and sustainable production agriculture; and
(6) Opportunities to align or improve systems supporting Nebraska's university-led research and commercialization.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF
THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST
SESSION:
1. That the Appropriations 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.

SELECT FILE

LEGISLATIVE BILL 511. ER56, found on page 956, was adopted.
Senator Brewer withdrew his amendment, AM1113, found on page 1160.
Senator B. Hansen offered his amendment, AM1843, found on page 1575.
The B. Hansen amendment was adopted with 35 ayes, 1 nay, and 13 present
and not voting.
Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 334. ER72, found on page 1157, was adopted.
Senator Linehan offered her amendment, AM1283, found on page 1350.
The Linehan amendment was adopted with 37 ayes, 0 nays, and 12 present
and not voting.
Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 334A. Senator Linehan offered her amendment,
AM1281, found on page 1352.
The Linehan amendment was adopted with 33 ayes, 0 nays, and 16 present
and not voting.
Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 468. ER96, found on page 1342, was adopted.
Senator Bolz offered her amendment, AM1678, found on page 1513.
The Bolz amendment was adopted with 35 ayes, 0 nays, and 14 present and
not voting.
Senator Crawford offered the following amendment:
AM1855
(Amendments to Standing Committee amendments, AM1166)

1 1. Insert the following new sections:
2 Sec. 8. The Department of Health and Human Services shall notify the
3 chairperson and members of the Health and Human Services Committee of the
4 Legislature prior to submitting any request or application to the Centers
5 for Medicare and Medicaid Services of the United States Department of
6 Health and Human Services for a demonstration project waiver under
7 section 1115 of the Social Security Act, 42 U.S.C. 1315. Such
8 notification shall be made electronically and shall include a copy of any
9 documentation presented to the public related to the waiver. The Health
10 and Human Services Committee of the Legislature shall hold a public
11 hearing on such waiver application during the period for public comment
12 required under 42 C.F.R. 431.408.
13 Sec. 9. The Department of Insurance shall notify the chairperson and
14 members of the Banking, Commerce and Insurance Committee of the
15 Legislature prior to submitting any request or application to the Centers
16 for Medicare and Medicaid Services of the United States Department of
17 Health and Human Services for a state innovation waiver under section
18 1332 of the federal Patient Protection and Affordable Care Act. Such
19 notification shall be made electronically and shall include a copy of the
20 application for the federal waiver. The Banking, Commerce and Insurance
21 Committee of the Legislature shall hold a public hearing on such waiver
22 application.
23 2. Renumber the remaining sections accordingly.

The Crawford amendment was adopted with 31 ayes, 0 nays, and 18 present
and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 686.** ER125, found on page 1594, was adopted.

Senator Lathrop offered the following amendment:
AM1902 is available in the Bill Room.

The Lathrop amendment was adopted with 35 ayes, 0 nays, and 14 present
and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 686A.** Advanced to Enrollment and Review for Engrossment.
LEGISLATIVE BILL 690. ER112, found on page 1509, was adopted.

Senator Cavanaugh offered the following amendment:

AM1919

(Amendments to Standing Committee amendments, AM1488)

1 1. On page 4, after line 2 insert the following new subsection:
2 "(4) If a prisoner or detainee known to be pregnant is transported
3 to a medical facility or birthing center and restraints are used, the
4 administrator of the detention facility shall inform the relevant staff
5 at the medical facility or birthing center of the risks and dangers of
6 removing the restraints from the specific prisoner or detainee,"; and in
7 line 3 strike "(4)" and insert "(5)".

The Cavanaugh amendment was adopted with 31 ayes, 0 nays, and 18 present and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 512. ER76, found on page 1157, was adopted.

Senator Erdman offered his amendment, AM1755, found on page 1529.

The Erdman amendment was adopted with 34 ayes, 0 nays, and 15 present and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 610. ER90, found on page 1258, was adopted.

Senator Wishart withdrew her amendment, AM1554, found on page 1380.

Senator Wishart offered her amendment, AM1771, found on page 1525.

The Wishart amendment was adopted with 45 ayes, 0 nays, and 4 present and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 610A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 433. ER100, found on page 1343, was offered.

ER100 was adopted.

Senator M. Hansen offered his amendment, AM1729, found on page 1467.

The M. Hansen amendment was adopted with 43 ayes, 1 nay, and 5 present
and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 470.** ER102, found on page 1354, was offered.

ER102 was adopted.

Senator La Grone withdrew his amendment, AM1849, found on page 1576.

Senator La Grone offered the following amendment:

AM1932

(Amendments to AM1461)

1. Strike section 13 and insert the following new sections:
2. Sec. 5. Section 77-3,110, Reissue Revised Statutes of Nebraska, is amended to read:
3. 77-3,110 (1) All funds received pursuant to sections 77-3,109 and 77-3,118 shall be remitted to the State Treasurer for credit to the Department of Revenue Miscellaneous Receipts Fund which is hereby created.
4. (2) On or before July 15, 2019, the State Treasurer shall transfer fifty-nine thousand one hundred eighty-eight dollars from the College Savings Plan Expense Fund to the Department of Revenue Miscellaneous Receipts Fund.
5. (3) All money in the Department of Revenue Miscellaneous Receipts Fund shall be administered by the Department of Revenue and shall be used as follows:
6. (a) Any money transferred to the fund under subsection (2) of this section shall be used by the Department of Revenue to defray the costs incurred to implement this legislative bill; and
7. (b) All other funds shall be used to defray the cost of production of the publications listed in section 77-3,109 or of the listings described in section 77-3,118 and to carry out any administrative responsibilities of the department.
8. (2) Transfers, except that transfers may be made from the fund to the General Fund at the direction of the Legislature. Any money in the Department of Revenue Miscellaneous Receipts Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.
9. Sec. 14. Sections 8, 10, 11, 12, and 16 of this act become operative on January 1, 2020. The other sections of this act become operative on their effective date.
10. Sec. 17. Since an emergency exists, this act takes effect when passed and approved according to law.
11. 2. On page 16, line 21, strike the new matter and reinstate the stricken matter.
12. 3. On page 17, strike lines 4 through 11 and insert the following new subdivision:
11 "(c) For taxable years beginning or deemed to begin on or after
January 1, 2020, under the Internal Revenue Code of 1986, as amended,
federal adjusted gross income shall be reduced, to the extent included in
the adjusted gross income of an individual, by the amount of any
contribution made by the individual's employer into an account under the
Nebraska educational savings plan trust owned by the individual, not to
exceed five thousand dollars per married filing separate return or ten
thousand dollars for any other return."
19 4. On page 24, line 9, after "Fund" insert "and the Department of
Revenue Miscellaneous Receipts Fund".
21 5. On page 26, line 21, after "77-202," insert "77-3,110,".
22 6. Renumber the remaining sections accordingly.

The La Grone amendment was adopted with 40 ayes, 0 nays, and 9 present
and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 470A. Advanced to Enrollment and Review for
Engrossment.

LEGISLATIVE BILL 583. ER103, found on page 1366, was adopted.

Senator Bolz withdrew her amendment, AM1454, found on page 1477.

Senator Bostelman offered his amendment, AM1556, found on page 1560.

The Bostelman amendment was adopted with 38 ayes, 0 nays, and 11
present and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 149. ER104, found on page 1400, was adopted.

Senator Quick offered his amendment, AM1679, found on page 1472.

Senator Quick moved for a call of the house. The motion prevailed with 20
ayes, 8 nays, and 21 not voting.

Senator Quick requested a roll call vote on his amendment.

Voting in the affirmative, 23:

<table>
<thead>
<tr>
<th>Albrecht</th>
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<th>Morfeld</th>
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<td>Lathrop</td>
<td>Pansing Brooks</td>
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<td>Briese</td>
<td>Howard</td>
<td>McCollister</td>
<td>Quick</td>
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</tbody>
</table>
Voting in the negative, 4:

Groene    La Grone    Scheer    Slama

Present and not voting, 20:

Arch    Clements    Gragert    Hilkemann    McDonnell
Blood    Dorn    Halloran    Lindstrom    Vargas
Brewer    Erdman    Hansen, B.    Linehan    Wayne
Chambers    Geist    Hilgers    Lowe    Wishart

Excused and not voting, 2:

Friesen    Hughes

The Quick amendment lost with 23 ayes, 4 nays, 20 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

**SPEAKER SCHEER PRESIDING**

Senator M. Hansen offered the following amendment:

AM965  
(Amendments to Standing Committee amendments, AM901)

1 1. On page 7, line 9, after "sections" insert "28-1419", reinstate
2 the stricken comma, and strike "or"; and in line 10 strike the new matter
3 and reinstate the stricken matter.
4 2. On page 8, lines 15 and 17, after "tobacco" insert "and
5 electronic nicotine delivery systems".

**PRESIDENT FOLEY PRESIDING**

The M. Hansen amendment was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 210.** Introduced by Stinner, 48.

PURPOSE: The purpose of this resolution is to study and analyze programs and agencies that are active in addressing workforce and talent shortages and identify options for increasing postsecondary degrees and credentials to assist in filling vacant high-wage, high-demand, high-skill jobs.

The study will include, but is not limited to, an examination of the following:
(1) State and federal programs that provide talent and skill building or workforce training with corresponding historical appropriations;
(2) Agency initiatives that seek to address the workforce and talent shortage in high-wage, high-demand, high-skill occupations with corresponding historical appropriations;
(3) Workforce demand, income, education, and demographic projections through 2030, including high-wage, high-demand, high-skill occupations;
(4) Best practices, model initiatives, and funding mechanisms that seek to increase the number of adults with a bachelor's or associate degree;
(5) Degree completion initiatives that seek to assist adults who have postsecondary education credits, but who have not earned a certificate or degree;
(6) Resources necessary to remove barriers to public postsecondary institutions to increase the college-going rate to further support Nebraska's workforce and talent development;
(7) State and federal internship and apprenticeship programs with corresponding historical appropriations; and
(8) Opportunities to align or improve systems supporting workforce and talent development.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Appropriations 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 211. Introduced by Stinner, 48.

PURPOSE: The purpose of this resolution is to examine alternatives for funding the Nebraska Tree Recovery Program, which is administered by the Nebraska Forest Service at the University of Nebraska. The Tree Recovery Program is a matching grant program that funds tree removal, disposal, and replacement costs for municipalities, counties, state agencies, civic groups, tree advisory boards, and other entities that are responsible for the upkeep of government-owned real property.

Due to severe weather conditions, diseases, and invasive species, the state's political subdivisions are experiencing a rise in tree mortality. Most subdivisions have been unable to act decisively due to insufficient funds to remove, dispose of, and replace trees situated on public land, presenting a liability and safety problem.

The interim study shall identify the availability of and eligibility requirements for funds through the federal Emergency Management Agency's Resilience Administration and strategies to leverage additional financial resources for the Tree Recovery Program.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Appropriations 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 212. Introduced by Stinner, 48.

PURPOSE: The purpose of this study is to assess the financial position of the Nebraska Brand Committee and to identify core operational needs and opportunities for efficiency improvement. To improve operational efficiencies and facilitate the coordination of core agency objectives, the financial stability of the brand committee must be maintained through the responsible management of budgetary stresses, infrastructure modernization, and resource utilization.

To manage the long-term goals of the brand committee, the interim study shall review the financial positioning of the brand committee, along with key operational objectives and other needs as assessed. The study shall make recommendations for any necessary statutory, policy, structural, or other changes. The study shall include a review of the following:

(1) The financial position of the brand committee to assess its long-term viability as a sustainable state agency. Such analysis may include its sources of funding and budgetary challenges, including information derived from audit reports issued by the Auditor of Public Accounts;

(2) The relevance of the responsibilities of the brand committee as a public benefit, including input from constituencies of the brand committee, a historical narrative on the establishment of the brand committee, and the current challenges that necessitate the services provided by the brand committee;

(3) The operational needs of the brand committee, including field equipment, information technology infrastructure, and other operational support; and

(4) Other responsibilities and objectives of the brand committee.

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

1. That the Appropriations 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.
LEGISLATIVE RESOLUTION 213. Introduced by Vargas, 7; Hansen, M., 26.

PURPOSE: The purpose of this interim study is to examine potential solutions and approaches to benefits traditionally enjoyed by workers in an employer-employee relationship, including, but not limited to, health insurance, workers' compensation, and retirement savings, for the growing population of independent contractors and self-employed workers.

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.

LEGISLATIVE RESOLUTION 214. Introduced by Wishart, 27.

PURPOSE: The purpose of this interim study is to examine issues that surround the engagement, attraction, and retention of youth in Nebraska. This interim study shall include, but not be limited to, an examination of the following:
1. The creation of youth-led town halls to identify policy areas of importance to youth across Nebraska; and
2. Why the youth population is declining in Nebraska. By 2030, there will be more Nebraskans 65 years of age and older in comparison to those 18 years of age and younger.

The study committee shall collaborate with the University of Nebraska and other postsecondary institutions to conduct a statewide survey regarding youth opportunity, personal development, and community inclusivity.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Education 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 215. Introduced by Briese, 41.

PURPOSE: The purpose of this interim study is to examine the Nebraska Lottery and Raffle Act. The issues addressed by this interim study shall include, but not be limited to, changes required to modernize the Nebraska Lottery and Raffle Act, including the following:

1. Updating the threshold amounts that require a 501(c)(3) organization to obtain a license under the act;
2. Updating the requirements for applying for a special permit required under the act; and
3. Updating the allowable methods for 501(c)(3) organizations to conduct sales and activities under the act using available technologies.

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

1. That the General 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 216. Introduced by Walz, 15.

PURPOSE: The purpose of this interim study is to examine funding priorities for the medicaid home and community-based services waivers under the Developmental Disabilities Services Act and recommend changes to the waiver program to best serve Nebraska families.

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

1. The impact of changes in the current day service programs for youth under the home and community-based services waiver program;
2. Options to better serve state wards who have developmental disabilities;
3. The impact of waiting lists in developmental disabilities programs for families and the options available to serve all families who are eligible for services and better leverage available federal dollars;
4. The impact of reduced federal funding on developmental disability programming for youth;
5. Options to strengthen communication and outreach to families with children served by an individualized education program in school regarding services and programs available as children transition to adulthood;
6. Gaps in service between waivers, specifically the developmental disabilities waivers, aged and disabled waiver, autism waiver, and waivers for rare conditions; and
7. The impact of decreased transition services.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services 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 217. Introduced by Vargas, 7.

PURPOSE: The purpose of this interim study is to examine the feasibility of developing a process for the preparation and consideration of racial impact statements. The issues examined in this study shall include, but not be limited to:

(1) The definition or understanding of the term racial impact statement;
(2) Whether the use of racial impact statements should be limited to a particular category of legislation or whether such statements should be considered for all legislation;
(3) The agency, division, or department that should be tasked with the creation of racial impact statements;
(4) The effect that a racial impact statement may have on legislation and the legislative process;
(5) The fiscal impact that the use of racial impact statements may have; and
(6) The processes and mechanisms used by other states for preparing, creating, and considering racial impact statements.

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

1. That a select interim committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution. The select interim committee shall be composed of the members of the Rules Committee of the Legislature.
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 218. Introduced by Halloran, 33.

PURPOSE: The purpose of this interim study is to review the resources of the Department of Agriculture and state government to respond to natural disasters and catastrophic weather events with respect to the loss of agricultural assets and infrastructure serving the agricultural sector. The
study shall examine the catastrophic flooding and winter weather events occurring in March of 2019 as a case study to identify potential means of increasing preparedness and response capabilities and shall identify regulatory or statutory provisions that may impose unnecessary costs or restrictions that impede the resiliency of agriculture to recover from catastrophic events.

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

1. That the Agriculture 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 219. Introduced by Halloran, 33.

PURPOSE: The purpose of this interim study is to identify constraints on agricultural processing, production, and marketing investment. The study shall examine opportunities for future growth in agricultural development, identify regulatory barriers to growth opportunities, and explore means to enable the state and local communities to be prepared to recruit and realize opportunities for agricultural development.

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

1. That the Agriculture 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 220. Introduced by Halloran, 33.

PURPOSE: The purpose of this interim study is to review provisions governing carcass disposal requirements and options under Chapter 54, article 7 of the Nebraska statutes. The study shall compile a reference of duties for livestock owners, local governments, and the Department of Agriculture under state statutory provisions and federal regulations on livestock disease prevention. The study shall further examine any overlapping or contradictory jurisdiction regarding livestock mortality disposal with the Department of Environment and Energy or other agencies. Goals of the study are to identify useful or necessary updates to livestock disposal requirements to facilitate proper disposal in the aftermath of catastrophic natural disaster or disease events, to incorporate improved
technologies or methodologies for animal carcass disposal and management, and to remove outdated, unnecessary, and inconsistent provisions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Agriculture 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 221. Introduced by Halloran, 33.

PURPOSE: The purpose of this interim study is to review the resources and authorities of the Department of Agriculture regarding livestock disease prevention and response. The study shall examine:
(1) The status of the various livestock disease eradication programs and the need to update statutory authorities to reflect current veterinary science and practice;
(2) The need to coordinate with federal leadership; and
(3) Enforcement needed to prevent future outbreaks of livestock diseases in conjunction with, and under the guidance of, the United States Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Agriculture 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 222. Introduced by Halloran, 33; Brewer, 43; Erdman, 47; Stinner, 48.

PURPOSE: The purpose of this interim study is to review the status of the implementation of the electronic brand document and reporting system by the Nebraska Brand Committee. The study shall seek to identify components of the system that are in place and the remaining system components, including acquisition and deployment of associated devices, software, training, personnel, and any other requirements to achieve a fully functioning system, and the anticipated costs and timetable for completion. It is a further goal of this study to identify opportunities such system may provide for leveraging the Nebraska Brand Committee's enhanced
information management to provide additional services of value to the livestock industry.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Agriculture 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 La Grone filed the following amendment to LB470A:
AM1896
1 1. Strike original section 1 and insert the following new sections:
2 Section 1. There is hereby appropriated $59,188 from the Department of Revenue Miscellaneous Receipts Fund for FY2019-20 to the Department of Revenue, for Program 102, to aid in carrying out the provisions of Legislative Bill 470, One Hundred Sixth Legislature, First Session, 2019.
3 No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.
4 Sec. 2. Since an emergency exists, this act takes effect when passed and approved according to law.

Senator Lindstrom filed the following amendment to LB186:
AM1937
(Amendments to Final Reading copy)
1 1. Strike section 26 and insert the following new sections:
2 Sec. 24. Section 84-618, Revised Statutes Cumulative Supplement, 2018, is amended to read:
3 84-618 (1) The Treasury Management Cash Fund is created. A pro rata share of the budget appropriated for the treasury management functions of the State Treasurer and for the administration of the achieving a better life experience program as provided in sections 77-1401 to 77-1409 shall be charged to the income of each fund held in invested cash, and such charges shall be transferred to the Treasury Management Cash Fund. The allocation of charges may be made by any method determined to be reasonably related to actual costs incurred by the State Treasurer in carrying out the treasury management functions under section 84-602 and in carrying out the achieving a better life experience program as provided in sections 77-1401 to 77-1409. Approval of the agencies, boards, and commissions administering these funds shall not be required.
4 (2) It is the intent of this section to have funds held in invested cash be charged a pro rata share of such expenses when this is not prohibited by statute or the Constitution of Nebraska.
19 (3) The Treasury Management Cash Fund shall be used for the treasury
management functions of the State Treasurer and for the administration of
the achieving a better life experience program as provided in sections
77-1401 to 77-1409. To the extent permitted by section 529A as defined in
section 77-1401, the fund may receive gifts for administration,
operation, and maintenance of a program established under sections
77-1403 to 77-1409.
26 (4) Transfers may be made from the Treasury Management Cash Fund to
the General Fund at the direction of the Legislature. Any money in the
Treasury Management Cash Fund available for investment shall be invested
by the state investment officer pursuant to the Nebraska Capital
Expansion Act and the Nebraska State Funds Investment Act.
5 (5) On or before July 5, 2019, or as soon thereafter as possible,
the State Treasurer shall transfer eighty-two thousand one hundred sixty-
seven dollars from the Treasury Management Cash Fund to the General Fund.
On or before July 1, 2020, the State Treasurer shall transfer twenty-
seven thousand six hundred eighty-two dollars from the Treasury
Management Cash Fund to the General Fund.
Sec. 27. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14,
12 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, and 29 of this act become
operative on July 1, 2020. The other sections of this act become
operative on their effective date.
15 Sec. 28. Original section 84-618, Revised Statutes Cumulative
16 Supplement, 2018, is repealed.
17 Sec. 30. Since an emergency exists, this act takes effect when
18 passed and approved according to law.
19 2. On page 1, line 3, strike "section 23-1503.01" and insert
20 "sections 23-1503.01 and 84-618"; in line 5 after the semicolon insert
21 "to provide for transfers of funds;"; in line 8 strike "an operative
22 date" and insert "operative dates", strike "and", and after "sections"
23 insert ";"; and to declare an emergency".
24 3. Renumber the remaining sections accordingly.

Senator Lindstrom filed the following amendment to LB186A:
AM1938

1 1. Insert the following new section:
2 Sec. 2. Since an emergency exists, this act takes effect when
3 passed and approved according to law.
4 2. On page 1, line 3, before the period insert "; and to declare an
5 emergency".
6 3. On page 2, strike beginning with the second "and" in line 2
7 through "Fund" in line 3.

Senator Wayne filed the following amendment to LB657:
AM1941

1 1. Insert the following new sections:
2 Sec. 20. Section 2-958, Reissue Revised Statutes of Nebraska, is
amended to read:
2-958 (1) A noxious weed control fund may be established for each control authority, which fund shall be available for expenses authorized to be paid from such fund, including necessary expenses of the control authority in carrying out its duties and responsibilities under the Noxious Weed Control Act. The weed control superintendent within the county shall (a) ascertain and tabulate each year the approximate amount of land infested with noxious weeds and its location in the county, (b) ascertain and prepare all information required by the county board in the preparation of the county budget, including actual and expected revenue from all sources, cash balances, expenditures, amounts proposed to be expended during the year, and working capital, and (c) transmit such information tabulated by the control authority to the county board not later than June 1 of each year.
(2) The Noxious Weed Cash Fund is created. The fund shall consist of proceeds raised from fees imposed for the registration of pesticides and earmarked for the fund pursuant to section 2-2634, funds credited or transferred pursuant to sections 81-201 and 81-201.05, any gifts, grants, or donations from any source, and any reimbursement funds for control work done pursuant to subdivision (1)(b)(vi) of section 2-954. An amount from the General Fund may be appropriated annually for the Noxious Weed Control Act. The fund shall be administered and used by the director to maintain the noxious weed control program and for expenses directly related to the program. Until January 1, 2020, the fund may also be used to defray all reasonable and necessary costs related to the implementation of the Nebraska Hemp Farming Act. The Department of Agriculture shall document all costs incurred for such purpose. The budget administrator of the budget division of the Department of Administrative Services may transfer a like amount from the Nebraska Hemp Program Fund to the Noxious Weed Cash Fund no later than October 1, 2022.

Sec. 23. Section 81-2,162.27, Revised Statutes Cumulative Supplement, 2018, is amended to read:
81-2,162.27 (1) All money received under the Nebraska Commercial Fertilizer and Soil Conditioner Act and the Agricultural Liming Materials Act shall be remitted to the State Treasurer for credit to the Fertilizers and Soil Conditioners Administrative Fund, which fund is hereby created. All money so received shall be used by the department for defraying the expenses of administering the Nebraska Commercial Fertilizer and Soil Conditioner Act and the Agricultural Liming Materials Act. Until January 1, 2020, the fund may also be used to defray all reasonable and necessary costs related to the implementation of the Nebraska Hemp Farming Act. The Department of Agriculture shall document all costs incurred for such purpose. The budget administrator of the budget division of the Department of Administrative Services may transfer a like amount from the Nebraska Hemp Program Fund to the Fertilizers and Soil Conditioners Administrative Fund no later than October 1, 2022.
Transfers may be made from the fund to the General Fund at the direction of the Legislature. The State Treasurer shall transfer two hundred seventy-five thousand dollars from the Fertilizers and Soil Conditioners Administrative Fund to the General Fund on or before June 30, 2019, on such dates and in such amounts as directed by the budget administrator of the budget division of the Department of Administrative Services.

Any unexpended balance in the Fertilizers and Soil Conditioners Administrative Fund at the close of any biennium shall, when reappropriated, be available for the uses and purposes of the fund for the succeeding biennium. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 24. Sections 17, 18, and 19 of this act become operative on July 1, 2021. The other sections become operative on their effective date.

2. On page 1, line 1, strike "sections 2-5701 and" and insert "section 2-958, Reissue Revised Statutes of Nebraska, and sections 2-5701,",; in line 2 after the first comma insert "and 81-2,162.27.",; in line 3 after the semicolon insert "to provide a use for the Noxious Weed Cash Fund and the Fertilizers and Soil Conditioners Administrative Fund and provide for powers and duties;",; and in line 6 after the first semicolon insert "to provide operative dates;".

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

"(6) Facilitate interstate commerce by not impeding the shipment of hemp into and out of this state; and"

4. On page 4, line 27; page 7, line 20; and page 9, line 25, strike "Agricultural" and insert "Agriculture".

5. On page 5, line 16, after "cultivators" insert "and processor-handlers" and after "cultivated" insert "processed, or handled"; and in line 18 after "act" insert "The department may, at its discretion, conduct other inspections of a cultivator's or processor-handler's operation, including all sites registered with the department".

6. On page 12, line 8, after the period insert "Transfers from the Nebraska Hemp Program Fund to the Noxious Weed Cash Fund may be made as provided in section 2-958. Transfers from the Nebraska Hemp Program Fund to the Fertilizers and Soil Conditioners Administrative Fund may be made as provided in section 81-2,162.27".

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

"(3) Any person other than a cultivator or processor-handler who is transporting hemp shall carry with such hemp being transported (a) a bill of lading indicating the owner of the hemp, the point of origin of the hemp, and the destination of the hemp and (b) either a copy of the test results pertaining to such hemp or other documentation affirming that the hemp was produced in compliance with section 10113 of the federal Agriculture Improvement Act of 2018, Public Law 115-334, as such section
(a) The department may develop a form bill of lading for use by a person transporting hemp pursuant to subsection (3) of this section for hemp originating in this state. Such bill of lading shall, at a minimum, identify the transporting person and indicate the owner, point of origin, and destination of the hemp.

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

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

(i) Produced in compliance with:

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

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

(ii) Carried or transported as provided in subsection (1), (2), or (3) of this section.

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

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

(b) The failure of a person detained as described in this subsection to produce documentation required by this section shall constitute probable cause to believe the hemp may be marijuana or any other controlled substance. In such case, a peace officer may collect such hemp for testing to determine the delta-9 tetrahydrocannabinol concentration in the hemp, and, if the peace officer has probable cause to believe the person detained is carrying or transporting marijuana or any other controlled substance in violation of state or federal law, the peace officer may seize and impound the hemp or marijuana or other controlled substance and arrest such person.

(c) This subsection does not limit or restrict in any way the power of a peace officer to enforce violations of the Uniform Controlled Substances Act and federal law regulating marijuana and other controlled substances.

(d) In addition to any other penalties provided by law, including those imposed under the Nebraska Hemp Farming Act, any person who
31 intentionally violates this section shall be guilty of a Class IV
1 misdemeanor and fined not more than one thousand dollars."
2 8. Renumber the remaining sections and correct the repealer
3 accordingly.

SELECT FILE

LEGISLATIVE BILL 532. Senator Cavanaugh offered the Hilgers
amendment, AM1596, found on page 1472.

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

Senator Cavanaugh offered her amendment, AM1773, found on page 1525.

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

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 532A. Considered.

Advanced to Enrollment and Review for Engrossment.

MOTION(S) - Place LB147 on General File

Senator Groene renewed his motion, MO93, found on page 1576 and
considered in this day's Journal, to place LB147 on General File pursuant to
Rule 3, Section 20(b).

SPEAKER SCHEER PRESIDING

PRESIDENT FOLEY PRESIDING

Senator Groene moved the previous question. The question is, "Shall the
debate now close?" The motion prevailed with 25 ayes, 10 nays, and 14 not
voting.

Senator Groene moved for a call of the house. The motion prevailed with 31
ayes, 2 nays, and 16 not voting.

Senator Chambers requested a roll call vote on the motion to place LB147
on General File.

Senator Groene requested the roll call vote be taken in regular order.

Voting in the affirmative, 25:
Voting in the negative, 14:

Bolz Crawford Howard Lathrop Pansing Brooks
Brandt DeBoer Hunt McCollister Williams
Chambers Hansen, M. Kolterman Morfeld

Present and not voting, 8:

Blood Friesen Quick Walz
Cavanaugh Hughes Vargas Wishart

Excused and not voting, 2:

Kolowski Stinner

The Groene motion to place LB147 on General File prevailed with 25 ayes, 14 nays, 8 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

**COMMITTEE REPORT(S)**

*Executive Board*

**LEGISLATIVE RESOLUTION 104.** Reported to the Legislature for further consideration with the following amendment:

AM1884

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

3 WHEREAS, an individual residing at Life Quest at the Coolidge Center, a state-licensed care facility in Palmer, died on September 3, 2017, after three days of life-threatening symptoms; and

6 WHEREAS, the Department of Health and Human Services produced an eighty-one page report of violations found during inspections in June and July of 2017. These reports were not released until officials revoked the facility’s mental health care license on October 5, 2017, a month after the incident occurred. The revocation took effect fifteen days later; and

12 WHEREAS, the report indicates that the Department of Health and Human Services knew of multiple violations in the months preceding the closure of this facility. If more immediate action had been taken to remedy these violations or draw attention to the inequities in quality of care standards, a life could have been saved; and

17 WHEREAS, the circumstances surrounding this event have garnered
media attention throughout Nebraska, along with scrutiny from the public. This care facility, as well as multiple others in the past few years, including Hotel Pawnee in North Platte and Park View Villa in Gothenburg, have been shut down due to violations regarding maintenance, cleanliness, and personnel issues; and

WHEREAS, the individuals affected by these policies are some of the most vulnerable in our community. The citizens of Nebraska have a right to know the standard of care to which our governmental organizations are held, including, but not limited to, policies, procedures, and regulations regarding oversight of assisted-living facilities and mental health centers; and

WHEREAS, under Title II of the Americans with Disabilities Act (ADA) it is illegal for public entities, namely state and local governments, to deny the benefits of programs, services, or activities to qualified individuals with disabilities; and

WHEREAS, the regulations which implement Title II mandate that state governments administer services "in the most integrated settings appropriate to the needs of qualified individuals with disabilities"; and

WHEREAS, the integration mandate in the ADA is implicated when a public entity administers its programs in a manner that results in unjustified segregation of persons with disabilities; and

WHEREAS, a public entity may violate the integration mandate in the ADA when it: (1) Directly or indirectly operates facilities or programs that segregate individuals with disabilities; (2) finances the segregation of individuals with disabilities in private facilities; or (3) through planning, service system design, funding choices, or service implementation practices, promotes or relies upon the segregation of individuals with disabilities in private facilities or programs.

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

1. That the Legislature hereby calls for the Executive Board of the Legislative Council to meet forthwith and appoint a special committee of the Legislature to be known as the State-Licensed Care Facilities Oversight Committee. The committee shall consist of seven members of the Legislature appointed by the Executive Board. The committee shall elect a chairperson and vice-chairperson from the membership of the committee. The Executive Board is hereby authorized to provide the committee with a legal counsel, committee clerk, and other staff as required by the committee from existing legislative staff.

2. The State-Licensed Care Facilities Oversight Committee shall limit the scope of its inquiry to assisted-living facilities where many of the residents are diagnosed with a mental illness. The oversight committee shall also examine the recent closures of the mental health centers known as Life Quest, located in Palmer and Blue Hill.

3. The State-Licensed Care Facilities Oversight Committee of the Legislature is hereby authorized to study the lack of adequate conditions of state-licensed care facilities, the treatment of individuals residing in such facilities, the effectiveness of regulation and licensure by the Division of Public Health of the Department of Health and Human Services.
9 in providing oversight, and how the Department of Health and Human
10 Services implements and administers its behavioral health services
11 through the behavioral health regions to address the needs of this
12 vulnerable population. The committee shall also investigate what steps
13 the department has taken to advance the recommendations proposed by the
14 Technical Assistance Collaborative as a consultant to the department,
15 namely, the reasons that assisted-living facilities are the primary
16 residential options for individuals with severe and persistent mental
17 illness and alternatives, such as permanent supportive housing and
18 services, do not exist. The committee shall also investigate whether the
19 department is taking adequate steps to ensure behavioral health services
20 are administered in the most integrated setting pursuant to the ADA. The
21 committee shall utilize existing studies, reports, and legislation
22 developed to address the current conditions. The committee shall not be
23 limited to such studies, reports, or legislation.
24 4. The State-Licensed Care Facilities Oversight Committee of the
25 Legislature shall issue a report with its findings and recommendations to
26 the Legislature on or before December 15, 2019.

(Signed) Mike Hilgers, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 223. Introduced by Cavanaugh, 6; Chambers, 11; DeBoer, 10; Pansing Brooks, 28; Wayne, 13.

PURPOSE: The purpose of this resolution is to carry out a comprehensive study of incarceration and mental health services in Nebraska, specifically including the operations of the Department of Correctional Services and the Lincoln Regional Center, as well as an examination of potential reforms to incarceration and mental health services. The study shall include, but not be limited to, an examination of the following:
(1) The feasibility of authorizing the Board of Parole to operate a community corrections program for the placement of parole-eligible inmates in work release programs distributed throughout the state;
(2) Whether reforms are needed with regard to the practices of the Lincoln Regional Center in providing psychological evaluations for inmates housed in county jails, for purposes of both civil commitment and evaluations to determine competency to stand trial;
(3) Whether it is appropriate for juveniles to be placed at the main campus of the Lincoln Regional Center either for treatment purposes or for psychological diagnosis purposes while awaiting trial and whether there should be specific criteria or standards relating to such placements;
(4) Whether the number of patient beds at the Lincoln Regional Center is adequate for the needs of the state;
(5) Whether legislation should be enacted eliminating or limiting mandatory minimum sentencing in Nebraska;
(6) Whether changes should be made to the policies and practices of the Department of Correctional Services regarding the placement of department inmates in county jails;
(7) Whether legislation is needed to reform the management and operation of restrictive housing by the Department of Correctional Services;
(8) Whether the Department of Correctional Services should alter its practices concerning the forfeiture of good time credits;
(9) Whether legislation is needed relating to the obligation of the Department of Correctional Services to disclose certain records and information to the Public Counsel and the Inspector General of the Nebraska Correctional System;
(10) Whether legislation is needed relating to the placement of county safekeeping prisoners with the Department of Correctional Services;
(11) Whether legislative or funding changes are needed to improve the quality of medical and behavioral health services within the Department of Correctional Services;
(12) Whether pay increases are needed for nurses employed by the Department of Correctional Services based on their time-in-service;
(13) Whether additional funding should be provided to the Department of Correctional Services for the improvement of programming provided to its inmates; and
(14) Whether the Nebraska State Patrol should be designated as the sole agency tasked with investigating criminal activities that occur in facilities operated by the Department of Correctional Services.

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

1. That the Executive Board of the Legislative Council shall appoint a select interim committee to conduct an interim study to carry out the purpose of this resolution. The select interim committee shall be composed of at least two members from each of the Judiciary, Health and Human Services, and Appropriations Committees of the Legislature.

2. That the select interim committee may seek assistance and input from the Public Counsel and the Inspector General of the Nebraska Correctional System.

3. That the select interim committee may obtain input from other experts and interested parties, including, but not limited to, the Department of Health and Human Services, the Department of Correctional Services, the Board of Parole, and the Nebraska State Patrol.

4. That the select interim committee shall on or before December 15, 2019, make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.
LEGISLATIVE RESOLUTION 224. Introduced by Morfeld, 46.

PURPOSE: The purpose of this interim study is to examine the civil legal service needs of low-income residents. The interim study shall include, but not be limited to, an examination of the following:

1. Public and private funding available for civil legal service for low-income residents;
2. Gaps in civil legal service available to Nebraskans;
3. Gaps in civil legal service funding available to Nebraska lawyers;
4. The practice areas with the highest needs for civil legal service;
5. The civil legal service needs of Nebraskans due to the significant flooding in 2019; and
6. The provision of civil legal service for low-income residents of similarly situated 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.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator McDonnell name added to LB481.
Senator McDonnell name added to LB481A.

VISITOR(S)

Visitors to the Chamber were students from Adams Elementary School, Omaha; and Amber and Annabelle Bogle from Bennet.

ADJOURNMENT

At 9:05 p.m., on a motion by Senator Lindstrom, the Legislature adjourned until 9:00 a.m., Wednesday, May 22, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
EIGHTIETH DAY - MAY 22, 2019

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

EIGHTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 22, 2019

PRAYER

The prayer was offered by Father Tom Jones, Episcopal Church of the Holy Spirit, Bellevue.

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 Hunt, Morfeld, and Scheer who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-ninth day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 397. Placed on Select File with amendment. ER130 is available in the Bill Room.

LEGISLATIVE BILL 481. Placed on Select File with amendment. ER131
1 1. On page 1, strike beginning with "appropriations" in line 1
2 through "Services" in line 2 and insert "public health and welfare; to
3 amend section 71-7611, Reissue Revised Statutes of Nebraska; to adopt the
4 Brain Injury Trust Fund Act; to create a fund; to change provisions
5 relating to the Nebraska Health Care Cash Fund; to provide an operative
6 date; and to repeal the original section".

LEGISLATIVE BILL 481A. Placed on Select File.

LEGISLATIVE BILL 593. Placed on Select File with amendment. ER133
1 1. On page 1, line 2, strike "68-989,.".
RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LR136 was adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR136.

WITHDRAW - Amendments to LB657

Senator Wayne withdrew his amendments, AM1860 and AM1913, found on pages 1604 and 1650, to LB657.

MOTION(S) - Return LB657 to Select File

Senator Wayne moved to return LB657 to Select File for his specific amendment, AM1941, found on page 1692.

The Wayne motion to return prevailed with 44 ayes, 0 nays, 4 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 657. The Wayne specific amendment, AM1941, found on page 1692, was adopted with 44 ayes, 2 nays, 2 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

MOTION(S) - Return LB657A to Select File

Senator Wayne moved to return LB657A to Select File for his specific amendment, AM1883, found on page 1625.

The Wayne motion to return prevailed with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 657A. The Wayne specific amendment, AM1883, found on page 1625, was adopted with 44 ayes, 4 nays, and 1 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.
RESOLUTION(S)


WHEREAS, Millard West High School defeated Marian High School to win the 2019 Class A Girls State Soccer Championship; and
WHEREAS, the championship game was won in a dramatic 4-2 victory for the Millard West Wildcats; and
WHEREAS, the win gave the Millard West Wildcats their fifth girls' state soccer title; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates the Millard West High School girls' soccer team and coaches for winning the 2019 Class A Girls State Soccer Championship.
2. That a copy of this resolution be sent to the Millard West High School girls' soccer team.

Laid over.

LEGISLATIVE RESOLUTION 226. Introduced by Howard, 9; Bostelman, 23; Lindstrom, 18.

PURPOSE: The purpose of this interim study is to examine and assess prescribing practices of health care providers related to opioids and the effectiveness of Nebraska's prescription drug monitoring program as a deterrent for overprescribing controlled substances. This study shall include, but not be limited to, an examination of the following issues:
(1) Current continuing education requirements for health care providers on opioid prescribing practices and whether additional providers should be required to receive such education;
(2) Research and data surrounding problems of overprescribing opioids in Nebraska and whether a crisis exists;
(3) The possible need for legislation requiring providers to consult Nebraska's prescription drug monitoring program before prescribing any controlled substance; and
(4) Nebraska's pain management guidance document released by the Department of Health and Human Services in October of 2017, its effectiveness, and whether or not such guidelines should be further developed for providers that prescribe controlled substances.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Health and Human Services 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 227. Introduced by Bostelman, 23.

PURPOSE: The purpose of this interim study is to examine the future of nuclear-generated electricity in Nebraska. The issues addressed by this interim study shall include, but not be limited to:

(1) The history of nuclear-generated electricity in the state and the role it plays in the state's public power structure;

(2) How nuclear-generated electricity compares with other types of electricity generation regarding environmental impacts;

(3) New technology available for nuclear power generation and whether such advancements could benefit Nebraska; and

(4) How nuclear-generated electricity may promote economic development in the state.

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 228. Introduced by Lindstrom, 18; Linehan, 39.

PURPOSE: The purpose of this interim study is to examine the potential effects of implementing a flat rate income tax. This study may include an examination of other states that have imposed a flat rate income tax.

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

1. That the Revenue 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 229. Introduced by Lindstrom, 18.

PURPOSE: The purpose of this interim study is to examine the rate of interest permissible on installment loans under the Nebraska Installment Loan Act to determine if there is a need to update such rates. The interim study shall consider:

1. The balance between access to safe and affordable credit and consumer protection in a sustainable model;
2. The beneficial alignment of interest between borrowers and lenders in order to expand safe and accessible consumer credit;
3. Consumers obtaining loans that are not regulated by the Department of Banking and Finance; and
4. Maximum rates of installment loans in other states.

In order to carry out the purpose of this resolution, the interim study shall also consider the input of the Department of Banking and Finance and other interested persons as the committee deems necessary and appropriate.

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

1. That the Banking, Commerce and Insurance 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 230. Introduced by Erdman, 47.

WHEREAS, Dean Gorsuch will be inducted into the Professional Rodeo Cowboy Association Hall of Fame in August, 2019; and
WHEREAS, Dean Gorsuch was born August 31, 1979, in Mullen and grew up on a farm near Alliance; and
WHEREAS, Dean Gorsuch participated in rodeo at Alliance High School where he graduated in 1998; and
WHEREAS, Dean Gorsuch participated in rodeo at and graduated from Eastern Wyoming College; and
WHEREAS, Dean Gorsuch started full-time in the Professional Rodeo Cowboy Association in 2002; and
WHEREAS, Dean Gorsuch won the Professional Rodeo Cowboy Association's World Championship in steer wrestling in 2006 and 2010; and
WHEREAS, Dean Gorsuch won the Ram National Circuit Finals title in 2006 and 2008; and
WHEREAS, Dean Gorsuch competed in the Wrangler National Finals Rodeo eight times; and
WHEREAS, the American Rodeo pays out the highest purse in rodeo competition, and Dean Gorsuch qualified for the first American Rodeo in 2014, finishing second in steer wrestling in Dallas, Texas; and
WHEREAS, Dean Gorsuch resides in Gering and teaches welding at Eastern Wyoming College; and
WHEREAS, Dean Gorsuch is an exemplary husband, father, friend, college instructor, and man of faith.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature recognizes the outstanding achievements of Dean Gorsuch in the competitive sport of rodeo.
2. That a copy of this resolution be sent to Dean Gorsuch.

Laid over.

LEGISLATIVE RESOLUTION 231. Introduced by Briese, 41.

PURPOSE: The purpose of this interim study is to examine whether electrician licensing requirements and building regulations need to be changed to support economic development.
Recent economic development projects have exposed Nebraska's shortage of electricians and recent flooding has put further strain on Nebraska's construction workforce.
Meanwhile, Nebraskans are clamoring for property tax reform. Growing Nebraska is an essential component to providing meaningful property tax relief. Nebraska must ensure that regulations remain up-to-date with industry needs and technological advances, and that unnecessary regulations are removed to allow for economic development and state growth while maintaining important safety regulations.
The interim study shall include, but not be limited to an examination of the following:
(1) Strategies to entice more people into construction fields to ensure Nebraska's ability to continue growing through economic development projects;
(2) A comparison of Nebraska's electrician licensing requirements and building codes with those of similarly situated states;
(3) Whether Nebraska's electrician licensing requirements and building regulations account for changes in electrical construction technology and building techniques;
(4) Whether electrician licensing requirements and building regulations could be better tailored to account for large-scale projects; and
(5) Strategies to update Nebraska's electrician licensing requirements and building regulations to remove obstacles to economic development while maintaining a safe working environment.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the General 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 Slama filed the following amendment to LB183:

AM1939

(AMendments to AM1846)

1. Strike the original sections and all amendments thereto and insert the following new sections:
2. Section 1. Sections 1 to 4 of this act shall be known and may be cited as the Property Tax Relief Act.
3. Sec. 2. The purpose of the Property Tax Relief Act is to provide tax relief through a refundable income tax credit for taxpayers.
4. Sec. 3. For purposes of the Property Tax Relief Act:
5. (1) Agricultural land and horticultural land has the same meaning as in section 77-1359;
6. (2) Farm site has the same meaning as in section 77-1359; and
7. (3) Homestead has the same meaning as in section 77-3502.
8. Sec. 4. (1) For taxable years beginning or deemed to begin on or after January 1, 2020, each individual who is an owner of a homestead, of agricultural land and horticultural land, of a farm site, or of any improvements on a farm site that are agricultural in nature shall be allowed a refundable credit against the income tax imposed by the Nebraska Revenue Act of 1967 equal to the applicable percentage in subsection (2) of this section multiplied by the property taxes paid during the taxable year on such homestead, agricultural land and horticultural land, farm site, or improvement.
9. (2) The following percentages shall apply for purposes of calculating the credit allowed in subsection (1) of this section:
10. TAX YEAR  CREDIT PERCENTAGE
    2020  2%
    2021  4%
    2022  6%
    2023  8%
    2024  10%
    2025  15%
    2026  18%
    2027 and each tax year thereafter  20%
11. Sec. 5. Section 77-2715.07, Reissue Revised Statutes of Nebraska, is amended to read:
12. 77-2715.07 (1) There shall be allowed to qualified resident individuals as a nonrefundable credit against the income tax imposed by the Nebraska Revenue Act of 1967:
13. (a) A credit equal to the federal credit allowed under section 22 of
13 the Internal Revenue Code; and
14 (b) A credit for taxes paid to another state as provided in section
15 77-2730.
16 (2) There shall be allowed to qualified resident individuals against
17 the income tax imposed by the Nebraska Revenue Act of 1967:
18 (a) For returns filed reporting federal adjusted gross incomes of
19 greater than twenty-nine thousand dollars, a nonrefundable credit equal
20 to twenty-five percent of the federal credit allowed under section 21 of
21 the Internal Revenue Code of 1986, as amended, except that for taxable
22 years beginning or deemed to begin on or after January 1, 2015, such
23 nonrefundable credit shall be allowed only if the individual would have
24 received the federal credit allowed under section 21 of the code after
25 adding back in any carryforward of a net operating loss that was deducted
26 pursuant to such section in determining eligibility for the federal
27 credit;
28 (b) For returns filed reporting federal adjusted gross income of
29 twenty-nine thousand dollars or less, a refundable credit equal to a
30 percentage of the federal credit allowable under section 21 of the
1 Internal Revenue Code of 1986, as amended, whether or not the federal
2 credit was limited by the federal tax liability. The percentage of the
3 federal credit shall be one hundred percent for incomes not greater than
4 twenty-two thousand dollars, and the percentage shall be reduced by ten
5 percent for each one thousand dollars, or fraction thereof, by which the
6 reported federal adjusted gross income exceeds twenty-two thousand
7 dollars, except that for taxable years beginning or deemed to begin on or
8 after January 1, 2015, such refundable credit shall be allowed only if
9 the individual would have received the federal credit allowed under
10 section 21 of the code after adding back in any carryforward of a net
11 operating loss that was deducted pursuant to such section in determining
12 eligibility for the federal credit;
13 (c) A refundable credit as provided in section 77-5209.01 for
14 individuals who qualify for an income tax credit as a qualified beginning
15 farmer or livestock producer under the Beginning Farmer Tax Credit Act
16 for all taxable years beginning or deemed to begin on or after January 1,
17 2006, under the Internal Revenue Code of 1986, as amended;
18 (d) A refundable credit for individuals who qualify for an income
19 tax credit under the Angel Investment Tax Credit Act, the Nebraska
20 Advantage Microenterprise Tax Credit Act, the Nebraska Advantage Research
21 and Development Act, or the Volunteer Emergency Responders Incentive Act;
22 and
23 (e) A refundable credit equal to ten percent of the federal credit
24 allowed under section 32 of the Internal Revenue Code of 1986, as
25 amended, except that for taxable years beginning or deemed to begin on or
26 after January 1, 2015, such refundable credit shall be allowed only if
27 the individual would have received the federal credit allowed under
28 section 32 of the code after adding back in any carryforward of a net
29 operating loss that was deducted pursuant to such section in determining
30 eligibility for the federal credit.
31 (3) There shall be allowed to all individuals as a nonrefundable
1 credit against the income tax imposed by the Nebraska Revenue Act of
2 1967:
3 (a) A credit for personal exemptions allowed under section
4 77-2716.01;
5 (b) A credit for contributions to certified community betterment
6 programs as provided in the Community Development Assistance Act. Each
7 partner, each shareholder of an electing subchapter S corporation, each
8 beneficiary of an estate or trust, or each member of a limited liability
9 company shall report his or her share of the credit in the same manner
10 and proportion as he or she reports the partnership, subchapter S
11 corporation, estate, trust, or limited liability company income;
12 (c) A credit for investment in a biodiesel facility as provided in
13 section 77-27,236;
14 (d) A credit as provided in the New Markets Job Growth Investment
15 Act;
16 (e) A credit as provided in the Nebraska Job Creation and Mainstreet
17 Revitalization Act;
18 (f) A credit to employers as provided in section 77-27,238; and
19 (g) A credit as provided in the Affordable Housing Tax Credit Act.
20 (4) There shall be allowed as a credit against the income tax
21 imposed by the Nebraska Revenue Act of 1967:
22 (a) A credit to all resident estates and trusts for taxes paid to
23 another state as provided in section 77-2730;
24 (b) A credit to all estates and trusts for contributions to
25 certified community betterment programs as provided in the Community
26 Development Assistance Act; and
27 (c) A refundable credit for individuals who qualify for an income
28 tax credit as an owner of agricultural assets under the Beginning Farmer
29 Tax Credit Act for all taxable years beginning or deemed to begin on or
30 after January 1, 2009, under the Internal Revenue Code of 1986, as
31 amended. The credit allowed for each partner, shareholder, member, or
32 beneficiary of a partnership, corporation, limited liability company, or
33 estate or trust qualifying for an income tax credit as an owner of
34 agricultural assets under the Beginning Farmer Tax Credit Act shall be
35 equal to the partner's, shareholder's, member's, or beneficiary's portion
36 of the amount of tax credit distributed pursuant to subsection (4) of
37 section 77-5211.
38 (5)(a) For all taxable years beginning on or after January 1, 2007,
39 and before January 1, 2009, under the Internal Revenue Code of 1986, as
40 amended, there shall be allowed to each partner, shareholder, member, or
41 beneficiary of a partnership, subchapter S corporation, limited liability
42 company, or estate or trust a nonrefundable credit against the income tax
43 imposed by the Nebraska Revenue Act of 1967 equal to fifty percent of the
44 amount of franchise tax paid to the state under sections 77-3801 to
45 77-3807 by a financial institution.
46 (b) For all taxable years beginning on or after January 1, 2009,
47 under the Internal Revenue Code of 1986, as amended, there shall be
48 allowed to each partner, shareholder, member, or beneficiary of a
19 partnership, subchapter S corporation, limited liability company, or
20 estate or trust a nonrefundable credit against the income tax imposed by
21 the Nebraska Revenue Act of 1967 equal to the partner's, shareholder's,
22 member's, or beneficiary's portion of the amount of franchise tax paid to
23 the state under sections 77-3801 to 77-3807 by a financial institution.
24 (c) Each partner, shareholder, member, or beneficiary shall report
25 his or her share of the credit in the same manner and proportion as he or
26 she reports the partnership, subchapter S corporation, limited liability
27 company, or estate or trust income. If any partner, shareholder, member,
28 or beneficiary cannot fully utilize the credit for that year, the credit
29 may not be carried forward or back.
30 (6) There shall be allowed to all individuals nonrefundable credits
31 against the income tax imposed by the Nebraska Revenue Act of 1967 as
32 provided in section 77-3604 and refundable credits against the income tax
33 imposed by the Nebraska Revenue Act of 1967 as provided in section
34 77-3605.
35 (7) There shall be allowed to all individuals refundable credits
36 against the income tax imposed by the Nebraska Revenue Act of 1967 as
37 provided in the Property Tax Relief Act.
38 Sec. 6. Original section 77-2715.07, Reissue Revised Statutes of
39 Nebraska, is repealed.

GENERAL FILE

LEGISLATIVE BILL 720. Committee AM1614, found on page 1462 and
considered on page 1560, was renewed.

Senator Bolz renewed her amendment, AM1795, found on page 1541 and
considered on page 1560, to the committee amendment.

Senator McCollister moved the previous question. The question is, "Shall
the debate now close?" The motion prevailed with 28 ayes, 13 nays, and 8
not voting.

The Bolz amendment was adopted with 28 ayes, 10 nays, 9 present and not
voting, and 2 excused and not voting.

Senator Wishart offered the following amendment to the committee
amendment:
AM1934
(Amendments to Standing Committee amendments, AM1614)
1 1. Strike sections 16 and 76 and insert the following new sections:
2 Sec. 16. (1) Number of new employees, for purposes of subdivisions
3 (1)(b), (4)(d), (5)(c), and (8)(b)(iii) of section 32 of this act, means
4 the number of equivalent employees that are employed at the qualified
5 location or locations during a year that are in excess of the number of
6 equivalent employees during the base year, not to exceed the number of
7 equivalent employees employed full-time at the qualified location or
8 locations during a year who are not base-year employees, who meet the
health coverage requirement of subsection (5) of this section, and who are paid wages at a rate equal to at least one hundred fifty percent of the Nebraska statewide average hourly wage for the year of application. (2) Number of new employees, for purposes of subdivisions (4)(a) and (5)(a) of section 32 of this act, means the number of equivalent employees that are employed at the qualified location or locations during a year that are in excess of the number of equivalent employees during the base year, not to exceed the number of equivalent employees employed full-time at the qualified location or locations during a year who are not base-year employees, who meet the health coverage requirement of subsection (5) of this section, and who are paid wages at a rate equal to at least the Nebraska ninety-county average hourly wage for the year of application. (3) Number of new employees, for all other purposes, except as otherwise provided in the ImagiNE Nebraska Act, means the number of equivalent employees that are employed at the qualified location or locations during a year that are in excess of the number of equivalent employees during the base year, not to exceed the number of equivalent employees employed full-time at the qualified location or locations during a year who are not base-year employees, who meet the health coverage requirement of subsection (5) of this section, and who are paid wages at a rate equal to at least the Nebraska statewide average hourly wage for the year of application. (4) For employees who work both at a qualified location and also perform services for the taxpayer at other nonqualified locations, they will be included in determining the number of new employees if more than fifty percent of the time for which they are compensated is spent at the qualified location. For any year other than the base year, employees who work at the qualified location fifty percent or less of the time for which they are compensated are not considered employed at the qualified location. (5) An employee meets the health coverage requirement if the employee does not constitute a full-time employee, as defined and described in section 4980H of the Internal Revenue Code of 1986, as amended, and the regulations for such section, or the taxpayer offers to that employee, for that year, the opportunity to enroll in minimum essential coverage under an eligible employer-sponsored plan, as those terms are defined and described in section 5000A of the Internal Revenue Code of 1986, as amended, and the regulations for such section. (6) For purposes of this section, employed full-time means that the employee is a full-time employee as defined and described in section 4980H of the Internal Revenue Code of 1986, as amended, and the regulations for such section. Sec. 56. Sections 56 to 63 of this act shall be known and may be cited as the Community Economic Opportunities Act. Sec. 57. The purpose of the Community Economic Opportunities Act is to provide capital for economic development projects in areas of the state that are underserved by Nebraska's employment and investment incentive programs.
Sec. 58. For purposes of the Community Economic Opportunities Act:

(1) Board means the Community Economic Opportunities Board established in section 59 of this act;

(2) Department means the Department of Economic Development;

(3) Eligible community means a county in Nebraska with fewer than forty thousand residents as determined by the most recent federal decennial census; and

(4) Eligible project means an economic development project proposed by a private business that:

(a) By its terms is not eligible to receive incentives under the ImagiNE Nebraska Act;

(b) Will provide employment, investment, or both, to an eligible community; and

(c) Is determined by the department to have a likelihood of resulting in a high rate of return on investment.

Sec. 59. (1) The Community Economic Opportunities Board is established. The board shall be comprised of two persons representing economic developers, two persons representing counties or municipalities, and one person representing business. Members shall be appointed by the Governor and approved by the Legislature with at least one member residing in each of Nebraska's congressional districts. Additionally, the Speaker of the Legislature, the chairperson of the Appropriations Committee of the Legislature, and the chairperson of the Revenue Committee of the Legislature shall serve as nonvoting members on the board. Appointed members shall serve two-year terms, except that the terms of one person representing economic developers and one person representing counties or municipalities appointed upon the creation of the board shall be for three years. The board shall select a chairperson from among its members. Members shall serve without compensation but shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177. Board meetings may be conducted by telephone or teleconference.

(2) The board shall meet at the call of the chairperson to select projects for funding under the Community Economic Opportunities Act from recommendations by the department. The board may approve up to two million dollars of funding each year for eligible projects.

Sec. 60. The department shall develop procedures for applying for funding under the Community Economic Opportunities Act and shall develop guidelines and parameters for rating and selecting projects for submission to the board.

Sec. 61. The Community Economic Opportunities Fund is created. The fund shall be administered by the department to provide funding for eligible projects approved by the board under section 59 of this act. The fund shall consist of transfers and appropriations authorized by the Legislature and any gifts, grants, bequests, or donations to the fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 62. (1) On or before October 31, 2020, and each October 31
thereafter, the Director of Economic Development shall electronically submit to the Legislature a report on the Community Economic Opportunities Act for the previous fiscal year.

(2) The report shall list projects that were approved for funding by the board and shall include the location of the project, the entity receiving funding, and a description of the project.

Sec. 63. It is the intent of the Legislature to appropriate two million dollars to the Community Economic Opportunities Fund for fiscal year 2019-20 and each fiscal year thereafter for purposes of carrying out the Community Economic Opportunities Act.

Sec. 82. This act becomes operative on January 1, 2020.

2. On page 2, lines 29 and 30, strike "the effective date of this act" and insert "January 1, 2019".

3. On page 10, line 2, strike "and"; after line 2 insert the following new subdivision:

"(h) Acknowledge that the taxpayer understands the requirements for providing a sufficient package of benefits to its employees as specified in the ImagiNE Nebraska Act; and"; and in line 3 strike "((h)" and insert "(i)".

4. On page 12, line 12, strike "and"; in line 14 strike the period and insert "; and"; and after line 14 insert the following new subdivision:

"(j) A requirement that the taxpayer provide a sufficient package of benefits to the employees employed full-time at the qualified location or locations during the year who are not base-year employees and who are paid the required wages. For purposes of this subdivision, benefits means nonwage compensation provided to an employee, including medical and dental insurance plans, pension, retirement, and profit-sharing plans, child care services, life insurance coverage, vision insurance coverage, disability insurance coverage, and any other nonwage compensation as determined by the director. The director may adopt and promulgate rules and regulations to specify what constitutes a sufficient package of benefits."

5. On page 17, lines 14 and 15 and 20; and page 23, lines 24 and 29 and 30, strike "as they existed on the effective date of this act".

6. On page 22, line 18, strike "(6)" and insert "(6)(a)"; in line 21 strike "subsection" and insert "subdivision"; in line 24 strike "section 18-2109" and insert "the Community Development Law"; and after line 25 insert the following new subdivisions:

"(b) The credit percentages prescribed in subsections (4) and (5) of this section shall be increased by one percentage point if the taxpayer:

(i) Is a benefit corporation as defined in section 21-403 and has been such a corporation for at least one year prior to submitting an application under the ImagiNE Nebraska Act; and

(ii) Remains a benefit corporation as defined in section 21-403 for the duration of the taxpayer's agreement under the ImagiNE Nebraska Act.

(c) A taxpayer may, if qualified, receive one or both of the increases provided in this subsection."

7. On page 25, line 24, after the period insert "All fees collected
6 under this subsection shall be remitted to the State Treasurer for credit to the ImagiNE Nebraska Cash Fund, which fund is hereby created. The fund shall consist of fees credited under this subsection and any other money appropriated to the fund by the Legislature. The fund shall be administered by the Department of Economic Development and shall be used for administration of the ImagiNE Nebraska Act. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act."

8. On page 26, line 20; and page 27, line 1, after "to" insert "the number of".
9. On page 27, line 10, strike ",(1)(h)" and insert ",(1)(g)"; and strike lines 19 through 31.
10. On page 28, line 1, strike ",(f)" and insert ",(e)"; in line 20 strike ",(g)" and insert ",(f)"; and in line 26 strike ",(h)" and insert ",(g)".
11. On page 37, strike beginning with ",(i)" in line 28 through the first comma in line 29; in line 29 strike ",(l)" and insert ",(j)" and 24 strike ",(k)" and insert ",(j)"; in line 30 strike ",(l)" and insert ",(k)";
25 and in line 31 strike ",(m)" and insert ",(l)".
12. On page 38, line 1, strike ",(n)" and insert ",(m)"; in line 27 strike ",(o)" and insert ",(n)" and strike ",(p)" and insert ",(o)"; in line 28 strike ",(q)" and insert ",(p)"; strike beginning with ",(r)" in line 4 29 through the first comma in line 5; in line 5 strike ",(s)" and insert 30 ",(q)"; in line 6 strike ",(t)" and insert ",(r)"; and in line 7 strike 31 ",(u)" and insert ",(s)".
13. On page 46, line 11; page 99, lines 19, 20, and 24; page 100, 2 lines 2, 3, 7, 12, 13, 17, 23, 24, and 28; and page 101, lines 9, 10, 14, 3 22, 23, and 27, strike "effective" and insert "operative".
15. Renumber the remaining sections accordingly.

Pending.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 323. Placed on Final Reading.
LEGISLATIVE BILL 323A. Placed on Final Reading.

LEGISLATIVE BILL 334. Placed on Final Reading.
ST28
The following changes, required to be reported for publication in the Journal, have been made:

1. In the E&R amendments, ER72, on page 13, line 18, "81-829.42," has been inserted after "50-1209.1"; and in line 25 "provide intent for an
appropriation to the Governor's Emergency Program," has been inserted after the last comma.

**LEGISLATIVE BILL 334A.** Placed on Final Reading.
**LEGISLATIVE BILL 460.** Placed on Final Reading Second.

**LEGISLATIVE BILL 468.** Placed on Final Reading.

ST29
The following changes, required to be reported for publication in the Journal, have been made:
1. In the Standing Committee amendments, AM1166, on page 3, line 17, "section 7" has been struck and "section 2" inserted; the matter beginning with "sections" in line 24 through "and" in line 25 has been struck; and in line 27 "are" has been struck and "is" inserted.
2. On page 1, the matter beginning with "the" in line 1 through line 6 and all amendments thereto have been struck and "health care; to amend section 68-901, Revised Statutes Supplement, 2017, as amended by section 1, Initiative Law 2018, No. 427; to prohibit inclusion of long-term services and supports under the Medicaid managed care program as prescribed; to provide notification duties for the Department of Health and Human Services and Department of Insurance prior to submitting certain state waiver requests; to harmonize provisions; and to repeal the original section." inserted.

**LEGISLATIVE BILL 492.** Placed on Final Reading.

ST36
The following changes, required to be reported for publication in the Journal, have been made:
1. In the Standing Committee amendment, AM628, on page 33, line 17, paragraphing and "(2)" has been inserted before "Any".

**LEGISLATIVE BILL 511.** Placed on Final Reading.

ST27
The following changes, required to be reported for publication in the Journal, have been made:
1. In the E&R amendments, ER56, amendment 2 has been struck.

**LEGISLATIVE BILL 592.** Placed on Final Reading.

**LEGISLATIVE BILL 686.** Placed on Final Reading.

ST30
The following changes, required to be reported for publication in the Journal, have been made:
1. On page 1, the matter beginning with "the" in line 1 through line 7 and all amendments thereto have been struck and "criminal justice; to amend sections 29-2202, 29-2246, and 29-2268, Reissue Revised Statutes of Nebraska, and sections 28-101, 28-105, 28-1206, 29-1823, 29-3523, 83-173.03, and 83-4,114, Revised Statutes Cumulative Supplement, 2018; to change Class IV felony provisions; to prohibit the introduction and
possession of electronic communication devices in correctional facilities as prescribed; to provide a penalty; to change possession of a deadly weapon by a prohibited person provisions; to change provisions relating to competency to stand trial; to provide for deferred judgments by courts as prescribed; to change provisions relating to post-release supervision; to prohibit placement of members of vulnerable populations in restrictive housing as prescribed; to change provisions relating to the long-term restrictive housing work group; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections." inserted.

LEGISLATIVE BILL 686A. Placed on Final Reading.
LEGISLATIVE BILL 690. Placed on Final Reading.

(Signed) Julie Slama, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 232. Introduced by McCollister, 20; Dorn, 30; Erdman, 47; Friesen, 34; Halloran, 33; Hughes, 44.

PURPOSE: The purpose of this interim study is to examine the processes and procedures used in the assessment and valuation of real property and in appeals before the Tax Equalization and Review Commission. The interim study shall include, but not be limited to, an examination of the following:

(1) The opportunity to save taxpayer dollars by eliminating redundant mailings from county treasurers and assessors;
(2) Requiring county assessors to use a single, state-approved, mass assessment software system, including the potential cost-savings and reduction of disputes between counties;
(3) Extending the property valuation appeal process to more closely match the income tax filing season;
(4) The acceptance by county assessors of protests generated by tax preparers;
(5) Standardizing the protest form statewide for all counties;
(6) Realigning the representation on the Tax Equalization and Review Commission to better serve constituents;
(7) The use of current market analysis reports produced by a licensed realtor as proof of valuation in place of, or in addition to, appraisals;
(8) Aligning local taxing authority levy rate adjustments with total county certified valuation to avoid a windfall of tax revenue and a corresponding increase in spending without taxpayer oversight;
(9) Consolidation of county assessors;
(10) Reducing the acceptable range for real property from ninety-two to one hundred percent to ninety-six to one hundred percent of actual value; and
(11) A standardized statewide reporting system.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Revenue 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 233. Introduced by Arch, 14.

PURPOSE: The purpose of this interim study is to examine the operations and processes of the Nebraska State Patrol in fingerprint collection and submission to the Federal Bureau of Investigation for national criminal history record information checks, particularly in light of the recent statutory requirement that employees of child care facilities and child-caring agencies be subject to such fingerprinting.

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

(1) The historic, current, and future costs of such fingerprinting services;
(2) The expenses associated with providing such services;
(3) The cost to employees and employers required to complete such fingerprinting and background checks;
(4) The impact of increased fingerprinting costs on employers providing licensed child care services and on residential child-caring agencies;
(5) The time required to complete such fingerprinting and background checks and the impact of time-delay on employers providing licensed child care services and on residential child-caring agencies; and
(6) The availability of state or federal funding to alleviate the costs of fingerprinting services and background checks for child care facilities and residential child-caring agencies.

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

1. That the Health and Human Services 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 234. Introduced by Bolz, 29.

PURPOSE: The purpose of this interim study is to track rate increases appropriated for behavioral health providers to ensure that legislative intent is followed and the rate increases are funded, which enables such providers to offer the right services at the right time.
A recent multiyear cost model study conducted by the Division of Behavioral Health of the Department of Health and Human Services demonstrated that behavioral health provider rates are between five and thirty-five percent below the cost of providing services. In the past, appropriations intended for provider rate increases have not been realized by such providers, making it critical for the Legislature, as well as the providers and consumers, to track the appropriation and determine the amount of funding distributed to providers.

The interim study shall seek input from the Division of Behavioral Health of the Department of Health and Human Services, the Division of Medicaid and Long-Term Care of the Department of Health and Human Services, the Legislative Fiscal Office, and the Office of Probation Administration.

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

1. That the Appropriations 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.

VISITOR(S)

Visitors to the Chamber were students from Portal Elementary School, La Vista.

RECESS

At 12:00 p.m., on a motion by Senator Albrecht, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Foley presiding.

ROLL CALL

The roll was called and all members were present except Senators Chambers, Groene, Hilkemann, Howard, and Wayne who were excused until they arrive.
RESOLUTION(S)

LEGISLATIVE RESOLUTION 235. Introduced by Lathrop, 12.

PURPOSE: The purpose of this interim study is to examine the efficacy of testing and monitoring programs to reduce recidivism for driving under the influence and controlled substance offenses, particularly ignition interlock devices and the 24/7 sobriety program, and to develop recommendations regarding the expansion of such programs throughout the state. The study committee is encouraged to work with the Transportation and Telecommunications Committee of the Legislature to examine the issues involved in this study.

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

1. How ignition interlock devices and 24/7 sobriety programs across the state are being utilized to monitor repeat offenders for driving under the influence;
2. How ignition interlock devices and a 24/7 sobriety program can work together to reduce recidivism for driving under the influence offenses;
3. What are the success rates for repeat offenders through ignition interlock devices and 24/7 sobriety monitoring programs in Nebraska and other states;
4. What are the potential issues and costs associated with expansion of 24/7 sobriety programs across Nebraska and is there any available funding to offset such costs; and
5. What statutory changes are necessary to implement a statewide 24/7 sobriety program.

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 236. Introduced by Lathrop, 12.

PURPOSE: The purpose of this interim study is to examine issues related to juvenile justice.

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 237. Introduced by Lathrop, 12.

PURPOSE: The purpose of this interim study is to examine issues related to Nebraska's correctional system.

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 238. Introduced by Lathrop, 12.

PURPOSE: The purpose of this interim study is to assess the rehabilitation and other needs of inmates while in the custody of the Department of Correctional Services and while transitioning into the community. The issues addressed by this interim study shall include, but not be limited to:
(1) Methods to determine inmate classification, assignment, and eligibility for work release;
(2) Availability and utilization of less-restrictive levels of custody;
(3) Methods of preparing eligible inmates for parole and safe reentry into the community; and
(4) Availability of housing and other resources for former inmates, including those with special circumstances.

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 239. Introduced by Health and Human Services Committee: Howard, 9, Chairperson; Arch, 14; Cavanaugh, 6; Hansen, B., 16; Murman, 38; Walz, 15; Williams, 36.
PURPOSE: The purpose of this interim study is to examine non-court involved cases, including voluntary and alternative response cases, in the child welfare system. The issues addressed by this interim study shall include, but not be limited to:

1. The standards used to determine which cases are handled as non-court involved cases and the process for such determination;
2. The regulatory or statutory oversight, or lack thereof, for non-court involved cases;
3. The type of services provided to families in non-court involved cases, including, when possible, specific data on services offered;
4. The risk assessment level for children placed in non-court involved cases, including specific data on how many families were assessed at each risk level;
5. The type of placements used in non-court involved cases, including whether any background checks are performed for those placements and whether any changes in voluntary placements are tracked;
6. The average length of time a non-court involved case remains open;
7. The number of non-court involved cases that transition to court-involved cases and the number of non-court involved cases that are closed;
8. The grounds for closing a non-court involved case and the grounds for transferring a non-court involved case to a court-involved case; and
9. The decrease in initial assessments despite an increase in calls to the child abuse and neglect hotline.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Health and Human Services 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 240. Introduced by Cavanaugh, 6.

PURPOSE: The purpose of this interim study is to review municipal rental housing inspection programs. The interim study shall include, but not be limited to:

1. A review of municipal rental housing inspection programs, requirements, fee structures, and schedules of inspection and whether such inspections are proactive or complaint based;
2. A review of municipalities considering changes to current rental housing inspection programs or those that recently made changes to their rental housing inspection programs and an overview of such changes; and
3. A review of rental housing inspection programs in other states.
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.

GENERAL FILE

LEGISLATIVE BILL 720. The Wishart amendment, AM1934, found in this day's Journal, to the committee amendment, was renewed.

Senator Kolterman offered the following motion:

MO100
Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Kolterman moved for a call of the house. The motion prevailed with 27 ayes, 4 nays, and 18 not voting.

Senator Kolterman requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 37:

Albrecht  Friesen  Howard  Lowe  Stinner
Arch    Geist    Hughes  McCollister  Walz
Blood  Gragert  Kolowski  Moser  Wayne
 Briese  Groene  Kolterman  Murman  Williams
Clements  Halloran  La Grone  Pansing Brooks  Wishart
Crawford  Hansen, B.  Lathrop  Quick
DeBoer  Hilgers  Lindstrom  Scheer
Dorn    Hilkemann  Linehan  Slama

Voting in the negative, 8:

Bostelman  Brewer  Chambers  Hunt
Brandt  Cavanaugh  Erdman  Morfeld

Present and not voting, 4:

Bolz   Hansen, M.  McDonnell  Vargas

The Kolterman motion to invoke cloture prevailed with 37 ayes, 8 nays, and 4 present and not voting.
The Wishart amendment, AM1934, was adopted with 30 ayes, 13 nays, and 6 present and not voting.

The committee amendment, AM1614, as amended, was adopted with 34 ayes, 7 nays, and 8 present and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 5 nays, and 15 present and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 720A. Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 5 nays, and 15 present and not voting.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 241. Introduced by Pansing Brooks, 28; Brandt, 32; Briese, 41; Dorn, 30; Gragert, 40; Kolterman, 24; Scheer, 19; Slama, 1; Walz, 15.

PURPOSE: The purpose of this resolution is to develop an environmental action plan for the state, including assessments of vulnerability, risks, economic impacts, and mitigation strategies. The state has experienced devastating, costly, and historic floods in the last ten years. An increase in highly destructive weather events, including floods, drought, and high winds present serious, diverse, and ongoing issues. All of Nebraska's industries, especially agriculture, are negatively impacted by these destructive and increasingly frequent extreme weather events. Even the water supplies of the state's largest population centers have been compromised by flooding. Appropriate and proactive planning is needed to develop strategies to mitigate and adapt to the impacts of extreme weather events on the health and well-being of Nebraskans. An effective plan to meet the challenges posed by extreme weather events will enable the state to take advantage of opportunities resulting from adaptation and mitigation strategies. Such strategies have the potential to attract new businesses and investments to Nebraska and to reduce the negative impacts of extreme weather events on the environment.

The select interim committee shall:
(1) Select two co-chairs from the membership of the committee;
(2) Gather, share, examine, and analyze data and information related to environmental impacts on the resources and people of Nebraska;
(3) Examine laws, programs, policies, and planning efforts for extreme weather events, including those developed in other states;
(4) Examine environmental action plans developed in other states; and
(5) Consult with relevant stakeholders and academic experts on extreme weather events, including, but not limited to, the University of Nebraska, the
Nebraska state colleges, Nebraska community colleges, emergency management officials, conservation organizations, political subdivisions, state agencies, and the public.

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

1. That a select interim committee of the Legislature shall be designated to carry out the purposes of this resolution. The select interim committee shall be composed of the chair of the Agriculture Committee of the Legislature, or his or her designee, the chair of the Banking, Commerce and Insurance Committee of the Legislature, or his or her designee, the chair of the Natural Resources Committee of the Legislature, or his or her designee, and four members of the Legislature selected by the Executive Board of the Legislative Council.

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 242. Introduced by State-Tribal Relations Committee: Hilkemann, 4, Chairperson; Brewer, 43; Gragert, 40; Hunt, 8; Walz, 15; Wishart, 27.

PURPOSE: The purpose of this interim study is to examine the replacement of Native American mascots in Nebraska at nontribal schools.

Support has increased to end the era of Native American mascots in sports and popular culture. Hundreds of tribal nations, national and regional tribal organizations, civil rights organizations, school boards, sports teams, sports and media personalities, and individuals have called for the end of Native American mascots. Rooted in the civil rights movement, the quest for racial equality among indigenous people led to campaigns to bring an end to negative and harmful stereotypes in the media and popular culture, including in sports. There has been significant progress at the professional, collegiate, and high school levels to change.

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

1. That the Education 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 243. Introduced by Hunt, 8; Cavanaugh, 6.

PURPOSE: The purpose of this interim study is to examine the practice of medical refusal for contraception, sterilization, or abortion services by health care facilities and providers. It is critical to the health of Nebraskans and their families to understand how refusals to provide care and comprehensive information may harm individuals.

The interim study shall include, but not be limited to:

(1) A review of information on health care facilities with a religious affiliation, including the number and percentage of such facilities, the size and type of such facilities, and the location of such facilities;

(2) A collection of information regarding the number and percentage of patients that give birth at a health care facility, seek miscarriage management treatment, or are provided miscarriage management treatment, and the related complications at health care facilities with a religious affiliation, disaggregated by race and including the number of such patients whose care is paid by the medical assistance program;

(3) A collection of information, by means of a statewide survey, to identify health care providers participating in a practice relationship with a religious health care facility that requires such providers to agree to any restrictions on care. Such survey shall collect information on location, type of care, type of restriction, and how many patients each provider serves; and

(4) An examination of the practices of hospitals and ambulatory surgical centers with a religious affiliation, including, but not limited to:

(a) Reproductive health services not provided by such hospital or ambulatory surgical center, including contraception, tubal ligation, in vitro fertilization or other assisted reproductive technology, miscarriage management, treatment of ectopic pregnancy, maternity care, and abortion;

(b) The policy of such hospital or ambulatory surgical center regarding information and referrals to be shared with existing patients and prospective patients when they inquire about health care services sought by the patient that such hospital or ambulatory surgical center does not provide or provides in a limited capacity;

(c) The policy of such hospital or ambulatory surgical center on action to be taken and medical information and referrals to be provided when a patient's health or life is at-risk and such hospital or ambulatory surgical center will not provide the medical services needed to adhere to the standard of care, even if allowable under state law;

(d) The types of information and referrals provided to patients when medical care is denied, including actions taken when medical care is denied and the patient's life or health is at-risk. This examination shall include surveys or interviews with patients and providers at religiously affiliated hospitals or ambulatory surgical centers and not be limited to written policies; and

(e) The number of inquiries, including, but not limited to, emails, calls, and in-person visits, received by such hospital or ambulatory surgical center regarding abortion, contraception, or sterilization services.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF
THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST
SESSION:

1. That the Health and Human Services 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 244. Introduced by Hansen, B., 16.

PURPOSE: The purpose of this interim study is to examine discrepancies in
reimbursement under the medical assistance program between the three
Heritage Health managed care plans and the impacts of applying a multiple-
procedure payment-reduction policy to therapy services.

The multiple-procedure payment-reduction policy in the medicare system
was implemented by the federal Centers for Medicare and Medicaid
Services in 2011 for multiple surgical procedures and diagnostic imaging
procedures occurring in one day. The policy implemented in the medical
assistance program in Nebraska applies to all therapy services regardless of
the therapy discipline, such as physical therapy, occupational therapy, or
speech-language pathology services. When multiple therapy services are
provided to the same patient on the same day, full payment is made for the
unit or procedure with the highest practice-expense payment. For
subsequent units or procedures furnished to the same patient on the same
day, fifty percent payment is made for the practice expense for services
submitted on either professional or institutional claims.

Therapy services are rarely only one unit, and the practice-expense for
each code was calculated with the understanding that a therapy session
always has more than one unit per visit, which does not comport with the
multiple-procedure payment-reduction policy. With the Nebraska medicaid
fee schedule currently below the medicare fee schedule, the application of
the policy further reduces reimbursement to levels that most therapy practice
locations cannot sustain.

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

(1) Research of other states' medicaid fee schedules and whether they are
applying the multiple-procedure payment-reduction policy to therapy
services;

(2) Laws and regulations regarding medicaid fee schedules;

(3) Therapy practice costs for medicaid providers, reimbursement levels,
and associated costs for care when services are not provided to patients at
the right time; and

(4) The impact on access to therapy services if therapy providers cannot
continue to serve low-income Nebraskans.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services 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 245. Introduced by Bolz, 29.

PURPOSE: The purpose of this interim study is to examine advance planning for mental health care, which is distinct from advance planning for end-of-life care. This study shall continue the conversation begun by the introduction of Legislative Bill 247, One Hundred Sixth Legislature, First Session, 2019.

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 246. Introduced by Linehan, 39.

PURPOSE: The purpose of this interim study is to examine the Office of Public Guardian. The issues addressed by this interim study shall include, but not be limited to, the structure, duties, and effectiveness of the office.

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.
AMENDMENT(S) - Print in Journal

Senator Brewer filed the following amendment to LB720:
AM1833
(Amendments to Standing Committee amendments, AM1614)
1 1. On page 6, line 3, strike "wind.".

Senator Brewer filed the following amendment to LB720:
AM1948
(Amendments to Standing Committee amendments, AM1614)
1 1. On page 6, line 4, after "elements" insert ", The production of
2 electricity using wind shall not be considered a qualified location under
3 this section unless such production is pursuant to a current power
4 purchase agreement with a consumer-owned electric supplier operating in
5 the State of Nebraska".

SELECT FILE

LEGISLATIVE BILL 183. Senator Briese asked unanimous consent to withdraw his amendment, AM709, found on page 813, and replace it with his substitute amendment, AM1962. No objections. So ordered. AM1962 is available in the Bill Room.

SPEAKER SCHEER PRESIDING

PRESIDENT FOLEY PRESIDING

Pending.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 433. Placed on Final Reading.

LEGISLATIVE BILL 470. Placed on Final Reading.
ST31
The following changes, required to be reported for publication in the Journal, have been made:
  1. In the La Grone amendment, AM1932, on page 1, line 22, "(2)" has been struck and "(4)" inserted.
  2. On page 1, lines 2 through 10 and all amendments thereto have been struck and "77-103, 77-105, 77-202, 77-3,110, 77-1374, 77-1375, 77-2716, 77-5007, 85-1807, 85-1808, and 85-1810, Reissue Revised Statutes of Nebraska; to redefine terms; to exempt dwelling complexes and any related amenities located on a United States Department of Defense military installation from property taxes as prescribed; to provide for payments in lieu of taxes as prescribed; to change provisions relating to the Department of Revenue Miscellaneous Receipts Fund and the College Savings Plan Expense Fund; to change provisions relating to the assessment of
improvements on leased lands; to provide tax deductions for certain contributions to the Nebraska educational savings plan trust as prescribed; to provide that certain contributions to the Nebraska educational savings plan trust not be recognized as income for certain purposes; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide operative dates; to repeal the original sections; and to declare an emergency.” inserted.

LEGISLATIVE BILL 470A. Placed on Final Reading.

LEGISLATIVE BILL 512. Placed on Final Reading.

ST34
The following changes, required to be reported for publication in the Journal, have been made:
1. On page 1, lines 2 through 17 and all amendments thereto have been struck and “3-150, 66-482, 66-4,143, 66-6,101, 66-712, 66-718, 66-739, 66-1521, 77-202.03, 77-377.02, 77-702, 77-1239, 77-1301, 77-1725.01, 77-1734.01, 77-2716.01, 77-2734.01, 77-2761, 77-2773, 77-2776, 77-3506, 77-3508, 77-3519, 77-4111, and 77-6203, Reissue Revised Statutes of Nebraska, and section 39-2215, Revised Statutes Cumulative Supplement, 2018; to eliminate the Motor Fuel Tax Enforcement and Collection Division of the Department of Revenue; to provide procedures for adjusting the assessment of destroyed real property as prescribed; to change and eliminate provisions relating to a list of exempt real property, collection agency fees, rules and regulations, reimbursement to political subdivisions, personal exemptions, standard deductions, requirements for filing income tax returns, notices of deficiency, and homestead exemptions; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 66-738, Reissue Revised Statutes of Nebraska; and to declare an emergency.” inserted.

LEGISLATIVE BILL 583. Placed on Final Reading.

ST33
The following changes, required to be reported for publication in the Journal, have been made:
1. On page 1, line 1, "the Transportation Innovation Act" has been struck and "design-build contracts" inserted; in line 2 "13-2914," has been inserted after "sections"; and in line 5 "to change provisions relating to the Political Subdivisions Construction Alternatives Act and the Transportation Innovation Act;" has been inserted after the semicolon.

LEGISLATIVE BILL 610. Placed on Final Reading.

ST32
The following changes, required to be reported for publication in the Journal, have been made:
1. On page 1, the matter beginning with "revenue" in line 1 through line 4 and all amendments thereto have been struck and "the Nebraska educational savings plan trust; to amend sections 72-1239.01, 77-2716, 85-1802, 85-1804, 85-1806, 85-1807, and 85-1809, Reissue Revised Statutes of
Nebraska; to adopt the Meadowlark Act; to define and redefine terms; to create a fund; to create the Employer Matching Contribution Incentive Program and provide for incentive payments as prescribed; to establish the College Savings Plan Low-Income Matching Scholarship Program and provide for state matching scholarships as prescribed; to provide powers and duties for the State Treasurer; to harmonize provisions; and to repeal the original sections."

LEGISLATIVE BILL 610A. Placed on Final Reading.

(Signed) Julie Slama, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 247. Introduced by La Grone, 49; Brewer, 43; Hansen, M., 26; Morfeld, 46.

PURPOSE: The purpose of this interim study is to examine the long-term sustainability of recurring election technology replacement.

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 248. Introduced by Wayne, 13.

PURPOSE: The purpose of this interim study is to analyze and assess the arrangement for chemical testing of items seized pursuant to arrests for controlled substances and whether the costs of such testing should be distributed between state and local governments. Much of the testing of such items is performed by the Nebraska State Patrol criminalistics laboratory. The interim study shall include an examination of the cost to operate such laboratory, to employ testing analysts and other staff, and to perform requested testing as an obligation of the state as funded by the state budget. The interim study shall also examine the chemical testing done for local and county agencies and the requests made for testing and analysis by county-level prosecutors where costs are paid by the state.

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 249. Introduced by Friesen, 34.

PURPOSE: The purpose of this interim study is to examine how the state administers federal Older Americans Act funds. The issues addressed by this interim study shall include, but not be limited to, creating a pilot program to allow a county or a group of counties to administer Older Americans Act funds directly.

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

1. That the Health and Human Services 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 250. Introduced by Walz, 15.

PURPOSE: The purpose of this interim study is to examine programs and policies relating to the development and implementation of the comprehensive strategic plan for providing services to qualified persons with disabilities in the most integrated community-based settings, commonly referred to as the Olmstead Plan, pursuant to section 81-6,122.

The study committee shall seek the input of the Department of Health and Human Services.

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

1. That the Health and Human Services 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 JOURNAL

AMENDMENT(S) - Print in Journal

Senator Crawford filed the following amendment to LB720:
AM1864
(Amendments to Standing Committee amendments, AM1614)
1 1. On page 27, line 10, strike "(1)(h)" and insert "(1)(i)".
2 2. On page 28, after line 25, insert the following new subdivision:
   "(h) The credits provided in subsections (4) and (5) of section 32 of this act may be used to obtain a payment from the state equal to the amount which the taxpayer demonstrates to the director was paid by the taxpayer for paid family leave at the qualified location or locations during the performance period and the carryover period."; and in line 26 strike "(h)" and insert "(i)".

SELECT FILE

LEGISLATIVE BILL 183. Senator Chambers offered the following motion:
MO101
Recommit to the Revenue Committee.

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 149. Placed on Final Reading.

LEGISLATIVE BILL 532. Placed on Final Reading.
ST37
The following changes, required to be reported for publication in the Journal, have been made:
1. In the Cavanaugh amendment, AM1773, on page 1, line 3, "protection" has been inserted after "harassment".
2. In the Standing Committee amendments, AM674:
   a. On page 11, line 4, "(i)" has been struck; in line 9 "(ii)" has been struck and "(b)" inserted; in line 13 "(A)" has been struck and "(i)" inserted; in line 14 "(B)(I)" has been struck and "(ii)(A)" inserted; in line 17 "(B)" has been struck and "(B)" inserted; in line 19 "(iii)" has been struck and "(c)" inserted; and in line 31 "available" has been inserted after the comma; and
   b. On page 16, line 6, "(I)" has been struck and "(a)" inserted; in line 9 "(ii)" has been struck and "(b)" inserted; and in line 12 "(iii)" has been struck and "(c)" inserted.

LEGISLATIVE BILL 532A. Placed on Final Reading.

LEGISLATIVE BILL 657. Placed on Final Reading Second.

LEGISLATIVE BILL 657A. Placed on Final Reading Second.
(Signed) Julie Slama, Chairperson

VISITOR(S)

Visitors to the Chamber were students from Sunny Slope Elementary School, Omaha; and students from Mount View Elementary School, Omaha.

RECESS

At 5:28 p.m., on a motion by Senator Scheer, the Legislature recessed until 6:15 p.m.

AFTER RECESS

The Legislature reconvened at 6:15 p.m., President Foley presiding.

ROLL CALL

The roll was called and all members were present except Senators Groene, La Grone, Morfeld, Pansing Brooks, and Wayne who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 183. The Chambers motion, MO101, found in this day's Journal, to recommit to the Revenue Committee, was renewed.

Senator Briese offered the following motion:
MO102
Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Briese moved for a call of the house. The motion prevailed with 22 ayes, 4 nays, and 23 not voting.

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

Voting in the affirmative, 23:

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Voting in the negative, 7:
The Briese motion to invoke cloture failed with 23 ayes, 7 nays, 16 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

AMENDMENT(S) - Print in Journal

Senator Briese filed the following amendment to LB183:
FA80
Amend AM1962
Page 25, line 24 strike "the" replace with "such".

Senator Hilgers filed the following amendment to LB183:
FA81
Amend AM1962
Strike in Section 9 on page 19 subparagraph 'O' lines 14-22.

Senator Cavanaugh filed the following amendment to LB183:
AM1965
(Amendments to AM1962)
1. Insert the following new sections:
2. Section 1. Section 71-7611, Reissue Revised Statutes of Nebraska, is amended to read:
3. (1) The Nebraska Health Care Cash Fund is created. The State Treasurer shall transfer (a) sixty million three hundred thousand dollars on or before July 15, 2014, (b) sixty million three hundred fifty thousand dollars on or before July 15, 2015, (c) sixty million three hundred fifty thousand dollars on or before July 15, 2016, (d) sixty million seven hundred thousand dollars on or before July 15, 2017, (e) ten million five hundred thousand dollars on or before May 15, 2018, (f) sixty-one million six hundred thousand dollars on or before July 15, 2018, (g) sixty-one million three hundred fifty thousand dollars on or before July 15, 2019, and (h) sixty million four hundred fifty thousand dollars on or before every July 15 thereafter from the Nebraska Medicaid Intergovernmental Trust Fund and the Nebraska Tobacco Settlement Trust Fund.
Fund to the Nebraska Health Care Cash Fund, except that such amount shall be reduced by the amount of the unobligated balance in the Nebraska Health Care Cash Fund at the time the transfer is made. The state investment officer shall advise the State Treasurer on the amounts to be transferred first from the Nebraska Medicaid Intergovernmental Trust Fund until the fund balance is depleted and from the Nebraska Tobacco Settlement Trust Fund thereafter in order to sustain such transfers in perpetuity. The state investment officer shall report electronically to the Legislature on or before October 1 of every even-numbered year on the sustainability of such transfers. The Nebraska Health Care Cash Fund shall also include money received pursuant to section 77-2602. Except as otherwise provided by law, no more than the amounts specified in this subsection may be appropriated or transferred from the Nebraska Health Care Cash Fund in any fiscal year.

The State Treasurer shall transfer ten million dollars from the Nebraska Medicaid Intergovernmental Trust Fund to the General Fund on June 28, 2018, and June 28, 2019.

It is the intent of the Legislature that no additional programs are funded through the Nebraska Health Care Cash Fund until funding for all programs with an appropriation from the fund during FY2012-13 are restored to their FY2012-13 levels.

(2) Any money in the Nebraska Health Care Cash Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(3) The University of Nebraska and postsecondary educational institutions having colleges of medicine in Nebraska and their affiliated research hospitals in Nebraska, as a condition of receiving any funds appropriated or transferred from the Nebraska Health Care Cash Fund, shall not discriminate against any person on the basis of sexual orientation.

(4) The State Treasurer shall transfer fifty thousand dollars on or before July 15, 2016, from the Nebraska Health Care Cash Fund to the Board of Regents of the University of Nebraska for the University of Nebraska Medical Center. It is the intent of the Legislature that these funds be used by the College of Public Health for workforce training.

(5) It is the intent of the Legislature that the cost of the staff and operating costs necessary to carry out the changes made by Laws 2018, LB439, and not covered by fees or federal funds shall be funded from the Nebraska Health Care Cash Fund for fiscal years 2018-19 and 2019-20.

(6)(a) Beginning with fiscal year 2020-21, and every fiscal year thereafter, one dollar of the one dollar and sixty-four cents special privilege tax under subsection (1) of section 77-2602 shall be distributed as follows:

(i) Forty percent to the Nebraska Health Care Cash Fund;

(ii) Thirty-five percent for Medicaid expansion;

(iii) Fifteen percent to the University of Nebraska Medical Center and the Creighton University Medical Center for cancer research;

(iv) Five percent for the Tobacco Prevention and Control Program;
(v) Five percent for addiction treatment services.

Sec. 10. Section 77-2602, Reissue Revised Statutes of Nebraska, is amended to read:

77-2602 (1) Every stamping agent engaged in distributing or selling cigarettes at wholesale in this state shall pay to the Tax Commissioner of this state a special privilege tax. This shall be in addition to all other taxes. It shall be paid prior to or at the time of the sale, gift, or delivery to the retail dealer in the several amounts as follows: On each package of cigarettes containing not more than twenty cigarettes, one dollar and sixty-four cents per package; and on packages containing more than twenty cigarettes, the same tax as provided on packages containing not more than twenty cigarettes for the first twenty cigarettes in each package and a tax of one-twentieth of the tax on the first twenty cigarettes on each cigarette in excess of twenty cigarettes in each package.

(2) Beginning October 1, 2004, the State Treasurer shall place the equivalent of forty-nine cents of such tax in the General Fund. The State Treasurer shall reduce the amount placed in the General Fund under this subsection by the amount prescribed in subdivision (3)(d) of this section. For purposes of this section, the equivalent of a specified number of cents of the tax shall mean that portion of the proceeds of the tax equal to the specified number divided by the tax rate per package of cigarettes containing not more than twenty cigarettes.

(3) The State Treasurer shall distribute the remaining proceeds of such tax in the following order:

(a) First, beginning July 1, 1980, the State Treasurer shall place the equivalent of one cent of such tax in the Nebraska Outdoor Recreation Development Cash Fund. For fiscal year distributions occurring after FY1998-99, the distribution under this subdivision shall not be less than the amount distributed under this subdivision for FY1997-98. Any money needed to increase the amount distributed under this subdivision to the FY1997-98 amount shall reduce the distribution to the General Fund;

(b) Second, beginning July 1, 1993, the State Treasurer shall place the equivalent of three cents of such tax in the Health and Human Services Cash Fund to carry out sections 81-637 to 81-640. For fiscal year distributions occurring after FY1998-99, the distribution under this subdivision shall not be less than the amount distributed under this subdivision for FY1997-98. Any money needed to increase the amount distributed under this subdivision to the FY1997-98 amount shall reduce the distribution to the General Fund;

(c) Third, beginning October 1, 2002, and continuing until all the purposes of the Deferred Building Renewal Act have been fulfilled, the State Treasurer shall place the equivalent of seven cents of such tax in the Building Renewal Allocation Fund. The distribution under this subdivision shall not be less than the amount distributed under this subdivision for FY1997-98. Any money needed to increase the amount distributed under this subdivision to the FY1997-98 amount shall reduce the distribution to the General Fund;
26 (d) Fourth, until July 1, 2009, the State Treasurer shall place in
27 the Municipal Infrastructure Redevelopment Fund the sum of five hundred
28 twenty thousand dollars each fiscal year to carry out the Municipal
29 Infrastructure Redevelopment Fund Act. The Legislature shall appropriate
30 the sum of five hundred twenty thousand dollars each year for fiscal year
31 2003-04 through fiscal year 2008-09;
1 (e) Fifth, beginning July 1, 2001, and continuing until June 30,
2 2008, the State Treasurer shall place the equivalent of two cents of such
3 tax in the Information Technology Infrastructure Fund. The distribution
4 under this subdivision shall not be less than two million fifty thousand
5 dollars. Any money needed to increase the amount distributed under this
6 subdivision to two million fifty thousand dollars shall reduce the
7 distribution to the General Fund;
8 (f) Sixth, beginning July 1, 2001, and continuing until June 30,
9 2016, the State Treasurer shall place one million dollars each fiscal
10 year in the City of the Primary Class Development Fund. If necessary, the
11 State Treasurer shall reduce the distribution of tax proceeds to the
12 General Fund pursuant to subsection (2) of this section by such amount
13 required to fulfill the one million dollars to be distributed pursuant to
14 this subdivision;
15 (g) Seventh, beginning July 1, 2001, and continuing until June 30,
16 2016, the State Treasurer shall place one million five hundred thousand
17 dollars each fiscal year in the City of the Metropolitan Class
18 Development Fund. If necessary, the State Treasurer shall reduce the
19 distribution of tax proceeds to the General Fund pursuant to subsection
20 (2) of this section by such amount required to fulfill the one million
21 five hundred thousand dollars to be distributed pursuant to this
22 subdivision;
23 (h) Eighth, beginning July 1, 2008, and continuing until June 30,
24 2009, the State Treasurer shall place the equivalent of two million fifty
25 thousand dollars of such tax in the Nebraska Public Safety Communication
26 System Cash Fund. Beginning July 1, 2009, and continuing until June 30,
27 2016, the State Treasurer shall place the equivalent of two million five
28 hundred seventy thousand dollars of such tax in the Nebraska Public
29 Safety Communication System Cash Fund. Beginning July 1, 2016, and every
30 fiscal year thereafter, the State Treasurer shall place the equivalent of
31 three million eight hundred twenty thousand dollars of such tax in the
1 Nebraska Public Safety Communication System Cash Fund. If necessary, the
2 State Treasurer shall reduce the distribution of tax proceeds to the
3 General Fund pursuant to subsection (2) of this section by such amount
4 required to fulfill the distribution pursuant to this subdivision; and
5 (i) Ninth, beginning July 1, 2016, and every fiscal year thereafter,
6 the State Treasurer shall place the equivalent of one million two hundred
7 fifty thousand dollars of such tax in the Nebraska Health Care Cash Fund.
8 If necessary, the State Treasurer shall reduce the distribution of tax
9 proceeds to the General Fund pursuant to subsection (2) of this section
10 by such amount required to fulfill the distribution pursuant to this
11 subdivision.
12 (4) If, after distributing the proceeds of such tax pursuant to
13 subsections (2) and (3) of this section, any proceeds of such tax remain,
14 the State Treasurer shall place such remainder in the Nebraska Capital
15 Construction Fund.
16 (5) The Legislature hereby finds and determines that the projects
17 funded from the Municipal Infrastructure Redevelopment Fund and the
18 Building Renewal Allocation Fund are of critical importance to the State
19 of Nebraska. It is the intent of the Legislature that the allocations and
20 appropriations made by the Legislature to such funds or, in the case of
21 allocations for the Municipal Infrastructure Redevelopment Fund, to the
22 particular municipality's account not be reduced until all contracts and
23 securities relating to the construction and financing of the projects or
24 portions of the projects funded from such funds or accounts of such funds
25 are completed or paid or, in the case of the Municipal Infrastructure
26 Redevelopment Fund, the earlier of such date or July 1, 2009, and that
27 until such time any reductions in the cigarette tax rate made by the
28 Legislature shall be simultaneously accompanied by equivalent reductions
29 in the amount dedicated to the General Fund from cigarette tax revenue.
30 Any provision made by the Legislature for distribution of the proceeds of
31 the cigarette tax for projects or programs other than those to (a) the
1 General Fund, (b) the Nebraska Outdoor Recreation Development Cash Fund,
2 (c) the Health and Human Services Cash Fund, (d) the Municipal
3 Infrastructure Redevelopment Fund, (e) the Building Renewal Allocation
4 Fund, (f) the Information Technology Infrastructure Fund, (g) the City of
5 the Primary Class Development Fund, (h) the City of the Metropolitan
6 Class Development Fund, (i) the Nebraska Public Safety Communication
7 System Cash Fund, and (j) the Nebraska Health Care Cash Fund shall not be
8 made a higher priority than or an equal priority to any of the programs
9 or projects specified in subdivisions (a) through (j) of this subsection.
10 2. Renumber the remaining sections and correct internal references
11 accordingly.
12 3. Correct the operative date and repealer sections so that the
13 sections added by this amendment become operative on their effective
14 date.

Senator Chambers filed the following amendment to LB183:
AM1966
(Amendments to AM1962)
1 1. On page 19, line 10, strike "hair care,"; and in line 11 after
2 "services" insert "and hair care".

Senator Chambers filed the following amendment to LB183:
AM1967
(Amendments to AM1962)
1 1. On page 18, lines 20 and 21, strike the new matter.
Senator Cavanaugh filed the following amendment to LB183:

**(Amendments to AM1962)**

1. On page 8, line 14, strike the new matter and reinstate the stricken matter; in line 15 reinstate the stricken "repair services;"
2. and in line 21 reinstate the stricken "legal".

Senator Hunt filed the following amendment to LB183:

**(Amendments to AM1962)**

1. On page 21, strike lines 26 through 31.

Senator Cavanaugh filed the following amendment to LB183:

**(Amendments to AM1962)**

2. On page 22, strike lines 1 and 2; in line 3 strike "(c)" and insert "(b)"; in line 8 strike "(d)" and insert "(c)"; in line 14 strike "(2)(d)(i)" and insert "(2)(c)(i)"; in line 23 strike "(e)" and insert "(d)"; in line 27 strike "bottled water;"; in line 29 strike "(f)" and insert "(e)" and "(g)"; and in line 31 strike "(g)" and insert "(f)".

3. On page 23, line 22, strike "(h)" and insert "(i)"; and strike lines 28 through 31.

4. On page 24, line 23, strike "(h)" and insert "(i)"; and strike lines 28 through 31.

RESOLUTION(S)

**LEGISLATIVE RESOLUTION 251.** Introduced by Vargas, 7.

PURPOSE: The purpose of this interim study is to conduct a comprehensive review of food deserts in Nebraska and make recommendations to combat the rise of food deserts and increase access to healthy, affordable food. The study shall include, but not be limited to, an examination of the following issues:

1. National best practices relating to state and local efforts to provide healthy, affordable food to low-income areas;
2. Resources the state may use to combat food deserts;
3. A review of the Department of Economic Development's ability to establish a financing program involving public, private, and nonprofit sectors to increase access to healthy food;
4. The ways in which food insecurity affects thousands of Nebraska families; and
(5) The benefits of access to healthy, affordable food for rural, low-income, and predominantly minority communities.

The interim study shall obtain input from interested parties including the Department of Economic Development and statewide stakeholders in providing healthy, affordable food.

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

1. That the Agriculture 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 252. Introduced by Vargas, 7; Hansen, B., 16.

PURPOSE: The purpose of this interim study is to review employment opportunities and barriers to employment for minority and at-risk populations and to make recommendations to increase success in obtaining employment for such populations. For purposes of this interim study, at-risk populations means populations at-risk of becoming homeless.

The interim study shall include, but not be limited to, an examination of the following:

(1) Rates of underemployment of minority and at-risk populations across Nebraska;

(2) Reasons for underemployment of minority and at-risk populations across Nebraska;

(3) Barriers to employment for minority and at-risk populations, including, but not limited to, access to transportation, childcare, and housing;

(4) Current workforce initiatives serving minority and at-risk populations, including but not limited to, an analysis of currently eligible Workforce Innovation and Opportunity Act training providers and their willingness and capacity to serve minority and at-risk populations;

(5) Best practices for increasing access to employment and income stability for minority and at-risk populations; and

(6) Recommendations to increase the effectiveness of workforce initiatives to better serve minority and at-risk populations.

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.

**MOTION(S) - Return LB86 to Select File**

Senator Wayne moved to return LB86 to Select File for his specific amendment, AM1912, found on page 1649.

The Wayne motion to return prevailed with 37 ayes, 2 nays, 7 present and not voting, and 3 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 86.** The Wayne specific amendment, AM1912, found on page 1649, was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

**MOTION(S) - Return LB186 to Select File**

Senator Lindstrom moved to return LB186 to Select File for his specific amendment, AM1937, found on page 1691.

The Lindstrom motion to return prevailed with 35 ayes, 1 nay, 10 present and not voting, and 3 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 186.** The Lindstrom specific amendment, AM1937, found on page 1691, was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

**WITHDRAW - Amendment to LB186**

Senator Lindstrom withdrew his amendment, AM1823, found on page 1626, to LB186.

**WITHDRAW - Amendment to LB186A**

Senator Lindstrom withdrew his amendment, AM1814, found on page 1627, to LB186A.

**MOTION(S) - Return LB186A to Select File**

Senator Lindstrom moved to return LB186A to Select File for his specific amendment, AM1938, found on page 1692.
The Lindstrom motion to return prevailed with 38 ayes, 1 nay, 8 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 186A. The Lindstrom specific amendment, AM1938, found on page 1692, was adopted with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

LEGISLATIVE BILL 630. ER126, found on page 1607, was adopted.

Senator Morfeld offered the following amendment:

AM1961

(Amendments to Standing Committee amendments, AM1635)

1 1. On page 1, line 15, strike "section" and insert "subsection"; in line 20, strike "Violation" and insert "A first or second violation"; in line 21 after the period insert "A third or subsequent violation of this subsection is a Class II felony.", in line 25 strike "when" and after "(a)" insert "if"; and in line 27 after "(c)" insert "if".

2 2. On page 3, lines 7 and 8, strike the new matter and reinstate the stricken matter; in line 25 strike "the"; in line 26 strike "of"; in line 28 after "Recording" insert "another person in a state of undress"; and in line 29 strike "of another person in a state of undress".

3 3. On page 4, lines 9, 10, 13, and 15, strike "or" and show as stricken; in lines 17 and 25 after "property" insert ", money, or other thing of value"; and in lines 26 and 28 after "lawsuit" insert an underscored comma.

4 4. On page 5, line 13, after the period insert "A second or subsequent conviction under this subsection is a Class IV felony.".

5 5. On page 7, after line 9, insert the following new subsection:

"(6) The definitions in section 28-1463.02 shall apply to this section."

SENATOR WILLIAMS PRESIDING

PRESIDENT FOLEY PRESIDING

The Morfeld amendment was adopted with 30 ayes, 1 nay, 15 present and not voting, and 3 excused and not voting.

Senator Hilgers offered the following amendment:

AM1923

(Amendments to Standing Committee amendments, AM1635)

1 1. On page 11, lines 8 through 12, strike the new matter.

2 2. On page 12, lines 30 and 31, strike the new matter.

3 3. On page 13, lines 1 through 3, strike the new matter.
Senator Hilgers moved for a call of the house. The motion prevailed with 29 ayes, 1 nay, and 19 not voting.

Senator Hilgers requested a roll call vote on his amendment.

Voting in the affirmative, 26:

Albrecht  Dorn  Hilgers  Lowe  Williams
Arch    Erdman  Hilkemann  Moser  Wishart
Bostelman  Geist  Hughes  Murman
Brewer  Gragert  La Grone  Scheer
Briese  Halloran  Lindstrom  Slama
Clements  Hansen, B.  Linehan  Wayne

Voting in the negative, 14:

Blood  Chambers  Hunt  McDonnell  Quick
Bolz  Crawford  Lathrop  Morfeld  Walz
Cavanaugh  DeBoer  McCollister  Pansing  Brooks

Present and not voting, 6:

Brandt  Hansen, M.  Stinner
Friesen  Howard  Vargas

Excused and not voting, 3:

Groene  Kolowski  Kolterman

The Hilgers amendment was adopted with 26 ayes, 14 nays, 6 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review for Engrossment.

**Legislative Bill 519.** ER129, found on page 1608, was adopted.

Advanced to Enrollment and Review for Engrossment.

**Legislative Bill 462.** ER127, found on page 1608, was offered.

ER127 was adopted.

Senator Cavanaugh offered the following motion:

**MO103**
Recommit to the Transportation and Telecommunications Committee.
Senator Cavanaugh withdrew her motion to recommit to committee.

Senator Friesen offered his amendment, AM1909, found on page 1626.

The Friesen amendment was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 680.** ER128, found on page 1613, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 397.** ER130, found in this day's Journal, was adopted.

Senator Briese offered the following amendment:

AM1950

(AMendments to E&R amendments, ER130)

1 1. Strike section 2 and insert the following new section:
2 Sec. 2. Section 28-1418.01, Reissue Revised Statutes of Nebraska, is
3 amended to read:
4 28-1418.01 For purposes of sections 28-1418 to 28-1429.03:
5 (1) Alternative nicotine product means any noncombustible product
6 containing nicotine that is intended for human consumption, whether
7 chewed, absorbed, dissolved, or ingested by any other means. Alternative
8 nicotine product does not include any electronic nicotine delivery system
9 vapor product, cigarette, cigar, or other tobacco product, or any product
10 regulated as a drug or device by the United States Food and Drug
11 Administration under Chapter V of the Federal Food, Drug, and
12 Cosmetic Act;
13 (2)(a) Electronic nicotine delivery system means any product or
14 device containing nicotine, tobacco, or tobacco derivatives that employs
15 a heating element, power source, electronic circuit, or other electronic,
16 chemical, or mechanical means, regardless of shape or size, to simulate
17 smoking by delivering the nicotine, tobacco, or tobacco derivatives in
18 vapor, fog, mist, gas, or aerosol form to a person inhaling from the
19 product or device.
20 (b) Electronic nicotine delivery system includes, but is not limited
21 to, the following:
22 (i) Any substance containing nicotine, tobacco, or tobacco
23 derivatives, whether sold separately or sold in combination with a
24 product or device that is intended to deliver to a person nicotine,
25 tobacco, or tobacco derivatives in vapor, fog, mist, gas, or aerosol
26 form;
27 (ii) Any product or device marketed, manufactured, distributed, or
28 sold as an electronic cigarette, electronic cigar, electronic cigarillo,
29 electronic pipe, electronic hookah, or similar products, names,
4 descriptors, or devices; and
5 (iii) Any component, part, or accessory of such a product or device
6 that is used during operation of the product or device when sold in
7 combination with any substance containing nicotine, tobacco, or tobacco
8 derivatives.
9 (c) Electronic nicotine delivery system does not include the
10 following:
11 (i) An alternative nicotine product, cigarette, cigar, or other
12 tobacco product, or any product regulated as a drug or device by the
13 United States Food and Drug Administration under Chapter V of the Federal
14 Food, Drug, and Cosmetic Act; or
15 (ii) Any component, part, or accessory of such a product or device
16 that is used during operation of the product or device when not sold in
17 combination with any substance containing nicotine, tobacco, or tobacco
18 derivatives;
19 (3) Self-service display means a retail display that contains a
20 tobacco product, a tobacco-derived product, an electronic nicotine
21 delivery system, or an alternative nicotine product and
22 is located in an area openly accessible to a retailer's customers and
23 from which such customers can readily access the product without the
24 assistance of a salesperson. Self-service display does not include a
25 display case that holds tobacco products, tobacco-derived products,
26 electronic nicotine delivery systems, vapor products, or alternative
27 nicotine products behind locked doors; and
28 (4) Tobacco specialty store means a retail store that (a)
29 derives at least seventy-five percent of its revenue from tobacco
30 products, tobacco-derived products, electronic nicotine delivery systems
31 vapor products, or alternative nicotine products and (b) does not permit
1 minors under the age of eighteen years to enter the premises unless
2 accompanied by a parent or legal guardian; and
3 (4) Vapor product means any noncombustible product containing
4 nicotine that employs a heating element, power source, electronic
5 circuit, or other electronic, chemical, or mechanical means, regardless
6 of shape or size, that can be used to produce vapor from nicotine in a
7 solution or other form. Vapor product includes any electronic cigarette,
8 electronic cigar, electronic cigarillo, electronic pipe, or similar
9 product or device and any vapor cartridge or other container of nicotine
10 in a solution or other form that is intended to be used with or in an
11 electronic cigarette, electronic cigar, electronic cigarillo, electronic
12 pipe, or similar product or device. Vapor product does not include an
13 alternative nicotine product, cigarette, cigar, or other tobacco product,
14 or any product regulated as a drug or device by the United States Food
15 and Drug Administration under Chapter V of the Federal Food, Drug, and
16 Cosmetic Act.

The Briese amendment was adopted with 35 ayes, 1 nay, 8 present and not
voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.
LEGISLATIVE BILL 481. ER131, found in this day's Journal, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 481A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 593. ER133, found in this day's Journal, was adopted.

Senator Lathrop offered the following amendment:

AM1935
1 1. Insert the following new section:
2 Sec. 7. Section 68-989, Reissue Revised Statutes of Nebraska, is
3 amended to read:
4 68-989 (1) This section shall apply to the fullest extent permitted
5 by federal law and understandings entered into between the state and the
6 federal government. An applicant for medical assistance, or a person
7 acting on behalf of the applicant, shall disclose at the time of
8 application and, to the extent not owned at the time of application, at
9 the time of any subsequent review of the applicant's eligibility for
10 medical assistance all of his or her interests in any assets, including,
11 but not limited to, any security, bank account, intellectual property
12 right, contractual or lease right, real estate, trust, corporation,
13 limited liability company, or other entity, whether such interest is
14 direct or indirect or , vested or contingent, or otherwise. The applicant
15 or a person acting on behalf of the applicant shall also disclose any :
16 (a) Any income derived from such interests and the source of the
17 income. ; and
18 (b) Whether the income is generated directly or indirectly from (i)
19 the applicant's spouse or an individual who is related to the applicant
20 as described in section 77-2004 or 77-2005 or (ii) an entity controlled
21 by one or more individuals described in subdivision (1)(b)(i) of this
22 section. For purposes of this subdivision, control means individuals
23 listed in subdivision (1)(b)(i) of this section together own or have the
24 option to acquire more than fifty percent of the entity.
25 (2) If the applicant or a person acting on behalf of the applicant
26 willfully fails to make the disclosures required in this section, any
27 medical assistance obtained as a result of such failure is deemed
28 unlawfully obtained and the department shall seek recovery of such
29 medical assistance from the applicant or the estate of the recipient of
30 medical assistance as defined in subdivision (4)(b) of section 68-919.
31 (3)(a) (2) If income is derived from a related party as described in
32 subdivision (3)(c) (1)(b) of this section, the department shall determine
33 whether the income is or, in the case of a written lease, whether the
34 terms of the lease at the time it was entered into were commercially
8 reasonable and consistent with income or lease terms derived in the
9 relevant market area and negotiated at arms length between parties who
10 are not related.
11 (b) If the department determines that the income or lease fails to
12 meet these requirements, such income or lease shall be considered a
13 transfer of the applicant's assets for less than full consideration and
14 the department shall consider the resulting shortfall, to the fullest
15 extent permitted by federal law, when determining eligibility for medical
16 assistance or any share of cost or as otherwise required by law. The
17 burden of proof of commercial reasonableness rests with the applicant.
18 The department’s determination on commercial reasonableness may be
19 appealed, and the appeal shall be in accordance with the Administrative
20 Procedure Act.
21 (c) A related party is (i) the applicant's spouse or an individual
22 who is related to the applicant as described in section 77-2004 or
23 77-2005 or (ii) an entity controlled by one or more individuals described
24 in subdivision (1)(c)(i) of this section. For purposes of this
25 subdivision, control means individuals listed in subdivision (1)(c)(i) of
26 this section who together own or have the option to acquire more than
27 fifty percent of the entity.
28 (4) An action for recovery of medical assistance obtained in
29 violation of this section may be brought by the department against the
30 applicant or against the estate of the recipient of medical assistance as
31 defined in subdivision (4)(b) of section 68-919 at any time before five
1 years after the death of both the applicant and the applicant’s spouse,
2 if any.
3 (5) The department may adopt and promulgate rules and regulations to
4 carry out this section. The rules and regulations may include guidance on
5 the commercial reasonableness of lease terms.
6 2. On page 33, line 27, after "68-919," insert "68-989,"
7 3. Renumber the remaining sections accordingly.

The Lathrop amendment was adopted with 32 ayes, 0 nays, 13 present and
not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 253. Introduced by Brewer, 43; Wayne, 13.

PURPOSE: The purpose of this interim study is to investigate the laws of
self-defense and defense of third parties as they apply to the defense of
persons victimized by domestic violence and human trafficking. The interim
study shall also examine how criminal justice procedures and institutions
could be reformed to better protect victims of domestic violence and human
trafficking and the private volunteers and charity workers who intervene to
rescue and protect victims from abusers and traffickers.
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.

GENERAL FILE

LEGISLATIVE BILL 288. Title read. Considered.
Committee AM1594, found on page 1594, was offered.

Senator Linehan offered her amendment, AM1929, found on page 1652, to the committee amendment.

The Linehan amendment was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Senator Friesen offered the following amendment to the committee amendment:
AM1958
(Amendments to Standing Committee amendments, AM1594)
1 1. Strike sections 1, 2, and 3.
2 2. Renumber the remaining sections and correct the repealer accordingly.

SENATOR WILLIAMS PRESIDING

Senator Friesen moved for a call of the house. The motion prevailed with 26 ayes, 4 nays, and 19 not voting.

The Friesen amendment lost with 15 ayes, 7 nays, 21 present and not voting, and 6 excused and not voting.

Senator Linehan withdrew her amendments, AM268 and AM974, found on pages 500 and 983.

The Chair declared the call raised.

Senator Crawford offered the following amendment to the committee amendment:
AM1959
(Amendments to Standing Committee amendments, AM1594)
1 1. On page 5, lines 15 through 31, strike the new matter and
2 reinstate the stricken matter.
3 2. On page 6, strike lines 1 through 25.

Pending.

**COMMITTEE REPORT(S)**

Enrollment and Review

LEGISLATIVE BILL 86. Placed on Final Reading Second.
LEGISLATIVE BILL 186. Placed on Final Reading Second.
LEGISLATIVE BILL 186A. Placed on Final Reading Second.
LEGISLATIVE BILL 397. Placed on Final Reading.
LEGISLATIVE BILL 462. Placed on Final Reading.
LEGISLATIVE BILL 481. Placed on Final Reading.
LEGISLATIVE BILL 481A. Placed on Final Reading.
LEGISLATIVE BILL 519. Placed on Final Reading.
LEGISLATIVE BILL 593. Placed on Final Reading.
LEGISLATIVE BILL 630. Placed on Final Reading.

LEGISLATIVE BILL 680. Placed on Final Reading.
ST38
The following changes, required to be reported for publication in the Journal, have been made:

1. In the Standing Committee amendments, AM1537, on page 3, line 30, "this subsection" has been struck and "this section" inserted.

(Signed) Julie Slama, Chairperson

**VISITOR(S)**

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

**ADJOURNMENT**

At 11:36 p.m., on a motion by Senator Pansing Brooks, the Legislature adjourned until 9:00 a.m., Thursday, May 23, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
EIGHTY-FIRST DAY - MAY 23, 2019

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

EIGHTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, May 23, 2019

PRAYER

The prayer was offered by Chaplain Ben Stangl, West Point Family Worship Center, Blair.

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 Pansing Brooks, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eightieth day was approved.

COMMITTEE REPORT(S)

Nebraska Retirement Systems

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

Allen Simpson - Public Employees Retirement Board


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

Michael D. Jahnke - Public Employees Retirement Board

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

Janis Elliott - Public Employees Retirement Board


(Signed) Mark Kolterman, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 254. Introduced by Brandt, 32.

WHEREAS, Sharon V. Apking of Alexandria was a distinguished member of the Legislature, serving from 1981-1983; and
WHEREAS, Senator Apking grew up in Bruning, Potter, and Wayne and attended Wayne State College, Indiana University, and the University of Nebraska; and
WHEREAS, Senator Apking married William Tappan Apking in 1958 and the couple raised two children, David and Elizabeth; and
WHEREAS, Senator Apking served for many years on the Republican State Central Committee; and
WHEREAS, Senator Apking remained active in policymaking following her term in the Legislature, working as a lobbyist and consultant for rural schools and economic development, along with writing speeches, technical brochures, and a personal column for local papers, and as a member of local and state boards; and
WHEREAS, Senator Apking passed away on May 16, 2019.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature honors the memory of Sharon V. Apking for her personal accomplishments and service to the State of Nebraska.
2. That the Legislature extends its sympathy and condolences to the family of Sharon V. Apking.
3. That a copy of this resolution be sent to the family of Sharon V. Apking.

Laid over.

LEGISLATIVE RESOLUTION 255. Introduced by Kolowski, 31.

WHEREAS, the Millard West High School baseball team won the 2019 Class A State Baseball Championship; and
WHEREAS, the Millard West Wildcats defeated the Millard South Patriots 2-1 to win the school's first state baseball championship; and
WHEREAS, Head Coach Steve Frey has served as a mentor and leader for the team; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates the Millard West High School baseball team and Head Coach Steve Frey on winning the 2019 Class A State Baseball Championship.
2. That a copy of this resolution be sent to Millard West High School.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 288. Committee AM1594, found on page 1594 and considered on page 1750, was renewed.

Senator Crawford renewed her amendment, AM1959, found on page 1750, to the committee amendment.

Senator Crawford withdrew her amendment.

Pending.

LEGISLATIVE BILL 436. Title read. Considered.

Committee AM1601, found on page 1663, was adopted with 39 ayes, 2 nays, 5 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 2 nays, 5 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 209. ER105, found on page 1433, was adopted.

Senator Chambers offered his amendment, FA61, found on page 1335.

SENATOR HILGERS PRESIDING

Senator Hunt offered the following motion:
MO104
Recommit to the Judiciary Committee.

Senator Hunt withdrew her motion to recommit to committee.

Senator Chambers withdrew his amendment, FA61.
Senator Wishart withdrew her amendment, FA63, found on page 1379.

Senator Blood offered the following amendment:
AM1875
(Amendments to Standing Committee amendments, AM1432)
1 1. Insert the following new section:
2 Sec. 4. Section 28-806, Reissue Revised Statutes of Nebraska, is
3 amended to read:
4 28-806 (1) A person, eighteen years of age or over, commits public
5 indecency if such person performs or procures, or assists any other
6 person to perform, in a public place and where the conduct may reasonably
7 be expected to be viewed by members of the public:
8 (a) An act of sexual penetration; or
9 (b) An exposure of the genitals of the body done with intent to
10 affront or alarm any person; or
11 (c) A lewd fondling or caressing of the body of another person of
12 the same or opposite sex.
13 (2) Public indecency is a Class II misdemeanor.
14 (3) It shall not be a violation of this section for an individual to
15 breast-feed a child in a public place.
16 2. Renumber the remaining sections and correct the repealer
17 accordingly.

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 256. Introduced by La Grone, 49.

WHEREAS, Dr. Kevin Riley will retire as Gretna Public Schools superintendent at the end of this school year after 37 years of service to the district; and
WHEREAS, Dr. Kevin Riley, an Omaha native, attended Bellevue College and later transferred to the University of Nebraska at Omaha where he earned a bachelor's degree in education and a master's degree in educational administration; and
WHEREAS, Dr. Kevin Riley began his teaching career at Millard Junior High teaching art and coaching basketball and golf; and
WHEREAS, Dr. Kevin Riley began his career with the Gretna school district as the assistant principal of the junior-senior high school; and
WHEREAS, Dr. Kevin Riley served as the Gretna High School principal for 14 years before becoming the superintendent, a position he has held for 20 years; and
WHEREAS, the school district has grown from 1,361 students when Dr. Kevin Riley began as the superintendent, to over 5,300 students this school year.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes Dr. Kevin Riley's 37 years of service to students and Gretna Public Schools and congratulates him on his retirement.
2. That a copy of this resolution be sent to Dr. Kevin Riley.

Laid over.

VISITOR(S)

Visitors to the Chamber were Isabel Pattee from Lincoln; Senator Ben Hansen's wife and daughter, Jill and Olivia Hansen, from Blair; and Rachel Lewis and Kate Fiandt from Omaha.

RECESS

At 12:02 p.m., on a motion by Senator Williams, 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.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 257. Introduced by Stinner, 48.

WHEREAS, the Nebraska Association of Former State Legislators has offered a gift of labor and materials of approximate value of $330,000 to restore the gardens of the Capitol Courtyards; and
WHEREAS, the gift of labor and materials will be used to restore the gardens to the original design by Ernst Herminghaus with modifications agreed to by the State Capitol Administrator; and
WHEREAS, the installation of the gardens, including irrigation and drainage systems, plants, and other improvements within the courtyards of the State Capitol, will be accomplished by the funding provided by the gift and ongoing maintenance will be accomplished with existing Capitol Grounds personnel; and
WHEREAS, the Nebraska Association of Former State Legislators and the Office of the Nebraska Capitol Commission have entered into a Memorandum of Understanding for Nebraska Capitol Courtyard Gardens Restoration which provides, among other specifications, that the State Capitol Administrator will provide oversight and supervise the work to be performed; and
WHEREAS, restoring the gardens within the courtyards of the State Capitol will provide an investment in the real property of the State of Nebraska which will be for the benefit of the people of the State of Nebraska; and
WHEREAS, the Appropriations Committee of the Legislature held a public hearing on this matter on May 23, 2019.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature approves the gift of labor and materials from the Nebraska Association of Former State Legislators for the restoration of the gardens of the State Capitol Courtyards in the approximate value of $330,000.
2. That such approval is granted with the understanding that the gift will be implemented in accordance with the Memorandum of Understanding for Nebraska Capitol Courtyard Gardens Restoration.

Laid over.

SELECT FILE

LEGISLATIVE BILL 209. Senator Blood renewed her amendment, AM1875, found in this day's Journal.

Senator Albrecht offered the following motion:
MO105
Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Albrecht moved for a call of the house. The motion prevailed with 31 ayes, 2 nays, and 16 not voting.

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

Voting in the affirmative, 35:

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

Voting in the negative, 11:

Blood          Howard          McCollister     Vargas
Chambers       Hunt            Morfeld        Wishart
Hansen, M.     Kolowski       Pansing Brooks
Present and not voting, 2:

Cavanaugh Crawford

Excused and not voting, 1:

Wayne

The Albrecht motion to invoke cloture prevailed with 35 ayes, 11 nays, 2 present and not voting, and 1 excused and not voting.

The Blood amendment, AM1875, was adopted with 43 ayes, 3 nays, 2 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment with 36 ayes, 9 nays, 3 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 258. Introduced by Erdman, 47.

WHEREAS, Bob Jordan was born April 25, 1929, in Crawford; and
WHEREAS, Bob Jordan grew up on the Gayhart place on Montrose Road in Sioux County; and
WHEREAS, Bob Jordan graduated as the valedictorian of his class at Sioux County High School in 1947; and
WHEREAS, Bob Jordan acquired an affinity for horses while trailing cattle with his grandfather from the Jordan homestead near Harrison to pastureland in Node, Wyoming; and
WHEREAS, Bob Jordan won the All-Round title at the Crawford Professional Rodeo Cowboy Association rodeo in the early 1960's; and
WHEREAS, Bob Jordan was granted a lifetime membership to the Professional Rodeo Cowboy Association with a Gold Card number of 601; and
WHEREAS, Bob Jordan recovered from breaking his neck after bulldogging a steer at a rodeo in Crawford in 1963; and
WHEREAS, Bob Jordan built a successful Quarter Horse business; and
WHEREAS, Bob Jordan's colt, Pocodo Jordan, won the 1962 CHAN Silver Cup in the halter class for yearling horse colts; and
WHEREAS, Bob Jordan's mare, Tiny Bay Hancock, made five trips to the American Quarter Horse Association's World Show, earning her Superior in calf roping; and
WHEREAS, Bob Jordan's Triangle J cattle brand can still be seen around the United States today; and
WHEREAS, Bob Jordan married Eldeene Kathleen Preble in 1950 and raised six children; and
WHEREAS, Bob Jordan died at the Rapid City Regional Hospital on April 17, 2007; and
WHEREAS, Bob Jordan will be inducted into the Nebraska Sandhills Cowboy Hall of Fame on June 8, 2019, at the 4-H building at the Cherry County Fairgrounds in Valentine.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature recognizes the outstanding work and achievements of Bob Jordan as a horseman, cattleman, cowboy, husband, father, friend, coach, and mentor.
2. That a copy of this resolution be sent to the family of Bob Jordan.

Laid over.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 720. Placed on Select File with amendment. ER136 is available in the Bill Room.

LEGISLATIVE BILL 720A. Placed on Select File.

LEGISLATIVE BILL 436. Placed on Select File with amendment. ER135
1. On page 1, strike line 2 and insert "Committee; to provide powers and duties for the Nebraska State Data Center program; to provide a termination date; and to declare an emergency."

(Signed) Julie Slama, Chairperson

AMENDMENT(S) - Print in Journal

Senator Lathrop filed the following amendment to LB686A:
FA82
Strike the enacting clause.

MOTION(S) - Return LB470A to Select File

Senator La Grone moved to return LB470A to Select File for his specific amendment, AM1896, found on page 1691.

The La Grone motion to return prevailed with 44 ayes, 0 nays, 3 present and not voting, and 2 excused and not voting.
SELECT FILE

LEGISLATIVE BILL 470A. The La Grone specific amendment, AM1896, found on page 1691, was adopted with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 15.

A BILL FOR AN ACT relating to insurance; to adopt the Children of Nebraska Hearing Aid Act.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

La Grone

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 218. With Emergency Clause.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-103, 77-117, and 77-2701.16, Reissue Revised Statutes of Nebraska; to redefine the terms real property and gross receipts as prescribed; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.
Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

- La Grone

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**PRESIDENT FOLEY PRESIDING**

**LEGISLATIVE BILL 309.**

A BILL FOR AN ACT relating to courts; to amend section 24-301.02, Revised Statutes Cumulative Supplement, 2018; to increase the number of district judges in the fourth judicial district; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:
Voting in the negative, 0.

Present and not voting, 2:

Erdman       Halloran

Excused and not voting, 1:

La Grone

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**MOTION(S) - Return LB538 to Select File**

Senator Wayne moved to return LB538 to Select File for the following specific amendment:

AM1973

(Amendments to Final Reading copy)

1. On page 9, line 14, after "pay" insert "to the department for each device in operation in Nebraska"; in line 15 after "dollars" insert "plus six percent of the gross revenue of such device for the preceding twelve-month period if the device was in operation for a period of twelve or more months at the time the annual decal fee is required to be paid.

2. No refunds shall be allowed for any annual decal fees collected by the department. The department may grant an extension for payment of the annual decal fee upon written request of an owner or operator"; and strike beginning with "to" in line 15 through "Nebraska" in line 16.

3. On page 10, strike lines 25 through 28 and insert the following new subsection:

"(11) The department shall remit any application fee collected under subsection (2) of this section to the State Treasurer for credit to the Department of Revenue Enforcement Fund. The department shall remit the annual decal fees collected under subsection (8) of this section to the State Treasurer who shall credit two hundred fifty dollars of each annual decal fee to the Department of Revenue Enforcement Fund and the remainder of each annual decal fee to the Property Tax Credit Cash Fund."

Senator Wayne withdrew his motion to return.
Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB538 with 33 ayes, 7 nays, 7 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 538.

A BILL FOR AN ACT relating to gambling; to amend sections 28-1107, 77-3001, 77-3006, 77-3007, 77-3008, 77-3010, and 77-3011, Reissue Revised Statutes of Nebraska, and section 77-5601, Reissue Revised Statutes of Nebraska, as amended by section 2, Legislative Bill 237, One Hundred Sixth Legislature, First Session, 2019; to change provisions relating to possession of a gambling device; to define and redefine terms under the Mechanical Amusement Device Tax Act; to provide for approval of certain mechanical amusement devices by, and provide duties and powers for, the Department of Revenue as prescribed; to restrict operation of a cash device as prescribed; to provide for the use of certain fees for enforcement; to authorize the manufacture, sale, transport, placement, possession, or entry into transactions involving certain cash devices as prescribed; to provide fees; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Albrecht   Clements   Hansen, M.   Lindstrom   Quick
Arch       Crawford   Hilgers       Linehan     Scheer
Blood      DeBoer     Hilkemann    Lowe        Slama
Bolz       Dorn       Howard       McCollister  Stinner
Bostelman  Friesen   Hughes       McDonnell   Vargas
Brandt     Geist      Hunt         Morfeld     Walz
Briese     Gragert    Kolowski     Moser       Williams
Cavanaugh  Groene     Kolterior    Murman      Wishart
Chambers   Hansen, B. Lathrop     Parsing Brooks

Voting in the negative, 0.

Present and not voting, 3:

Erdman     Halloran   Wayne
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 538A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 538, One Hundred Sixth Legislature, First Session, 2019.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Present and not voting, 2:

- Erdman
- Halloran

Excused and not voting, 3:

- Brewer
- Chambers
- La Grone

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB600 with 35 ayes, 6 nays, 5 present and not voting, and 3 excused and not voting.
The following bill was put upon final passage:

**LEGISLATIVE BILL 600.** With Emergency Clause.

A BILL FOR AN ACT relating to government; to amend sections 43-1311.03, 43-4201, 43-4202, 43-4204, 43-4206, 43-4216, 43-4217, 43-4504, 43-4508, 43-4511.01, 43-4514, 68-1212, and 71-7611, Reissue Revised Statutes of Nebraska, and sections 43-285, 43-4203, 43-4207, 43-4218, 43-4513, 43-4701, and 81-8,244, Revised Statutes Cumulative Supplement, 2018; to change eligibility and hearing requirements for the bridge to independence program; to change and eliminate legislative findings, declarations, and intent relating to the Nebraska Children's Commission; to provide, change, and eliminate provisions relating to the administration, membership, and duties of the commission; to eliminate a termination date; to state intent regarding funding; to provide, change, and eliminate duties of the Department of Health and Human Services and the Office of Probation Administration related to the commission; to change and eliminate reporting requirements; to eliminate certain duties of the Bridge to Independence Advisory Committee; to eliminate obsolete provisions; to change transfers of funds affecting the Nebraska Health Care Cash Fund; to change provisions relating to the authority of the deputy public counsel for institutions; to eliminate provisions relating to legislative findings and intent regarding foster care; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal sections 43-4205, 43-4208, 43-4209, 43-4210, 43-4211, 43-4213, and 43-4214, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?""

Voting in the affirmative, 39:

Blood    DeBoer    Howard    Lowe    Slama
Bolz    Dorn    Hunt    McCollister    Stinner
Bostelman    Friesen    Kolowski    McDonnell    Vargas
Brandt    Gragert    Kolterman    Morfeld    Walz
Briese    Hansen, B.    La Grone    Murman    Wayne
Cavanaugh    Hansen, M.    Lathrop    Fanning    Brooks    Williams
Clements    Hilgers    Lindstrom    Quick    Wishart
Crawford    Hilkemann    Linehan    Scheer

Voting in the negative, 0.

Present and not voting, 8:

Albrecht    Erdman    Groene    Hughes
Arch    Geist    Halloran    Moser
A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 600A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 600, One Hundred Sixth Legislature, First Session, 2019; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 35:

Blood  DeBoer  Hilkemann  McCollister  Slama
Bolz  Dorn  Howard  McDonnell  Stinner
Bostelman  Friesen  Hunt  Morfeld  Vargas
Brandt  Gragert  Kolterman  Murman  Walz
Briese  Hansen, B.  La Grone  Pansing  Brooks  Wayne
Cavanaugh  Hansen, M.  Lathrop  Quick  Williams
Crawford  Hilgers  Lindstrom  Scheer  Wishart

Voting in the negative, 0.

Present and not voting, 12:

Albrecht  Erdman  Halloran  Linehan
Arch  Geist  Hughes  Lowe
Clements  Groene  Kolowski  Moser

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 641.**

A BILL FOR AN ACT relating to health and human services; to amend section 71-7611, Reissue Revised Statutes of Nebraska; to define 211 Information and Referral Network; to provide for grants; to create a fund; to
change provisions relating to transfers to and from the Nebraska Health Care Cash Fund; to state intent; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 41:

Arch       Dorn       Hilkemann       McCollister       Vargas
Blood      Friesen     Hughes        McDonnell        Walz
Bolz       Geist       Hunt          Morfeld          Wayne
Bostelman  Gragert     Kolowski      Murman           Williams
Brandt     Groene      Koltermann    Pansing          Brooks Wishart
Briese     Halloran    La Grone      Quick
Cavanaugh  Hansen, B.  Lathrop       Scheer
Crawford   Hansen, M.  Lindstrom     Slama
DeBoer     Hilgers     Linehan       Stinner

Voting in the negative, 0.

Present and not voting, 6:

Albrecht   Erdman      Lowe
Clements   Howard      Moser

Excused and not voting, 2:

Brewer     Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 641A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 641, One Hundred Sixth Legislature, First Session, 2019.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 40:
Voting in the negative, 0.

Present and not voting, 7:

Albrecht   Erdman   Howard   Moser
Clements   Groene   Lowe

Excused and not voting, 2:

Brewer   Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 62.**

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-503.02, Reissue Revised Statutes of Nebraska; to provide for distribution of information regarding and treatment of trichomoniasis; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Albrecht   DeBoer   Hilgers   Linehan   Slama
Arch      Dorn      Hilkemann  Linehan   Stinner
Blood     Erdman    Howard     McCollister Vargas
Bolz      Friesen   Hughes     McDonnell Vargas
Bostelman Geist     Hunt       McDonnell Walz
Brandt    Gragert   Kolowski   Morfeld   Wayne
Briese    Halloran  Koltermann Murman   Wayne
Cavanaugh Hansen, B. La Grone Pansing Brooks Williams
Crawford  Hansen, M. Lathrop   Quick   Wishart

Voting in the negative, 0.

Excused and not voting, 2:
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 123.**

A BILL FOR AN ACT relating to the Taxpayer Transparency Act; to amend section 84-602.04, Revised Statutes Cumulative Supplement, 2018; to add an exemption from data base requirements for certain contracts as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

- Groene

Excused and not voting, 2:

- Brewer
- Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 135.**

A BILL FOR AN ACT relating to the Emergency Medical Services Practice Act; to amend section 38-1220, Reissue Revised Statutes of Nebraska; to change provisions relating to an exemption from licensing requirements; and to repeal the original section.
EIGHTY-FIRST DAY - MAY 23, 2019

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

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Voting in the negative, 0.

Present and not voting, 5:

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Excused and not voting, 2:

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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 220.**

A BILL FOR AN ACT relating to the Commission for the Blind and Visually Impaired Act; to amend sections 71-8607 and 71-8611, Reissue Revised Statutes of Nebraska; to adopt changes to federal law regarding vending facility programs; to change provisions relating to priority status for blind persons operating vending facilities on state property; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:
Albrecht  Crawford  Hansen, B.  La Grone  Quick
Arch  DeBoer  Hansen, M.  Lathrop  Scheer
Blood  Dorn  Hilgers  Lindstrom  Slama
Bolz  Erdman  Hilkemann  McCollister  Stinner
Bostelman  Friesen  Howard  McDonnell  Vargas
Brandt  Geist  Hughes  Morfeld  Walz
Briese  Gragert  Hunt  Moser  Wayne
Cavanaugh  Groene  Kolowski  Murman  Williams
Clements  Halloran  Kolterman  Pansing Brooks  Wishart

Voting in the negative, 0.

Present and not voting, 2:

Linehan  Lowe

Excused and not voting, 2:

Brewer  Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 244.** With Emergency Clause.

A BILL FOR AN ACT relating to the Massage Therapy Practice Act; to amend sections 38-1701, 38-1702, 38-1707, and 38-1715, Reissue Revised Statutes of Nebraska; to provide for mobile massage therapy establishments; to define and redefine terms; to provide for licensure; to change powers and duties; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

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

Voting in the negative, 0.
Present and not voting, 2:

Kolterman Stinner

Excused and not voting, 2:

Brewer Chambers

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 248.**

A BILL FOR AN ACT relating to deaf or hard of hearing persons; to amend sections 20-126, 20-128, 20-131.01, 20-131.04, 28-1009.01, 71-4720, and 83-101.14, Reissue Revised Statutes of Nebraska; to change terminology relating to hearing-impaired persons; to remove obsolete provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Brewer Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 260.**

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-974, Reissue Revised Statutes of Nebraska; to change provisions
relating to recovery audit contractors and a health insurance premium assistance payment program; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Present and not voting, 2:

Clements Linehan

Excused and not voting, 2:

Brewer Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 281.

A BILL FOR AN ACT relating to schools; to provide for posting a child abuse or neglect statewide toll-free number as prescribed; and to provide for creation of a poster.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:
EIGHTY-FIRST DAY - MAY 23, 2019

Voting in the negative, 0.

Present and not voting, 2:

Erdman Lowe

Excused and not voting, 2:

Brewer Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 308.**

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-217 and 25-516.01, Reissue Revised Statutes of Nebraska; to change provisions relating to commencement of actions, voluntary appearances, and waivers of defenses as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

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Voting in the negative, 0.

Excused and not voting, 2:

Excused and not voting, 2:
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 315.**

A BILL FOR AN ACT relating to taxation; to amend sections 77-2002 and 77-2018.02, Reissue Revised Statutes of Nebraska; to provide an exemption relating to life insurance proceeds; to change provisions relating to certain inheritance tax proceedings; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, "Shall the bill pass?""

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Brewer Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 374.**

A BILL FOR AN ACT relating to the Game Law; to amend sections 37-202, 37-497, and 37-498, Reissue Revised Statutes of Nebraska, and section 37-201, Revised Statutes Cumulative Supplement, 2018; to define a term; to change provisions relating to falconry permits; to provide for raptor permits for wildlife abatement; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, "Shall the bill pass?""
EIGHTY-FIRST DAY - MAY 23, 2019

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Brewer      Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 392.

A BILL FOR AN ACT relating to the Nebraska Evidence Rules; to amend section 27-801, Reissue Revised Statutes of Nebraska; to change provisions relating to hearsay; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 414.**

A BILL FOR AN ACT relating to county highway superintendents; to amend section 39-1508, Reissue Revised Statutes of Nebraska; to change duties as prescribed; to eliminate an annual report requirement; to repeal the original section; and to outright repeal section 39-1512, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

- Brewer
- Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 427.**

A BILL FOR AN ACT relating to children; to amend section 42-377, Reissue Revised Statutes of Nebraska; to change terminology relating to legitimacy of children; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 40:
EIGHTY-FIRST DAY - MAY 23, 2019

LEGISLATIVE BILL 447.

A BILL FOR AN ACT relating to the Nebraska State Historical Society; to amend section 82-101.01, Reissue Revised Statutes of Nebraska, and section 81-1316, Revised Statutes Cumulative Supplement, 2018; to exempt certain employees of the Nebraska State Historical Society from the State Personnel System; to change provisions relating to election of the board of trustees of the Nebraska State Historical Society; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

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Voting in the negative, 3:

| Clements | Erdman | Murman  |

Present and not voting, 4:

| Arch     | Halloran | Lowe  | Moser  |

Excused and not voting, 2:

| Brewer | Chambers  |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.
Voting in the negative, 0.

Present and not voting, 1:

Kolterman

Excused and not voting, 2:

Brewer Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 447A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 447, One Hundred Sixth Legislature, First Session, 2019.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Brewer Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 454.**

A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to amend section 81-885.13, Revised Statutes Cumulative Supplement, 2018; to change education requirements for issuance of a broker's or salesperson's
license; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Brewer      Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 476.**

A BILL FOR AN ACT relating to metropolitan utilities districts; to amend sections 14-2138 and 14-2139, Revised Statutes Cumulative Supplement, 2018; to eliminate a sunset provision relating to certain retail sales of natural gas as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Albrecht    Crawford  Hilgers    Lindstrom Quick
Arch        DeBoer    Hilkemann Linehan Scheer
Blood       Dorn      Howard     Lowe      Slama
Bolz        Friesen   Hughes     McCollister Stinner
Bostelman   Geist     Hunt       McDonnell Vargas
Brandt      Gragert   Kolowski   Morfeld   Walz
Briese      Groene    Kolterman  Moser     Wayne
Cavanaugh   Hansen, B. La Grone Murman    Williams
Clements    Hansen, M. Lathrop   Pansing   Brooks Wishart
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 505.**

A BILL FOR AN ACT relating to support order payments; to amend section 43-3342.03, Reissue Revised Statutes of Nebraska; to change provisions relating to forwarded and returned payments, collection expenses, and the State Disbursement Unit; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

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Voting in the negative, 0.

Present and not voting, 1:

Hilkemann

Excused and not voting, 2:

Brewer Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.
LEGISLATIVE BILL 525.

A BILL FOR AN ACT relating to county government; to amend sections 23-107.01 and 23-174.03, Reissue Revised Statutes of Nebraska; to change provisions relating to the sale of county real estate; to provide for transfer of an interest in real estate by a plat as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'" 

Voting in the affirmative, 45:

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Voting in the negative, 0.

Present and not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 559.

A BILL FOR AN ACT relating to the State Anatomical Board; to amend sections 71-1001, 71-1003, 71-1004, and 71-1007, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to the State Anatomical Board; to harmonize provisions; to repeal the original sections; and to outright repeal sections 71-1002, 71-1005, and 71-1006, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'" 

Voting in the affirmative, 43:
Voting in the negative, 0.

Present and not voting, 4:

Cavanaugh  Dorn  Groene  Hansen, M.

Excused and not voting, 2:

Brewer  Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**MOTION(S) - Return LB561 to Select File**

Senator Cavanaugh moved to return LB561 to Select File for the following specific amendment:

FA85

Strike the enacting clause.

Senator Cavanaugh withdrew her motion to return.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 561.**

A BILL FOR AN ACT relating to the Legislative Performance Audit Act; to amend sections 50-1204 and 50-1205.01, Revised Statutes Cumulative Supplement, 2018; to adopt updated audit standards; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:
EIGHTY-FIRST DAY - MAY 23, 2019

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

Voting in the negative, 0.
Present and not voting, 2:

Howard Morfeld

Excused and not voting, 2:

Brewer Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 564.

A BILL FOR AN ACT relating to municipalities; to amend sections 13-2702, 13-2703, 13-2704, 13-2704.01, 13-2705, 13-2707, and 13-2707.01, Revised Statutes Cumulative Supplement, 2018; to change the Civic and Community Center Financing Act; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

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

Voting in the negative, 0.

Present and not voting, 4:
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 571.

A BILL FOR AN ACT relating to the Assisted-Living Facility Act; to amend section 71-5901, Reissue Revised Statutes of Nebraska; to define terms; to require assisted-living facilities to provide grievance procedures to the Department of Health and Human Services as prescribed; to provide a duty for the department; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

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

Voting in the negative, 0.

Present and not voting, 5:

Kolowski Lowe Morfeld Vargas Wayne

Excused and not voting, 2:

Brewer Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.
LEGISLATIVE BILL 571A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 571, One Hundred Sixth Legislature, First Session, 2019.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 40:

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Voting in the negative, 0.

Present and not voting, 7:

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Excused and not voting, 2:

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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 609.

A BILL FOR AN ACT relating to county and local government; to amend sections 23-1112 and 23-1112.01, Reissue Revised Statutes of Nebraska, and section 13-2203, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to reimbursement of mileage and travel expenses; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:
Voting in the negative, 0.

Present and not voting, 2:

Erdman Howard

Excused and not voting, 2:

Brewer Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION(S) - Return LB719 to Select File

Senator Pansing Brooks moved to return LB719 to Select File for the following specific amendment:

FA86
Strike the enacting clause.

Senator Pansing Brooks withdrew her motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 719.

A BILL FOR AN ACT relating to the Motor Vehicles Certificate of Title Act; to amend section 60-169, Revised Statutes Cumulative Supplement, 2018; to require the reporting of certain information related to certificates of title; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:
Voting in the negative, 0.

Present and not voting, 1:

Groene

Excused and not voting, 2:

Brewer Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION(S) - Return LB719A to Select File

Senator Cavanaugh moved to return LB719A to Select File for the following specific amendment:
FA87
Strike the enacting clause.

Senator Cavanaugh withdrew her motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 719A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 719, One Hundred Sixth Legislature, First Session, 2019.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:
Voting in the negative, 0.

Present and not voting, 3:

Clements Groene Howard

Excused and not voting, 2:

Brewer Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 726.**

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-901, Revised Statutes Supplement, 2017, as amended by section 1, Initiative Law 2018, No. 427; to require a protocol for individuals eligible for medical parole; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 39:

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

Voting in the negative, 0.

Present and not voting, 8:
Excused and not voting, 2:

Brewer        Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 15, 218, 309, 538, 538A, 600, 600A, 641, 641A, 62, 123, 135, 220, 244, 248, 260, 281, 308, 315, 374, 392, 414, 427, 447, 447A, 454, 476, 505, 525, 559, 561, 564, 571, 571A, 609, 719, 719A, and 726.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 209.** Placed on Final Reading.

ST39

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

1. In the E&R amendments, ER105, on page 1, lines 2 and 4, "and 28-345" has been struck and "28-345, and 28-806" inserted; and in line 9 ",; to change provisions relating to public indecency" has been inserted after "prescribed".
2. On page 1, line 1, "abortion" has been struck and "crimes and offenses" inserted.

**LEGISLATIVE BILL 470A.** Placed on Final Reading Second.

(Signed) Julie Slama, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 259.** Introduced by Brewer, 43.

WHEREAS, the Niobrara National Scenic River is a seventy-six mile portion of the Niobrara River designated by Congress for preservation in 1991; and

WHEREAS, less than one quarter of one percent of rivers in the United States are designated under the National Wild and Scenic Rivers System; and

WHEREAS, the designation as a scenic river, and the continued preservation and popularity of the Niobrara River, was made possible by
organizations such as the Friends of the Niobrara and their president Bruce Kennedy; and
WHEREAS, the Niobrara Council Office and the Niobrara Visitor Center and Headquarters Office for the Niobrara National Scenic River is located in Valentine; and
WHEREAS, the United States Postal Service is celebrating the Niobrara River through the issuance of 2019 forever stamps in the Wild and Scenic Rivers collection featuring a photo taken by Michael Melford; and
WHEREAS, the Niobrara National Scenic River is one of twelve waterways to be commemorated in the Wild and Scenic Rivers postage stamp collection.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates the Niobrara Council Office and the Niobrara Visitor Center and Headquarters Office for the Niobrara National Scenic River for its outstanding dedicated service and for being recognized by the United States Postal Service through its Wild and Scenic Rivers stamp collection.
2. That copies of this resolution be sent to the Niobrara Council, Bruce Kennedy, Michael Melford, and the post office in Valentine.

Laid over.

LEGISLATIVE RESOLUTION 260. Introduced by Walz, 15.

WHEREAS, the Fremont High School boys' track and field team won the 2019 Class A Boys State Track and Field Championships; and
WHEREAS, the Fremont Tiger's boys' track team exemplified outstanding teamwork and dedication; and
WHEREAS, the coaches of the Fremont Tiger's boys' track team, Head Coach Dave Sellon, Coach Ben Zuch, Coach Beth McMahon, Coach Sean McMahon, Coach Seth McClain, and Coach Tony Weinanbt, are leaders and mentors for the team; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates the Fremont High School boys track and field team members for their outstanding accomplishments at the 2019 Boys State Track and Field Championships.
2. That copies of this resolution be sent to Fremont High School, Head Coach Dave Sellon, Coach Ben Zuch, Coach Beth McMahon, Coach Sean McMahon, Coach Seth McClain, and Coach Tony Weinanbt.

Laid over.
LEGISLATIVE RESOLUTION 261. Introduced by Erdman, 47.

WHEREAS, William H. Sydow was born in Rushville, Nebraska, in 1953 and grew up on a small family farm; and
WHEREAS, William H. Sydow earned a bachelor of science degree in Geological Engineering from the South Dakota School of Mines and Technology in 1976; and
WHEREAS, William H. Sydow began his career in petroleum engineering with Amoco Production Company in Riverton, Wyoming; and
WHEREAS, William H. Sydow helped found Barrick Exploration Company in 1981, serving as the company's Vice-President of Exploration; and
WHEREAS, William H. Sydow worked for King Ranch Oil for six years, serving as the company's Exploration Manager and Production Manager, establishing the company's offshore operations in the Gulf of Mexico; and
WHEREAS, William H. Sydow is a member of the Society of Petroleum Engineers and the American Association of Petroleum Geologists; and
WHEREAS, William H. Sydow has served for 25 years as Director of the Nebraska Oil and Gas Conservation Commission; and
WHEREAS, William H. Sydow was honored in May 2014 for his service to the Interstate Oil and Gas Compact Commission by being presented with the E. W. Marland Award; and
WHEREAS, William H. Sydow resides in Sidney, Nebraska, with his wife, Karen, who helped him raise two children, Ed and Jennifer; and
WHEREAS, William H. Sydow is an active member of the Evangelical Free Church of Sidney; and
WHEREAS, William H. Sydow continues to serve on the Cheyenne County Planning and Zoning Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature recognizes the excellent service of William H. Sydow to the State of Nebraska and honors him as an outstanding citizen, husband, and father.
2. That a copy of this resolution be sent to William H. Sydow.

Laid over.

COMMITTEE REPORT(S)
Judiciary

LEGISLATIVE BILL 132. Placed on General File.
LEGISLATIVE BILL 133. Placed on General File.
LEGISLATIVE BILL 238. Placed on General File.

LEGISLATIVE BILL 131. Placed on General File with amendment.
AM1549
1 1. Strike the original sections and insert the following new
2 sections:
Section 1. Section 29-2204, Revised Statutes Cumulative Supplement, 2018, is amended to read:

29-2204 (1) Except when a term of life imprisonment is required by the court, in imposing a sentence upon an offender for any class of felony other than a Class III, IIIA, or IV felony, the court shall fix the minimum and the maximum terms of the sentence to be served within the limits provided by law. The maximum term shall not be greater than the minimum limit provided by law, and:

(a) The minimum term fixed by the court shall be any term of years no more than half of the maximum term imposed by the court; or

(b) The minimum term shall be the minimum limit provided by law.

(2) When a maximum term of life is imposed by the court for a Class IB felony, the minimum term fixed by the court shall be any term of years not less than the minimum limit provided by law.

(3) When a maximum term of life is imposed by the court for a Class IA felony, the minimum term fixed by the court shall be:

(a) A term of life imprisonment; or

(b) Any term of years not less than the minimum limit provided by law after consideration of the mitigating factors in section 28-105.02, if the defendant was under eighteen years of age at the time he or she committed the crime for which he or she was convicted.

(4) When the court is of the opinion that imprisonment may be appropriate but desires more detailed information as a basis for determining the sentence to be imposed than has been provided by the presentence report required by section 29-2261, the court may commit an offender to the Department of Correctional Services. During that time, the department shall conduct a complete study of the offender as provided in section 29-2204.03.

(5) Except when a term of life is required by law, whenever the defendant was under eighteen years of age at the time he or she committed the crime for which he or she was convicted, the court may, in its discretion, instead of imposing the penalty provided for the crime, make such disposition of the defendant as the court deems proper under the Nebraska Juvenile Code.

(6)(a) When imposing an indeterminate sentence upon an offender under this section, the court shall:

(i) Advise the offender on the record the time the offender will serve on his or her minimum term before attaining parole eligibility assuming that no good time for which the offender will be eligible is lost; and

(ii) Advise the offender on the record the time the offender will serve on his or her maximum term before attaining mandatory release assuming that no good time for which the offender will be eligible is lost.

(b) If any discrepancy exists between the statement of the minimum limit of the sentence and the statement of parole eligibility or between the statement of the maximum limit of the sentence and the statement of mandatory release, the statements of the minimum limit and the maximum
25 limit shall control the calculation of the offender's term.
26 (c) If the court imposes more than one sentence upon an offender or
27 imposes a sentence upon an offender who is at that time serving another
28 sentence, the court shall state whether the sentences are to be
29 concurrent or consecutive.
30 Sec. 2. Original section 29-2204, Revised Statutes Cumulative
31 Supplement, 2018, is repealed.

LEGISLATIVE BILL 369. Placed on General File with amendment.
AM1126
1 1. On page 3, strike lines 7 through 10 and insert:
2 "(c) A written copy of minutes of any public meeting pertaining to
3 the agreement as provided in section 84-1413.".

LEGISLATIVE BILL 388. Placed on General File with amendment.
AM803 is available in the Bill Room.

(Signed) Steve Lathrop, Chairperson

VISITOR(S)

Visitors to the Chamber were disaster relief personnel Jeanne Savoy, LaKeivea Warren, and Tara Walker from Louisiana, Erika Hughes and Elizabeth Melton from South Carolina, and Bryan Tuma from the Nebraska Emergency Management Agency; Cristine Prentice and Virginia Hill; and Iowa State Representative Mary Ann Hanusa and her husband, Charlie Johnson.

ADJOURNMENT

At 5:13 p.m., on a motion by Senator Hilkemann, the Legislature adjourned until 9:00 a.m., Friday, May 24, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
EIGHTY-SECOND DAY - MAY 24, 2019

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

EIGHTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Friday, May 24, 2019

PRAYER

The prayer was offered by Reverend Steven Peeler, Lutheran Church of the Good Shepherd, Hastings.

ROLL CALL

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

The roll was called and all members were present except Senator Brewer who was excused; and Senator Briese who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-first day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 23, 2019, at 5:15 p.m. were the following: LBs 15, 218e, 309, 358, 538A, 600e, 600Ae, 641, 641A, 62, 123, 135, 220, 244e, 248, 260, 281, 308, 315, 374, 392, 414, 427, 447, 447A, 454, 476, 505, 525, 559, 561, 564, 571, 571A, 609, 719, 719A, and 726.

(Signed) Laura Gerkin
Clerk of the Legislature's Office

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of May 23, 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

Richards, Thomas
Omaha Public Power District (Withdrawn 05/21/2019)
Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at: http://www.nebraskalegislature.gov/agencies/view.php

AMENDMENT(S) - Print in Journal

Senator Stinner filed the following amendment to LR257:

AM1974
1 1. Strike the original provisions and insert the following new
2 provisions:
3 WHEREAS, the Nebraska Association of Former State Legislators has
4 offered a gift of labor and materials to restore the gardens of the
5 Capitol Courtyards; and
6 WHEREAS, the gift of labor and materials will be used to restore the
7 gardens to the original design by Ernst Herminghaus with modifications
8 agreed to by the State Capitol Administrator; and
9 WHEREAS, the installation of the gardens, including irrigation and
10 drainage systems, plants, and other improvements within the courtyards of
11 the State Capitol, will be accomplished by the funding provided by the
12 gift and ongoing maintenance will be supported with amounts to be made
13 available by the Nebraska Association of Former State Legislators; and
14 WHEREAS, the Nebraska Association of Former State Legislators and
15 the Office of the Nebraska Capitol Commission have entered into a
16 Memorandum of Understanding for Nebraska Capitol Courtyard Gardens
17 Restoration which provides, among other specifications, that the State
18 Capitol Administrator will provide oversight and supervise the work to be
19 performed; and
20 WHEREAS, restoring the gardens within the courtyards of the State
21 Capitol will provide an investment in the real property of the State of
22 Nebraska which will be for the benefit of the people of the State of
23 Nebraska; and
24 WHEREAS, the Appropriations Committee of the Legislature held a
25 public hearing on this matter on May 23, 2019.
26 NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED
27 SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1 1. That pursuant to section 81-1108.33 the Legislature approves the
2 gift of labor and materials from the Nebraska Association of Former State
3 Legislators for the restoration of the gardens of the State Capitol
4 Courtyards.
5 2. That such approval is granted with the understanding that the
6 gift will be implemented in accordance with the Memorandum of
7 Understanding for Nebraska Capitol Courtyard Gardens Restoration.
REFERENCE COMMITTEE REPORT

2019 Resolutions calling for an Interim Study

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<td>LR63</td>
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<td>Interim study to provide for presentation of reports by all political subdivisions with underefunded defined benefit plans</td>
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<td>LR87</td>
<td>Interim study to continue the work of the select interim committee created in LR437, 2018, to examine possible improvements to the standing committee system</td>
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<td>LR88</td>
<td>Interim study to examine issues related to grandparents raising grandchildren and other kinship family relationships</td>
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<td>Interim study to examine the processes for adopting, promulgating, and eliminating rules and regulations in Nebraska and in other states</td>
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<td>LR94</td>
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<td>Interim study to examine the long-term public power generation and transmission options in the state</td>
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<td>LR98</td>
<td>Interim study to examine the special designated license issued by the Nebraska Liquor Control Commission and review potential reforms</td>
<td>General Affairs</td>
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<td>Bill Number</td>
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<td>LR103</td>
<td>Interim study to review staffing concerns including, but not limited to, staff retention at the Beatrice State Developmental Center, the Lincoln Regional Center, the Youth Rehabilitation and Treatment Center-Geneva, and the Youth Rehabilitation and Treatment Center-Kearney</td>
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<td>LR105</td>
<td>Interim study to investigate the eligibility requirements applied to children with disabilities for coverage under the Medical Assistance Act</td>
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<td>Interim study to review the Boiler Safety Code Advisory Board and occupational regulations for boiler inspectors</td>
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<td>Interim study to examine the statutes governing cities of the primary class</td>
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<td>Interim study to examine existing anti-discrimination employment related laws to ensure they are advancing the public policy of Nebraska</td>
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<td>LR114</td>
<td>Interim study to examine conditions under which the board of directors of the Nebraska Cooperative Republican Platte Enhancement Project and the Rock Creek augmentation project may dispose of real property each owns related to the projects</td>
<td>Natural Resources</td>
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<td>LR115</td>
<td>Interim study to examine the Nebraska Banking Act, the Securities Act of Nebraska, and other laws within the jurisdiction of the Dept. of Banking and Finance to determine the need to update such laws</td>
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<td>LR123</td>
<td>Interim study to assess the readiness of the Dept. of Correctional Services to implement Laws 2018, LB258, by its operative date of July 1, 2020, regarding obtaining a state identification card or renewing a driver's license</td>
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<td>Interim study to examine the practices for juvenile interrogations by law enforcement and potential improvements to protect the rights of juveniles and the safety of the public</td>
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<td>Interim study to examine issues related to urban development in municipalities</td>
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<td>Interim study to examine the drug testing protocol recently changed by the Division of Children and Family Services for families involved in the child welfare system</td>
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<td>Interim study to identify for adoption by the Legislature three to five infrastructure project opportunities in eastern Nebraska to provide flood control, a reliable drinking water supply, power generation, climate change mitigation, and recreation</td>
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<tr>
<td>LR201</td>
<td>Interim study to examine the role truancy plays in the school-to-prison pipeline and explore possible alternatives to reduce truancy</td>
<td>Judiciary</td>
</tr>
<tr>
<td>LR202</td>
<td>Interim study to examine the use and administration of the Nebraska housing tax credit</td>
<td>Revenue</td>
</tr>
<tr>
<td>LR204</td>
<td>Interim study to examine issues under the jurisdiction of the Judiciary Committee</td>
<td>Judiciary</td>
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<tr>
<td>LR205</td>
<td>Interim study to examine issues related to child custody proceedings and parenting time determinations for families of divorce</td>
<td>Judiciary</td>
</tr>
<tr>
<td>LR206</td>
<td>Interim study to examine options for the elimination of cash bail, appearance bonds, and related provisions, and examine risk assessment tools for pretrial release, post-conviction custody, and supervision status determinations</td>
<td>Judiciary</td>
</tr>
<tr>
<td>LR207</td>
<td>Interim study to examine the possible elimination of various exemptions of goods and exclusions of services under Nebraska's sales and use tax laws</td>
<td>Revenue</td>
</tr>
<tr>
<td>LR208</td>
<td>Interim study to examine state and school district policies that relate to maintaining a safe and positive school learning environment</td>
<td>Education</td>
</tr>
<tr>
<td>LR209</td>
<td>Interim study to examine state and federal funding options for existing and potential research by the University of Nebraska on local, state, and global water management systems</td>
<td>Appropriations</td>
</tr>
<tr>
<td>LR210</td>
<td>Interim study to analyze programs and agencies that are active in addressing workforce and talent shortages, and identify options to assist in filling vacant high-wage, high-demand, and high-skill jobs</td>
<td>Appropriations</td>
</tr>
<tr>
<td>LR211</td>
<td>Interim study to examine alternatives for funding the Nebraska Tree Recovery Program</td>
<td>Appropriations</td>
</tr>
<tr>
<td>LR212</td>
<td>Interim study to assess the financial position of the Nebraska Brand Committee and to identify core operational needs and opportunities for efficiency improvement</td>
<td>Appropriations</td>
</tr>
<tr>
<td>LR213</td>
<td>Interim study to examine potential solutions and approaches to benefits traditionally enjoyed by workers in an employer-employee relationship</td>
<td>Business and Labor</td>
</tr>
<tr>
<td>LR214</td>
<td>Interim study to examine issues that surround the engagement, attraction, and retention of youth in Nebraska</td>
<td>Education</td>
</tr>
<tr>
<td>LR215</td>
<td>Interim study to examine the Nebraska Lottery and Raffle Act</td>
<td>General Affairs</td>
</tr>
<tr>
<td>LR216</td>
<td>Interim study to examine funding priorities for the medicaid home and community-based services waivers under the Developmental Disabilities Services Act</td>
<td>Health and Human Services</td>
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<tr>
<td>LR217</td>
<td>Interim study to examine the feasibility of developing a process for the preparation and consideration of racial impact statements on legislation</td>
<td>Executive Board</td>
</tr>
<tr>
<td>LR218</td>
<td>Interim study to review the resources of the Dept. of Agriculture and state government to respond to natural disasters</td>
<td>Agriculture</td>
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<tr>
<td>LR219</td>
<td>Interim study to identify constraints on agricultural processing, production, and marketing investment</td>
<td>Agriculture</td>
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<tr>
<td>LR220</td>
<td>Interim study to review provisions governing carcass disposal requirements and options</td>
<td>Agriculture</td>
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<tr>
<td>LR221</td>
<td>Interim study to review the resources and authorities of the Dept. of Agriculture regarding livestock disease prevention and response</td>
<td>Agriculture</td>
</tr>
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<td>LR222</td>
<td>Interim study to review the status of the implementation of the electronic brand document and reporting system by the Nebraska Brand Committee</td>
<td>Agriculture</td>
</tr>
<tr>
<td>LR223</td>
<td>Interim study to appoint a select committee to carry out a comprehensive study of incarceration and mental health services in Nebraska</td>
<td>Executive Board</td>
</tr>
<tr>
<td>LR224</td>
<td>Interim study to examine the civil legal service needs of low-income residents</td>
<td>Judiciary</td>
</tr>
<tr>
<td>LR226</td>
<td>Interim study to examine and assess prescribing practices of health care providers related to opioids and the effectiveness of Nebraska's prescription drug monitoring program</td>
<td>Health and Human Services</td>
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<tr>
<td>LR227</td>
<td>Interim study to examine the future of nuclear-generated electricity in Nebraska</td>
<td>Natural Resources</td>
</tr>
<tr>
<td>LR228</td>
<td>Interim study to examine the potential effects of implementing a flat-rate income tax</td>
<td>Revenue</td>
</tr>
<tr>
<td>LR229</td>
<td>Interim study to examine the rate of interest permissible on installment loans under the Nebraska Installment Loan Act</td>
<td>Banking, Commerce and Insurance</td>
</tr>
<tr>
<td>LR231</td>
<td>Interim study to examine whether electrician licensing requirements and building regulations need to be changed to support economic development</td>
<td>General Affairs</td>
</tr>
<tr>
<td>LR232</td>
<td>Interim study to examine the processes and procedures used in the assessment and valuation of real property and in appeals before the Tax Equalization and Review Commission</td>
<td>Revenue</td>
</tr>
<tr>
<td>LR233</td>
<td>Interim study to examine fingerprint collection and national criminal history record information checks for employees of child care facilities and child-caring agencies</td>
<td>Health and Human Services</td>
</tr>
<tr>
<td>LR234</td>
<td>Interim study to track rate increases appropriated for behavioral health providers to ensure that legislative intent is followed and the rate increases are funded</td>
<td>Appropriations</td>
</tr>
<tr>
<td>LR235</td>
<td>Interim study to examine the efficacy of testing and monitoring programs to reduce recidivism for driving under the influence and controlled substances offenses</td>
<td>Judiciary</td>
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<tr>
<td>LR236</td>
<td>Interim study to examine issues related to juvenile justice</td>
<td>Judiciary</td>
</tr>
<tr>
<td>LR237</td>
<td>Interim study to examine issues related to Nebraska's correctional system</td>
<td>Judiciary</td>
</tr>
<tr>
<td>LR238</td>
<td>Interim study to assess the rehabilitation and other needs of inmates while in the custody of the Dept. of Correctional Services and while transitioning into the community</td>
<td>Judiciary</td>
</tr>
<tr>
<td>LR239</td>
<td>Interim study to examine non-court-involved cases, including voluntary and alternative response cases, in the child welfare system</td>
<td>Health and Human Services</td>
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<tr>
<td>LR240</td>
<td>Interim study to review municipal rental housing inspection programs</td>
<td>Urban Affairs</td>
</tr>
<tr>
<td>LR241</td>
<td>Interim study to create a select committee to develop an environmental action plan for the state, including assessments of vulnerability, risks, economic impacts, and mitigation strategies</td>
<td>Executive Board</td>
</tr>
<tr>
<td>LR242</td>
<td>Interim study to examine the replacement of Native American mascots in Nebraska at nontribal schools</td>
<td>Education</td>
</tr>
<tr>
<td>LR243</td>
<td>Interim study to examine the practice of medical refusal for contraception, sterilization, or abortion services by health care facilities and providers</td>
<td>Health and Human Services</td>
</tr>
<tr>
<td>LR244</td>
<td>Interim study to examine discrepancies in reimbursement under the medical assistance program between the three Heritage Health managed care plans and the impacts of applying a multiple-procedure payment-reduction policy to therapy services</td>
<td>Health and Human Services</td>
</tr>
<tr>
<td>LR245</td>
<td>Interim study to examine advance planning for mental health care, which is distinct from advance planning for end-of-life care</td>
<td>Judiciary</td>
</tr>
<tr>
<td>LR246</td>
<td>Interim study to examine the Office of Public Guardian</td>
<td>Judiciary</td>
</tr>
<tr>
<td>LR247</td>
<td>Interim study to examine the long-term sustainability of recurring election technology replacement</td>
<td>Government, Military and Veterans Affairs</td>
</tr>
<tr>
<td>LR248</td>
<td>Interim study to analyze and assess the arrangement for chemical testing of items seized pursuant to arrests for controlled substances</td>
<td>Judiciary</td>
</tr>
<tr>
<td>LR249</td>
<td>Interim study to examine how the state administers federal Older Americans Act funds</td>
<td>Health and Human Services</td>
</tr>
<tr>
<td>LR250</td>
<td>Interim study to examine programs relating to development and implementation of the plan for providing services to qualified persons with disabilities in the most integrated community-based settings, commonly referred to as the Olmstead Plan</td>
<td>Health and Human Services</td>
</tr>
<tr>
<td>LR251</td>
<td>Interim study to conduct a review of food deserts in Nebraska and make recommendations to increase access to healthy affordable food</td>
<td>Agriculture</td>
</tr>
<tr>
<td>LR252</td>
<td>Interim study to review employment opportunities and barriers to employment for minority and at-risk populations</td>
<td>Business and Labor</td>
</tr>
<tr>
<td>LR253</td>
<td>Interim study to investigate the laws of self-defense and defense of third parties as they apply to the defense of persons victimized by domestic violence and human trafficking</td>
<td>Judiciary</td>
</tr>
</tbody>
</table>

(Signed) Mike Hilgers, Chairperson
Executive Board
BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 533.

A BILL FOR AN ACT relating to marriage; to amend sections 42-103, 42-106, 42-109, and 42-110, Reissue Revised Statutes of Nebraska; to change terminology; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 33:

<table>
<thead>
<tr>
<th>Blood</th>
<th>Dorn</th>
<th>Kolowski</th>
<th>McDonnell</th>
<th>Vargas</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bolz</td>
<td>Geist</td>
<td>Kolterman</td>
<td>Morfeld</td>
<td>Walz</td>
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<tr>
<td>Brandt</td>
<td>Hansen, M.</td>
<td>La Grone</td>
<td>Pansing</td>
<td>Brooks Wayne</td>
</tr>
<tr>
<td>Cavanaugh</td>
<td>Hilgers</td>
<td>Lathrop</td>
<td>Quick</td>
<td>Williams</td>
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<tr>
<td>Chambers</td>
<td>Hilkemann</td>
<td>Lindstrom</td>
<td>Scheer</td>
<td>Wishart</td>
</tr>
<tr>
<td>Crawford</td>
<td>Howard</td>
<td>Linehan</td>
<td>Slama</td>
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</tr>
<tr>
<td>DeBoer</td>
<td>Hunt</td>
<td>McCollister</td>
<td>Stinner</td>
<td></td>
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</tbody>
</table>

Voting in the negative, 8:

<table>
<thead>
<tr>
<th>Albrecht</th>
<th>Clements</th>
<th>Halloran</th>
<th>Moser</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bostelman</td>
<td>Erdman</td>
<td>Lowe</td>
<td>Murman</td>
</tr>
</tbody>
</table>

Present and not voting, 6:

<table>
<thead>
<tr>
<th>Arch</th>
<th>Gragert</th>
<th>Hansen, B.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Friesen</td>
<td>Groene</td>
<td>Hughes</td>
</tr>
</tbody>
</table>

Excused and not voting, 2:

<table>
<thead>
<tr>
<th>Brewer</th>
<th>Briese</th>
</tr>
</thead>
</table>

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SELECT FILE

LEGISLATIVE BILL 436. ER135, found on page 1760, was offered.

ER135 was adopted.

Senator Chambers offered the following motion:

MO106
Bracket until May 31, 2019.
Senator Chambers moved for a call of the house. The motion prevailed with 12 ayes, 4 nays, and 33 not voting.

Senator Chambers requested a roll call vote on the motion to bracket.

Voting in the affirmative, 1:

Erdman

Voting in the negative, 46:

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

Excused and not voting, 2:

Brewer Morfeld

The Chambers motion to bracket failed with 1 aye, 46 nays, and 2 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO107
Reconsider the vote taken to bracket.

Senator Chambers asked unanimous consent to withdraw his motion to reconsider the vote to bracket. No objections. So ordered.

Advanced to Enrollment and Review for Engrossment.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LB533.
Senator Stinner offered the following amendment:

AM1975

(Amendments to E&R amendments, ER136)

1 1. Strike section 88 and insert the following new sections:
2 Sec. 88.  Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 7 and 90 of this act become operative on January 1, 2020. The other sections of this act become operative on their effective date.
3 Sec. 91.  Original section 84-612, Revised Statutes Cumulative Supplement, 2018, is repealed.
4 Sec. 92.  Since an emergency exists, this act takes effect when passed and approved according to law.
5 2. On page 2, line 8, after the period insert "For purposes of this section, only full-time employees, as defined and described in section 4980H of the Internal Revenue Code of 1986, as amended, and the regulations for such section, shall be included in the calculation of total hours paid."
6 3. On page 4, strike beginning with the second "the" in line 22 through "or" in line 25.
7 4. On page 41, after line 12 insert the following new subsection:
8 "(3)(a) In addition to the estimates required under subsection (1) of this section, the Department of Economic Development shall, on or before the fifteenth day of October and February of every year, make an estimate of the amount of sales and use tax refunds to be paid and tax credits to be used under the ImagiNE Nebraska Act for each of the upcoming three calendar years and shall report such estimate electronically to the Legislature. The estimate shall be based on the most recent data available, including pending and approved applications and updates thereof as required by subdivision (1)(f) of section 29 of this act. If the estimate for any such calendar year exceeds the base authority:
9 (i) The Department of Economic Development shall prepare an analysis explaining why the estimate exceeds the base authority. The department shall include such analysis in the report it submits to the Legislature under this subsection; and
10 (ii) The director shall not approve any additional applications under the ImagiNE Nebraska Act that would include refunds or credits in the calendar year in which the base authority is projected to be exceeded unless the director requests additional authority from the Executive Board of the Legislative Council and the executive board approves such request.
11 (b) For purposes of this subsection, the base authority shall be
equal to one hundred twenty-five million dollars for calendar years 2020 through 2023. Beginning with calendar year 2024 and every three years thereafter, the director shall adjust the base authority to an amount equal to three percent of the actual General Fund gross receipts for the most recent fiscal year for which such information is available.

(c) If the director requests additional authority pursuant to this subsection, the executive board shall determine whether or not to approve such request within forty-five calendar days after receiving the request and shall notify the director of its determination. Prior to making its determination, the executive board shall hold a public meeting on the request and shall give seven days' public notice of such meeting. The minutes of such meeting shall show any action or inaction of the executive board. If the executive board fails to make a determination within such forty-five-day period, the request shall be deemed approved.

In making its determination, the executive board shall consider, among other things, whether approving the request will:

(i) Promote economic development in line with the state's economic development strategy;
(ii) Promote the retention and growth of high-wage, high-impact businesses;
(iii) Attract high-wage, high-impact businesses to the State of Nebraska;
(iv) Promote investment in distressed and rural areas; and
(v) Result in approval of incentives for businesses which would not remain, grow, or move to Nebraska but for such incentives.

(d) In making its determination under this subsection, the executive board may request any additional information or materials that are not confidential or proprietary from the Department of Economic Development, the Department of Revenue, or the Department of Labor.

5. On page 42, line 8, after the period insert "It is the intent of the Legislature to appropriate five million dollars from the General Fund to the ImagiNE Nebraska Revolving Loan Fund for fiscal years 2021-22 and 2022-23 for purposes of carrying out the workforce training and infrastructure development revolving loan program pursuant to the ImagiNE Nebraska Act."

6. On page 46, line 31; page 104, lines 7, 8, 12, 21, 22, 26, and 31; page 105, lines 1, 5, 11, 12, 16, 28, and 29; and page 106, lines 2, 10, 11, and 15, strike "act" and insert "section".

7. On page 55, line 1, strike "2020" and insert "2022"; in line 9 after "dollars" insert "from the General Fund"; and in line 10 strike "2019-20" and insert "2021-22".

8. On page 119, strike lines 9 through 15 and insert the following new subsection:

"(13) The State Treasurer shall transfer five million dollars from the Cash Reserve Fund to the General Fund no later than July 15, 2019, and shall transfer five million dollars from the Cash Reserve Fund to the General Fund no later than July 15, 2020, on such dates as directed by the budget administrator of the budget division of the Department of Administrative Services; and in line 23 strike "84-602.03, and 84-612"
4 and insert "and 84-602.03".

Pending.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 436.** Placed on Final Reading.

(Signed) Julie Slama, Chairperson

**VISITOR(S)**

Visitors to the Chamber were members of the American Legion Auxiliary, Department of Nebraska; Charlotte Guthrie from Lincoln; and former Senator Tim Vickers from Farnam and Jerda Garey Vickers from McCook.

**RECESS**

At 12:02 p.m., on a motion by Senator Kolowski, the Legislature recessed until 1:00 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:00 p.m., President Foley presiding.

**ROLL CALL**

The roll was called and all members were present except Senator Brewer who was excused; and Senators Albrecht, DeBoer, Erdman, B. Hansen, Hilkemann, Howard, Linehan, Morfeld, Murman, Pansing Brooks, and Wayne who were excused until they arrive.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on May 24, 2019, at 12:15 p.m. was the following: LB533.

(Signed) Laura Gerkin

Clerk of the Legislature's Office

**SELECT FILE**

**LEGISLATIVE BILL 720.** The Stinner amendment, AM1975, found in this day's Journal, was renewed.

Senator McDonnell moved the previous question. The question is, "Shall the debate now close?"
Senator McDonnell moved for a call of the house. The motion prevailed with 24 ayes, 5 nays, and 30 not voting.

The motion to cease debate prevailed 26 ayes, 8 nays, and 15 not voting.

The Stinner amendment was adopted with 32 ayes, 12 nays, 3 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Vargas offered the following amendment:

**AM1885**

(Amendments to Standing Committee amendments, AM1614)

1 1. On page 22, line 18, strike "(6)" and insert "(6)(a)"; in line 21
2 strike "subsection" and insert "subdivision"; and after line 25 insert
3 the following new subdivisions:
4 "(b) The credit percentages prescribed in subsections (4) and (5) of
5 this section shall be increased by one percentage point if:
6 (i) The taxpayer is a domestic corporation with a board of
7 directors; and
8 (ii) At least one-half of the members of the taxpayer's board of
9 directors are female. For purposes of this subdivision, female means an
10 individual who self-identifies as a woman, without regard to the
11 individual's designated sex at birth.
12 (c) A taxpayer may, if qualified, receive one or both of the
13 increases provided in this subsection ".

**SPEAKER SCHEER PRESIDING**

**PRESIDENT FOLEY PRESIDING**

Senator Kolterman offered the following motion:

**MO108**

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Kolterman moved for a call of the house. The motion prevailed with 26 ayes, 5 nays, and 18 not voting.

Senator Kolterman requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 30:

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<td>Lindstrom</td>
<td>Pansing</td>
<td>Brooks</td>
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<tr>
<td>DeBoer</td>
<td>Howard</td>
<td>Linehan</td>
<td>Quick</td>
<td>Wishart</td>
</tr>
</tbody>
</table>
Voting in the negative, 18:

Albrecht    Cavanaugh    Friesen    Hughes    Scheer
Bostelman   Chambers    Gragert    Hunt      Slama
Brandt      Dorn        Groene     Morfeld  
Briese      Erdman      Halloran   Murman   

Excused and not voting, 1:

Brewer

The Kolterman motion to invoke cloture failed with 30 ayes, 18 nays, and 1 excused and not voting.

The Chair declared the call raised.

**MOTION(S) - Print in Journal**

Senator Scheer filed the following motion:
Suspend Rule 6, Sections 3 and 5, and Rule 7, Sections 3 and 7, and to indefinitely postpone the following bills whose provisions have been included in other enacted legislation or whose companion bill has been indefinitely postponed: LBs 13, 88, 98, 101, 172, 178, 191, 239, 246, 280, 330, 332, 342, 360, 385, 434, 452, 479, 522, 544, 547, 566, 574, 579, 584, 608, 618, 626, 642, 642A, 694, 733, 733A, and 737.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 262.** Introduced by Revenue Committee: Linehan, 39, Chairperson; Briese, 41; Crawford, 45; Friesen, 34; Groene, 42; Kolterman, 24; Lindstrom, 18; McCollister, 20.

PURPOSE: The purpose of this interim study is to examine any issues within the jurisdiction of the Revenue 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 Revenue 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 263. Introduced by Cavanaugh, 6.

WHEREAS, the Creighton Prep mock trial team won the Judge Lyle Strohm High School Mock Trial Championship in December 2018; and
WHEREAS, this marked the third consecutive championship title for Creighton Prep; and
WHEREAS, the Creighton Prep mock trial team represented Nebraska at the High School Mock Trial National Championship in Athens, Georgia, where 46 teams competed; and
WHEREAS, the Creighton Prep mock trial team finished second in the country at the High School Mock Trial National Championship; and
WHEREAS, the Creighton Prep mock trial team members, including, Jaliya Nagahawatte, Chris Nubel, Matthew Mandolfo, Mason Mandolfo, Nate Reyes, Dominic Mendlik, Ryan Laughlin, and Joe Oberlies, and their coach Mark Laughlin, demonstrated perseverance and skill in achieving these remarkable honors; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates the Creighton Prep mock trial team on winning the State Championship and the second place finish at the National Championship.
2. That a copy of this resolution be sent to the Creighton Prep mock trial team and Coach Mark Laughlin.

Laid over.

COMMITTEE REPORT(S)
Business and Labor

The Business and Labor Committee desires to report that the committee voted to make no recommendation on the appointment listed below. The Committee suggests the appointment be voted by the Legislature and suggests a record vote.

Gregory M. Neuhaus - Commission of Industrial Relations


(Signed) Matt Hansen, Chairperson

General Affairs

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

James Patterson - Nebraska Commission on Problem Gambling

(Signed) Tom Briese, Chairperson

COMMITTEE REPORT(S)
Business and Labor

LEGISLATIVE BILL 577. Placed on General File.

(Signed) Matt Hansen, Chairperson

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB460 with 32 ayes, 6 nays, 10 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 460. With Emergency Clause.

A BILL FOR AN ACT relating to children and families; to amend sections 68-1206, 68-1724, 71-1912, and 71-1924, Reissue Revised Statutes of Nebraska; to change provisions relating to transitional child care assistance and cash assistance; to require background checks as prescribed under the Child Care Licensing Act and Children's Residential Facilities and Placing Licensure Act; to provide powers and duties for the Department of Health and Human Services and the Nebraska State Patrol; to define terms; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:
A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 460A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 460, One Hundred Sixth Legislature, First Session, 2019; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 44:

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Voting in the negative, 0.

Present and not voting, 3:

| Clements | Erdman | Lowe |

Voting in the negative, 0.

Excused and not voting, 1:

Brewer
Excused and not voting, 2:

Brewer Chambers

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB86 with 37 ayes, 3 nays, 7 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 86.

A BILL FOR AN ACT relating to community development; to amend sections 58-707 and 77-2715.07, Reissue Revised Statutes of Nebraska, and sections 18-2101, 18-2103, 18-2115.01, 18-2117.04, 58-703, 58-708, and 58-711, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to redevelopment plans for extremely blighted areas under the Community Development Law; to define and redefine terms; to require matching funds from for-profit entities, change funding decisions, and provide additional status report information from the Department of Economic Development under the Nebraska Affordable Housing Act; to provide an income tax credit for purchase of certain residential property as prescribed; to transfer funds; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

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

Voting in the negative, 0.
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 86A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 86, One Hundred Sixth Legislature, First Session, 2019.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Present and not voting, 3:

Clements   Erdman   Lowe

Excused and not voting, 2:

Brewer     Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB397 with 32 ayes, 6 nays, 9 present and not voting, and 2 excused and not voting.
The following bill was put upon final passage:

**LEGISLATIVE BILL 397.**

A BILL FOR AN ACT relating to tobacco; to amend sections 28-1418, 28-1418.01, 28-1419, 28-1420, 28-1421, 28-1423, 28-1424, 28-1425, 28-1427, 28-1429.02, 28-1429.03, 69-2705, 69-2706, 69-2707, 69-2707.01, 69-2709, 69-2710, 69-2710.01, 69-2710.03, 77-2601, and 77-2603, Reissue Revised Statutes of Nebraska; to change provisions relating to tobacco, electronic nicotine delivery systems, or alternative nicotine products; to define and redefine terms; to change escrow fund provisions for tobacco product manufacturers; to change provisions relating to nonparticipating manufacturers; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Brewer  Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB186 with 33 ayes, 5 nays, 9 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 186.** With Emergency Clause.
A BILL FOR AN ACT relating to documents; to amend sections 64-105, 64-113, 64-203, 64-205, and 86-611, Reissue Revised Statutes of Nebraska, and sections 23-1503.01 and 84-618, Revised Statutes Cumulative Supplement, 2018; to adopt the Online Notary Public Act; to change provisions relating to physical appearance before a notary; to provide for transfers of funds; to harmonize provisions; to provide duties relating to real estate documents; to provide a duty for the Revisor of Statutes; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 45:

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Voting in the negative, 0.

Present and not voting, 2:

<table>
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<th>Halloran</th>
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Excused and not voting, 2:

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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 186A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 186, One Hundred Sixth Legislature, First Session, 2019; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"
Voting in the affirmative, 45:

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

Voting in the negative, 0.

Present and not voting, 2:

Erdman  Halloran

Excused and not voting, 2:

Brewer    Chambers

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB334 with 36 ayes, 3 nay, 8 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 334.

A BILL FOR AN ACT relating to economic development; to amend sections 13-1901 and 77-6306, Reissue Revised Statutes of Nebraska, and sections 13-1907, 13-2103, 13-2112, 50-1209, 81-829.42, 81-12,152, 81-12,163, and 81-12,166, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to Nebraska planning and development regions; to change and eliminate provisions relating to rules and regulations of the Department of Economic Development; to reduce and eliminate the granting of tax credits under the Angel Investment Tax Credit Act as prescribed; to eliminate a termination date, state appropriation intent language, require evaluations of programs, provide intent for an appropriation to the Governor's Emergency Program, and provide a duty for the Appropriations Committee of the Legislature under the Business
Innovation Act; to harmonize provisions; to repeal the original sections; and to outright repeal section 81-12,167, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

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Voting in the negative, 0.

Excused and not voting, 2:

| Brewer | Chambers |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 334A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 334, One Hundred Sixth Legislature, First Session, 2019.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:
EIGHTY-SECOND DAY - MAY 24, 2019

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

Voting in the negative, 0.

Excused and not voting, 2:

Brewer       Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 149.

A BILL FOR AN ACT relating to tobacco; to amend sections 28-1418, 28-1418.01, 28-1419, 28-1420, 28-1421, 28-1423, 28-1424, 28-1425, 28-1427, 28-1429.01, 28-1429.02, and 28-1429.03, Reissue Revised Statutes of Nebraska; to change provisions relating to the legal age to buy or use, and the sale and use of, tobacco or electronic nicotine delivery systems or alternative nicotine products as prescribed; to define and redefine terms; to require sellers of electronic nicotine delivery systems to be licensed as prescribed; to change legislative findings; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

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

Voting in the negative, 0.
Present and not voting, 3:
Erdman Hansen, B. Lowe

Excused and not voting, 1:
Brewer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 433.**

A BILL FOR AN ACT relating to the Uniform Residential Landlord and Tenant Act; to amend sections 76-1416 and 76-1431, Reissue Revised Statutes of Nebraska; to change provisions relating to the return of security deposits and damages and the period of time relating to a written notice to quit; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:
Arch Crawford Hilkemann Linehan Slama
Blood DeBoer Howard McCollister Stinner
Bolz Dorn Hughes McDonnell Vargas
Bostelman Friesen Hunt Morfeld Walz
Brandt Geist Kolowski Moser Wayne
Briese Gragert Koltermann Pansing Brooks Williams
Cavanaugh Hansen, M. Lathrop Quick Wishart
Chambers Hilgers Lindstrom Scheer

Voting in the negative, 1:
Clements

Present and not voting, 8:
Albrecht Groene Hansen, B. Lowe
Erdman Halloran LaGrone Murman

Excused and not voting, 1:
Brewer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.
LEGISLATIVE BILL 462.

A BILL FOR AN ACT relating to telecommunications; to amend sections 76-2301, 76-2303, 76-2305, 76-2315, 76-2318, 76-2319, 76-2322, 76-2323, 76-2325, 86-101, 86-103, 86-124, and 86-144, Reissue Revised Statutes of Nebraska; to define, redefine, and eliminate terms; to change the One-Call Notification System Act and the Nebraska Telecommunications Regulation Act as prescribed; to harmonize provisions; to repeal the original sections; and to outright repeal section 76-2316, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 2:

Cavanaugh Hansen, M.

Excused and not voting, 1:

Brewer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 468.

A BILL FOR AN ACT relating to health care; to amend section 68-901, Revised Statutes Supplement, 2017, as amended by section 1, Initiative Law 2018, No. 427; to prohibit inclusion of long-term services and supports under the medicaid managed care program as prescribed; to provide notification duties for the Department of Health and Human Services and Department of Insurance prior to submitting certain state waiver requests; to harmonize provisions; and to repeal the original section.
Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

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

Voting in the negative, 1:

Clements

Present and not voting, 4:

Albrecht  Geist       Groene     Lowe

Excused and not voting, 1:

Brewer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 481.**

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-7611, Reissue Revised Statutes of Nebraska; to adopt the Brain Injury Trust Fund Act; to create a fund; to change provisions relating to the Nebraska Health Care Cash Fund; to provide an operative date; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 481A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 481, One Hundred Sixth Legislature, First Session, 2019.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' 

Voting in the affirmative, 40:

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Voting in the negative, 2:

| Bostelman | Howard |

Present and not voting, 6:

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Excused and not voting, 1:

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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.
Present and not voting, 6:

Albrecht Clements Geist
Cavanaugh Erdman Lowe

Excused and not voting, 1:

Brewer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB492 with 30 ayes, 11 nays, 7 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 492.

A BILL FOR AN ACT relating to municipalities; to amend sections 13-1213, 13-2202, 13-2401, 14-1803, 14-1812, 32-567, 32-604, 32-1203, 75-303, 77-3442, and 77-3443, Reissue Revised Statutes of Nebraska, and sections 13-503, 13-519, 13-1205, 13-1209, 32-101, 60-6,290, 84-304, and 84-304.02, Revised Statutes Cumulative Supplement, 2018; to adopt the Regional Metropolitan Transit Authority Act; to provide a budget limitation exception as prescribed; to change provisions relating to creation of a metropolitan transit authority; to provide a maximum property tax levy for a regional metropolitan transit authority; to provide for election of the board of directors of an authority; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 32:

Blood DeBoer Hunt McDonnell Walz
Bolz Dorn Kolowski Morfeld Wayne
Brandt Friesen Kolterman Fasing Brooks Williams
Briese Hansen, M. Lathrop Quick Wishart
Cavanaugh Hilkemann Lindstrom Scheer
Chambers Howard Linehan Stinner
Crawford Hughes McCollister Vargas

Voting in the negative, 11:
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 511.**

A BILL FOR AN ACT relating to state employees; to authorize adjustments to work schedules for participation in approved youth mentoring programs as prescribed.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Brewer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.
Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB512 with 33 ayes, 7 nays, 8 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 512.** With Emergency Clause.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 3-150, 66-482, 66-4,143, 66-6,101, 66-712, 66-718, 66-739, 66-1521, 77-202.03, 77-377.02, 77-702, 77-1239, 77-1301, 77-1725.01, 77-1734.01, 77-2716.01, 77-2734.01, 77-2761, 77-2773, 77-2776, 77-3506, 77-3508, 77-3519, 77-4111, and 77-6203, Reissue Revised Statutes of Nebraska, and section 39-2215, Revised Statutes Cumulative Supplement, 2018; to eliminate the Motor Fuel Tax Enforcement and Collection Division of the Department of Revenue; to provide procedures for adjusting the assessment of destroyed real property as prescribed; to change and eliminate provisions relating to a list of exempt real property, collection agency fees, rules and regulations, reimbursement to political subdivisions, personal exemptions, standard deductions, requirements for filing income tax returns, notices of deficiency, and homestead exemptions; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 66-738, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Present and not voting, 3:

Chambers  Dorn  Hunt

Excused and not voting, 1:
A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**MOTION(S) - Return LB519 to Select File**

Senator Chambers moved to return LB519 to Select File for the following specific amendment:

FA88
Strike the enacting clause.

Senator Chambers withdrew his motion to return.

**BILLS ON FINAL READING**

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB519 with 32 ayes, 7 nays, 9 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 519.**

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 25-21,299, 27-404, 27-413, 28-115, 28-318, 28-322.01, 28-707, 28-710, 28-713, 29-110, 29-4003, and 86-291, Reissue Revised Statutes of Nebraska, and sections 28-101, 43-4406, and 83-4,143, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to a civil action under the Human Trafficking Victims Civil Remedy Act, evidence of sexual assault under the Nebraska Evidence Rules, and enhanced penalties for certain crimes against pregnant women; to define and redefine terms; to change provisions relating to sexual abuse of an inmate or parolee; to prohibit sexual abuse of detainees by employees and agents of law enforcement agencies; to provide penalties; to change provisions relating to child abuse; to redefine terms, change provisions relating to human trafficking and child welfare services, and provide duties for the Department of Health and Human Services under the Child Protection and Family Safety Act; to change statutes of limitations for labor and sex trafficking, labor and sex trafficking of a minor, and offenses involving visual depictions of sexually explicit conduct and sexually explicit acts; to add registrable offenses under the Sex Offender Registration Act; to require reporting regarding victims of sex and labor trafficking of a minor as prescribed; to change provisions relating to eligibility for participation in incarceration work camp and interception of communications; to harmonize provisions; and to repeal the original sections.
Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

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Voting in the negative, 0.

Present and not voting, 2:

Groene Kolowski

Excused and not voting, 1:

Brewer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB532 with 32 ayes, 9 nays, 7 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 532.**

A BILL FOR AN ACT relating to protection orders; to amend sections 28-311.09, 42-924.02, and 42-926, Reissue Revised Statutes of Nebraska, and sections 28-311.11, 42-924, and 42-925, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to harassment protection orders, sexual assault protection orders, and domestic abuse protection orders; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"
Voting in the affirmative, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

Groene

Excused and not voting, 1:

Brewer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 532A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 532, One Hundred Sixth Legislature, First Session, 2019.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:
Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB583 with 33 ayes, 6 nays, 9 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 583.**

A BILL FOR AN ACT relating to design-build contracts; to amend sections 13-2914, 39-2808, 39-2809, 39-2810, 39-2811, 39-2813, 39-2814, 39-2815, 39-2816, 39-2817, 39-2818, 39-2819, 39-2820, 39-2821, 39-2822, 39-2823, and 39-2824, Reissue Revised Statutes of Nebraska, and section 39-2802, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to the Political Subdivisions Construction Alternatives Act and the Transportation Innovation Act; to define and redefine terms; to provide powers for certain cities, counties, and joint entities as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"
EIGHTY-SECOND DAY - MAY 24, 2019

Voting in the negative, 0.

Present and not voting, 1:

Wayne

Excused and not voting, 1:

Brewer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 592.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-103.13 and 53-123.13, Reissue Revised Statutes of Nebraska, and section 53-123.11, Revised Statutes Cumulative Supplement, 2018; to redefine a term; to change provisions relating to farm wineries; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Albrecht   Crawford   Hansen, M.   Lindstrom   Scheer
Arch      DeBoer     Hilgers      Linehan     Slama
Blood     Dorn       Hilkemann   Lowe        Stinner
Bolz      Erdman     Howard      McCollister Vargas
Bostelman Friesen  Hughes     McDonnell  Walz
Brandt    Geist      Hunt        Morfeld     Williams
Briese    Gragert    Kolowski    Moser       Wishart
Cavanaugh Groene    Kolterman  Murman
Chambers  Halloran  La Grone    Pansing Brooks
Clements  Hansen, B. Lathrop   Quick
Voting in the negative, 0.

Present and not voting, 1:

Stinner

Excused and not voting, 1:

Brewer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB593 with 31 ayes, 9 nays, 8 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 593. With Emergency Clause.

A BILL FOR AN ACT relating to medical assistance recovery; to amend sections 68-919, 68-989, 68-990, 71-605, and 77-2018.02, Reissue Revised Statutes of Nebraska, and sections 30-2483, 30-3880, 30-3881, 30-3882, and 33-109, Revised Statutes Cumulative Supplement, 2018; to change and eliminate provisions relating to medical assistance reimbursement claims and liens; to provide for retroactivity; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' 

Voting in the affirmative, 48:

Albrecht    Crawford    Hansen, M.   Lindstrom    Scheer
Arch        DeBoer      Hilgers      Linehan      Slama
Blood       Dorn        Hilkemann   Lowe        Stinner
Bolz        Erdman      Howard      McCollister  Vargas
Bostelman   Friesen     Hughes      McDonnell   Walz
Brandt      Geist       Hunt        Morfeld     Wayne
Briese      Gragert     Kolowski    Moser       Williams
Cavanaugh   Groene      Koltermann  Murman      Wishart
Chambers    Halloran    La Grone    Pansing      Brooks
Clements    Hansen, B.  Lathrop     Quick
Voting in the negative, 0.

Excused and not voting, 1:

Brewer

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB610 with 37 ayes, 7 nays, 4 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 610.

A BILL FOR AN ACT relating to the Nebraska educational savings plan trust; to amend sections 72-1239.01, 77-2716, 85-1802, 85-1804, 85-1806, 85-1807, and 85-1809, Reissue Revised Statutes of Nebraska; to adopt the Meadowlark Act; to define and redefine terms; to create a fund; to create the Employer Matching Contribution Incentive Program and provide for incentive payments as prescribed; to establish the College Saving Plan Low-Income Matching Scholarship Program and provide for state matching scholarships as prescribed; to provide powers and duties for the State Treasurer; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

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Voting in the negative, 0.

Excused and not voting, 1:
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 610A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 610, One Hundred Sixth Legislature, First Session, 2019.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

Erdman

Excused and not voting, 1:

Brewer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB630 with 36 ayes, 7 nays, 5 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:
LEGISLATIVE BILL 630.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-311.08, 28-513, 28-813.01, 28-1463.03, 28-1463.05, and 29-4003, Reissue Revised Statutes of Nebraska, and section 28-1310, Revised Statutes Cumulative Supplement, 2018; to change elements of, penalty provisions for, and defenses to offenses involving unlawful intrusion and sexually explicit conduct; to change provisions relating to theft and extortion and intimidation by telephone call or electronic communication; to change applicability of certain provisions of the Sex Offender Registration Act; to provide and change penalties; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

Hughes

Excused and not voting, 1:

Brewer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION(S) - Return LB657 to Select File

Senator Lowe moved to return LB657 to Select File for the following specific amendment:

FA89

Strike the enacting clause.
Senator Lowe withdrew his motion to return.

**BILLS ON FINAL READING**

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB657 with 31 ayes, 10 nays, 7 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 657.** With Emergency Clause.

A BILL FOR AN ACT relating to agriculture; to amend section 2-958, Reissue Revised Statutes of Nebraska, and sections 2-5701, 28-401, and 81-2,162.27, Revised Statutes Cumulative Supplement, 2018; to adopt the Nebraska Hemp Farming Act; to provide a use for the Noxious Weed Cash Fund and the Fertilizers and Soil Conditioners Administrative Fund and provide for powers and duties; 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 operative dates; to provide severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 43:

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

Voting in the negative, 4:

Albrecht Clements Erdman Lowe

Present and not voting, 1:

Groene
A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 657A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 657, One Hundred Sixth Legislature, First Session, 2019; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 43:

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

Voting in the negative, 5:

- Albrecht
- Bostelman
- Clements
- Erdman
- Lowe

Excused and not voting, 1:

- Brewer

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 680.**

A BILL FOR AN ACT relating to privacy; to amend section 25-213, Reissue Revised Statutes of Nebraska; to adopt the Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act; to provide for applicability, construction, and tolling of statutes of limitation; to provide
severability; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

Lowe

Excused and not voting, 1:

Brewer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB686 with 34 ayes, 8 nays, 6 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 686.

A BILL FOR AN ACT relating to criminal justice; to amend sections 29-2202, 29-2246, and 29-2268, Reissue Revised Statutes of Nebraska, and sections 28-101, 28-105, 28-1206, 29-1823, 29-3523, 83-173.03, and 83-4,114, Revised Statutes Cumulative Supplement, 2018; to change Class IV felony provisions; to prohibit the introduction and possession of electronic communication devices in correctional facilities as prescribed; to provide a penalty; to change possession of a deadly weapon by a prohibited person provisions; to change provisions relating to competency to stand trial; to provide for deferred judgments by courts as prescribed; to change
provisions relating to post-release supervision; to prohibit placement of members of vulnerable populations in restrictive housing as prescribed; to change provisions relating to the long-term restrictive housing work group; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 2:

Erdman      Lowe

Excused and not voting, 1:

Brewer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**MOTION(S) - Return LB686A to Select File**

Senator Lathrop moved to return LB686A to Select File for his specific amendment, FA82, found on page 1760.

The Lathrop motion to return prevailed with 41 ayes, 4 nays, 2 present and not voting, and 2 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 686A.** The Lathrop specific amendment, FA82, found on page 1760, was adopted with 45 ayes, 0 nays, 2 present and not voting, and 2 excused and not voting.

LB686A stands indefinitely postponed.
BILL ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB690 with 35 ayes, 9 nays, 3 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 690.

A BILL FOR AN ACT relating to treatment and corrections; to amend sections 13-910 and 81-8,219, Revised Statutes Cumulative Supplement, 2018; to adopt the Healthy Pregnancies for Incarcerated Women Act; to provide exemptions for claims under the Political Subdivisions Tort Claims Act and the State Tort Claims Act; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 41:

Albrecht   Crawford   Hilkemann   Linehan   Stinner
Arch       DeBoer     Howard      McCollister Vargas
Blood      Dorn       Hughes     McDonnell Vargas
Bolz       Friesen    Hunt       Moser     Williams
Bostelman  Geist      Kolowski  Murman    Wishart
Brandt     Gragert    Koltermann Pansing Brooks
Briese     Hansen, B. La Grone    Quick
Cavanaugh  Hansen, M. Lathrop    Scheer
Chambers   Hilgers    Lindstrom  Slama

Voting in the negative, 0.

Present and not voting, 6:

Clements   Groene   Lowe
Erdman     Halloran Wayne

Excused and not voting, 2:

Brewer     Morfeld

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.
PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 460, 460A, 86, 86A, 397, 186, 186A, 334, 334A, 149, 433, 462, 468, 481, 481A, 492, 511, 512, 519, 532, 532A, 583, 592, 593, 610, 610A, 630, 657, 657A, 680, 686, and 690.

AMENDMENT(S) - Print in Journal

Senator Kolterman filed the following amendment to LB720A:
AM1977
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. There is hereby appropriated (1) $1,010,360 from the
4 General Fund for FY2019-20 and (2) $921,610 from the General Fund for
5 FY2020-21 to the Department of Economic Development, for Program 603, to
6 aid in carrying out the provisions of Legislative Bill 720, One Hundred
7 Sixth Legislature, First Session, 2019.
8 Total expenditures for permanent and temporary salaries and per
9 diems from funds appropriated in this section shall not exceed $232,360
10 for FY2019-20 or $407,110 for FY2020-21.
11 Sec. 2. There is hereby appropriated (1) $269,860 from the General
12 Fund for FY2019-20 and (2) $251,600 from the General Fund for FY2020-21
13 to the Department of Revenue, for Program 102, to aid in carrying out the
14 provisions of Legislative Bill 720, One Hundred Sixth Legislature, First
15 Session, 2019.
16 Total expenditures for permanent and temporary salaries and per
17 diems from funds appropriated in this section shall not exceed $113,500
18 for FY2019-20 or $185,400 for FY2020-21.
19 Sec. 3. Since an emergency exists, this act takes effect when passed
20 and approved according to law.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Vargas name added to LB436.

VISITOR(S)

Visitors to the Chamber were students from Wheeler Elementary School,
Millard; Rachel Ayalon from Lincoln; and Senator Linehan's daughter,
Meghan Linehan, from Arlington, VA, and Senator Linehan's daughter's
fiancé, David Packard, from Arlington, VA.

The Doctor of the Day was Dr. Natalie Lynch from Omaha.
ADJOURNMENT

At 4:35 p.m., on a motion by Senator Bostelman, the Legislature adjourned until 1:00 p.m., Thursday, May 30, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature
EIGHTY-THIRD DAY - MAY 30, 2019

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

EIGHTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, May 30, 2019

PRAYER

The prayer was offered by Reverend Greg Allen-Pickett, First Presbyterian Church, Hastings.

ROLL CALL

Pursuant to adjournment, the Legislature met at 1:00 p.m., President Foley presiding.

The roll was called and all members were present except Senators Morfeld and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1817, line 17, insert "13" after "LBs".
Page 1849, line 38, strike "finance" and insert "fiancé".
The Journal for the eighty-second day was approved as corrected.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 24, 2019, at 4:30 p.m. were the following: LBs 460e, 460Ae, 86, 86A, 149, 186e, 186Ae, 334, 334A, 397, 433, 462, 468, 481, 481A, 492, 511, 512e, 519, 532, 532A, 583, 592, 593e, 610, 610A, 630, 657e, 657Ae, 680, 686, and 690.

(Signed) Laura Gerkin
Clerk of the Legislature's Office

MESSAGE(S) FROM THE GOVERNOR

May 27, 2019

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509
Dear Mr. O'Donnell:

Engrossed Legislative Bills 293e, 294e, 295e, 296e, 297e, 298e, 299e, 300e, 300Ae, 464e, and 675e were received in my office on May 21, 2019. These bills were signed and delivered to the Secretary of State on May 27, 2019.

Sincerely,
(Signed) Pete Ricketts
Governor

May 29, 2019

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 15, 62, 123, 135, 218e, 220, 244e, 248, 260, 281, 308, 309, 315, 374, 392, 414, 427, 447, 447A, 454, 476, 505, 525, 538, 538A, 559, 561, 564, 571, 571A, 600e, 600Ae, 609, 641, 641A, 719, 719A, and 726 were received in my office on May 23, 2019. These bills were signed and delivered to the Secretary of State on May 29, 2019.

Sincerely,
(Signed) Pete Ricketts
Governor

COMMITTEE REPORT(S)
Transportation and Telecommunications

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

Ann Richart - Director, Division of Aeronautics, Department of Transportation

Aye: Albrecht, Bostelman, Cavanaugh, DeBoer, Friesen, Geist, Hilgers, Hughes. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Curt Friesen, Chairperson
LEGALISATION RESOLUTION 264. Introduced by Friesen, 34.

WHEREAS, Giltner High School won the 2019 Class D Girls State Track and Field Championship, the fifth consecutive state championship for the school; and
WHEREAS, the Giltner Hornets girls' track and field team won the 2019 championship with 54 points; and
WHEREAS, the Giltner Hornets had eight qualifiers for the state track and field meet, including seniors Brooke Good, Aubrianna Leichty, Brayden Rhoades, and Brooke Wilson, juniors Cortney Hoelck, Sydney Janzen, and Hannah Preissler, and sophomore Sydni Watson; and
WHEREAS, the Giltner High School girls' track and field team was led by the dedicated and talented coach Nancy Lockmon; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates the Giltner High School girls' track and field team for winning the 2019 Class D Girls State Track and Field Championship.
2. That a copy of this resolution be sent to the Giltner High School girls' track and field team and their coach, Nancy Lockmon.

Laid over.

LEGALISATION RESOLUTION 265. Introduced by Dorn, 30.

WHEREAS, Southwest High School student athletes have shown outstanding commitment and teamwork in the 2018-2019 school year; and
WHEREAS, the Southwest girls' golf team, including Kate Strickland, Brynn Sundquist, Neely Adler, and Sadie Steele, coached by Jim Danson, won the 2018 Girls State Golf Championship; and
WHEREAS, the Southwest softball team, including Brin Swanson, Emma Kauf, Ellie Grabouski, Skylar Pieper, Emma Hain, Josi Solano, Ashley Smetter, Shelby Gunter, Abbie Squier, Terrah Doremus, Kelsey Kobza, McKenzie Steiner, Skylar Thompson, Tianna Francisco, and Manager Kate Johnson, coached by Mark Watt, won the 2018 State Softball Championship; and
WHEREAS, Tommy Palmer, a freshman at Southwest High School, finished first in the boys' 200 yard freestyle at the 2019 State Swimming and Diving Championship; and
WHEREAS, the Southwest girls' track and field team, coached by Brett Schuster, won the Class A team title at the 2019 State Track and Field Championship, with Abbie Squier placing first in shot put, Lindsey Blehm placing first in the 800 meter run, and Kate Dilsaver placing first in the 100 meter dash and the 200 meter dash; and

WHEREAS, Tyler Boyle and Jesse Lewis, from the Southwest boys' track and field team, coached by Brett Schuster, also placed first in the 3200 meter run and the triple jump, respectively, at the 2019 State Track and Field Championship; and

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

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

1. That the Legislature congratulates the student athletes of Southwest High School and their coaches.

2. That a copy of this resolution be sent to Southwest High School.

Laid over.

LEGISLATIVE RESOLUTION 266. Introduced by Gragert, 40.

WHEREAS, the West Holt Public Schools boys' golf team won the 2019 Class D Boys State Golf Championship at Lake Maloney Golf Club in North Platte, winning their third championship title in a row; and

WHEREAS, the championship team included Austin Wenner, Garrison Hansen, Jaxson Cadwallader, Max Roberts, and Jaegher Ogden; and

WHEREAS, a third-place finish by Austin Wenner and a seventh-place finish by Garrison Hansen lifted the West Holt Huskies to first place overall; and

WHEREAS, the West Holt Huskies boys' golf team won with a score of 355 points, prevailing over North Platte St. Patrick's golf team by one stroke; and

WHEREAS, the leadership provided by Head Coach Todd Hale and Assistant Coach Dani Kuchar, along with the support of teachers, administrators, parents, and the community, contributed to the success of the West Holt boys' golf team; and

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

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

1. That the Legislature congratulates the West Holt Public Schools boys' golf team on winning the 2019 Class D Boys State Golf Championship.

2. That a copy of this resolution be sent to West Holt Public Schools and Head Coach Todd Hale.

Laid over.
LEGISLATIVE RESOLUTION 267. Introduced by DeBoer, 10.

WHEREAS, the Bennington High School baseball team won the 2019 Class B State Baseball Championship; and
WHEREAS, the Bennington Badgers defeated the Hastings Tigers 4-3 to win the school's first state baseball championship; and
WHEREAS, Head Coach Scott Heese has served as a mentor and leader for the team; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates the Bennington High School baseball team on winning the 2019 Class B State Baseball Championship.
2. That a copy of this resolution be sent to Bennington High School and Head Coach Scott Heese.

Laid over.

ATTORNEY GENERAL'S OPINION

Opinion 19-008

SUBJECT: LB 373 – County Zoning Provisions for Wind Energy Generation Projects

REQUESTED BY: Senator Tom Brewer
Nebraska State Legislature

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

INTRODUCTION

You have requested our opinion on two questions with regard to county zoning authority. As we have frequently stated, we will limit our opinions for members of the Legislature to instances where the questions posed to us involve a legislative purpose growing out of pending or proposed legislation. Op. Att'y Gen. No. 157 (December 24, 1985). Under that standard, it appears that your questions may relate to LB 373, which you mention in your request letter.1 The Introducer's Statement of Intent for the legislation states "LB 373 creates a law that requires counties to have zoning if the county wishes to host wind energy facilities. The zoning must address

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1 Your request letter also references LB 155, recently passed by the Legislature and signed by the Governor, which pertains to the exercise of eminent domain, and LB 700, which pertains to the decommissioning of wind energy systems.
three subjects (set-backs, noise, decommissioning) but leaves the establishment of particular values for these subjects up to the county.” Committee Records on LB 373, 106th Neb. Leg., 1st Sess. (Introducer's Statement of Intent) (January 31, 2019). Your specific questions are:

1. Does Nebraska case law, including but not limited to the *Lincoln Dairy Company v. Finigan*, 170 Neb. 777 (1960) and *Gillette Dairy, Inc. v. Nebraska Dairy Products Bd.*, 192 Neb. 89 (1974) line of cases, stand for the proposition that counties and other political subdivisions may not (a) altogether prohibit or (b) in practice prevent the undertaking of an otherwise lawful occupation or activity?

2. Do Nebraska counties have the lawful authority, e.g., under Neb. Rev. Stat. § 66-913, to impose zoning or other restrictions that prohibit the construction of wind turbines whose height is in excess of a certain specified maximum height?

**ANALYSIS**

**I. *Lincoln Dairy Company and Gillette Dairy, Inc.*

Your first question is whether two cases which you cite stand for the proposition that counties and other political subdivisions may not prohibit or prevent the undertaking of an otherwise lawful occupation or activity. In *Lincoln Dairy Co. v. Finigan*, 170 Neb. 777, 104 N.W.2d 227 (1960), the court considered the constitutionality of the Grade A Milk Act and determined that it unconstitutionally delegated legislative powers to the director of the Department of Agriculture, including the power to define crimes. The court also found provisions of the Act violated the due process clause at Neb. Const. art. I, § 3, stating:

A citizen clearly has the right to engage in any occupation not detrimental to the public health, safety, and welfare. Measures adopted by the Legislature to protect the public health and secure the public safety and welfare must have some reasonable relation to those proposed ends. A citizen has a constitutional right to own, acquire, and sell property, and if it becomes apparent that the statute, under the guise of a police regulation, does not tend to preserve the public health, safety, or welfare, but tends more to stifle legitimate business by creating a monopoly or trade barrier, it is unconstitutional as an invasion of the property rights of the individual. *Id.* at 785-86, 104 N.W.2d at 233.

The Court further explained:

It is elementary that courts do not determine economic policies of legislation . . . . It is just as elementary, however, that in order for such legislation to be valid under the police power of the state it cannot be
arbitrary or discriminatory, but must have a real and substantial relation to the objects sought to be attained. *Id.* at 787, 104 N.W.2d at 234.

In *Gillette Dairy, Inc. v. Nebraska Dairy Products Bd.*, 192 Neb. 89, 219 N.W.2d 214 (1974), the court held that certain provisions of the Dairy Industry Trade Practices Act were unconstitutional, finding that the primary purpose of the act was price fixing. "Whether a business is charged with such a public interest as to warrant its regulation is a legislative question in which the courts ordinarily will not interfere. The Legislature may not, however, under the guise of regulation, impose conditions which are unreasonable, arbitrary, discriminatory, or confiscatory. *Id.* at 96, 219 N.W.2d at 219. "While the exercise of the police power in the milk industry is essential to assure a wholesome product, price fixing is not essential to attain that end." *Id.* at 98, 219 N.W.2d at 220.

In both of these cases the Nebraska Supreme Court held that the right to conduct a lawful business is a constitutionally protected right. However, that right is not absolute and may be curtailed by a proper exercise of the police power of the State. The court's due process analysis focused on whether there was a reasonable relationship to protecting the public health, safety, and welfare. In a more recent case, *State ex rel. Dept. of Health v. Jeffrey*, 247 Neb. 100, 525 N.W.2d 193 (1994), the court held that, while the right to conduct a lawful business or occupation is a constitutionally protected right, statutes which required an equine dentist to be licensed by the State did not infringe upon his due process rights.

LB 373, § 1(2), as originally introduced, would provide that "no wind turbine (as part of a wind energy generation project) will be located within three miles of any residential dwelling without the written permission of the owner of the dwelling . . . ." AM428, a pending amendment to LB 373, would replace that language with a requirement that "no wind energy generation project shall be constructed unless the county in which the project would be located has zoning regulations or a zoning resolution described in section 23-114 as prescribed in subsection (3) of this section." Subsection (3) then requires zoning provisions to address setbacks, noise standards, decommissioning, and fees for conditional use permits.

As LB 373 concerns the regulation of wind energy generation projects through county zoning, we will briefly discuss Nebraska case law with regard to zoning provisions. While we have found no Nebraska cases which address the constitutionality of zoning provisions for wind energy generation projects, the Nebraska Supreme Court has discussed the test for determining the validity of other zoning ordinances. "County zoning regulations are intended to promote the health, safety, and general welfare of the community by regulating and restricting the use of the land within the area zoned." *Crane v. Board of County Com'rs of Sarpy County*, 175 Neb. 568, 572-73, 122 N.W.2d 520, 523 (1963) (upholding the denial of a special permit to construct a trailer court). "The owner's right to use his property is subject, however, to reasonable regulation, restriction, and control by the
state in the legitimate exercise of its police powers. The test of legitimacy is the existence of a real and substantial relationship between the exercise of those powers in a particular manner, and the peace, public health, public morality, public safety, or the general welfare of the city." *Eckstein v. City of Lincoln*, 202 Neb. 741, 744, 277 N.W.2d 91, 93 (1979) (holding that a city ordinance which absolutely prohibited the use of private wells within the city was overbroad). Generally, a legislative act is a valid exercise of the police power if the act is "rationally related to a legitimate state interest." *State v. Champoux*, 252 Neb. 769, 772, 566 N.W.2d 763, 765 (1997) (finding that a municipal zoning ordinance which defined "family" as any number of related individuals living together and not more than two additional unrelated individuals did not violate the due process clause).

A "question of the validity or invalidity of a zoning ordinance presents a question to be determined on examination of the facts in each particular case presented." *Dundee Realty Co. v. City of Omaha*, 144 Neb. 448, 459, 13 N.W.2d 634, 639 (1944). Further, in the context of cases concerning the regulation of livestock operations and confinement facilities, the Nebraska Supreme Court has stated that the "validity of a zoning ordinance will be presumed in the absence of clear and satisfactory evidence to the contrary." *Coffey v. County of Otoe*, 274 Neb. 796, 803, 743 N.W.2d 632, 637 (2008). See also *Premium Farms v. County of Holt*, 263 Neb. 415, 640 Neb. 633 (2002) (finding that regulations requiring a confined livestock operation to obtain a conditional use permit and adhere to certain standards concerning manure removal and setbacks were within the county's statutory authority).

II. County Authority Under Neb. Rev. Stat. § 66-913

Your second question is whether counties have authority under Neb. Rev. Stat. § 66-913 (2018) to adopt zoning regulations that "prohibit the construction of industrial wind turbines whose height is in excess of a certain specified maximum height." Section 66-913 provides, in pertinent part:

All counties or municipalities having zoning or subdivision jurisdiction are hereby authorized to include considerations for the encouragement of solar energy and wind energy use and the protection of access to solar energy and wind energy in all applicable zoning regulations or ordinances and comprehensive development plans. Such considerations may include, but not be limited to, regulation of height, location, setback, and use of structures, . . . the type and location of energy systems or their components, and the use of districts to encourage the use of solar energy systems and wind energy conversion systems and protect access to solar energy and wind energy.

Neb. Rev. Stat. § 66-913 falls within a series of statutes, enacted as LB 353 in 1979, which originally pertained only to solar energy. Neb. Rev. Stat. §§ 66-901 to 66-914 (2018). These statutes were expanded by LB 140 in 1997, to also include wind energy. The Legislature describes the purpose
of these statutes as "to promote the public health, safety, and welfare by protecting access to solar energy and wind energy . . . ." Neb. Rev. Stat. § 66-901. Sections 66-909, 66-909.04 and 66-910 provide for written agreements between landowners pertaining to solar energy systems and wind energy conversion systems. These agreements must be in writing and filed with the county register of deeds. The agreements then run with the land until terminated pursuant to § 66-912.01.

We first point out the expressed intent of the statutes is to promote solar energy and wind energy. And, if a county zoning regulation totally excluded a land use recognized by state law, that regulation might be found invalid under the court's due process analysis. Yet, we note that § 66-913 allows, but does not require, counties to include considerations for the encouragement of solar energy and wind energy in their zoning regulations and comprehensive development plans. We find support for this interpretation in the legislative history of the statutes. It indicates that the Legislature's purpose in enacting the statutes was to provide for these voluntary agreements between neighbors and to "permit local zoning authorities to zone to protect existing solar units." They "permit local zoning board authorities to take into consideration existing solar units when they zone for such things as vegetation or the number of stories permitted in a structure . . . ." Floor Debate on LB 353, 86th Neb. Leg., 1st Sess. 2527-2528 (March 30, 1979) (Statement of Sen. Hoagland). The provisions were described as "permissive" and giving local zoning authorities "the opportunity to say this is the way this is going to be zoned and people when they buy their lots know exactly what they are getting." Id. at 2531. Senator Hoagland also pointed out that LB 353, § 14 (now § 66-914) "grants local zoning authorities the right to grant a variance in the event that existing solar regulations don't permit the protection of a standing solar unit." Id. at 2529.2 With regard to LB 140 in 1997, the bill was briefly described as expanding current statutes "to include wind energy easements with other easements." Floor Debate on LB 140, 95th Neb. Leg., 1st Sess. 1067 (February 13, 1997) (Statement of Sen. Preister).

As you inquire whether counties, in particular, have statutory authority to impose height restrictions for industrial wind turbines, we also include a brief summary of the statutes in Chapter 23 which pertain to county zoning authority. A county board is authorized to create a planning commission, to adopt a county comprehensive development plan and to adopt a zoning resolution. Neb. Rev. Stat. § 23-114(1) (2012). A zoning resolution may regulate the location and height of buildings and other structures. Neb. Rev. Stat. § 23-114(2) (2012). The county board may adopt zoning regulations subsequent to the adoption of a comprehensive development plan and, for zoning purposes, divide the county into districts best suited to carrying out the purposes of the plan, including regulation of nonfarm buildings and structures. Neb. Rev. Stat. § 23-114.03 (2012). If authorized by the county

2 LB 373 would amend § 66-914 to remove references to wind energy systems in this authorization to grant variances.
board, the county planning commission may grant conditional uses or special exceptions to property owners for the use of their property. Neb. Rev. Stat. § 23-114.01(4), (5) and (6) (2012). Finally, a board of adjustment, appointed by the county board, may, in limited circumstances grant variances from the strict application of the zoning resolution. Neb. Rev. Stat. § 23-168.03 (2012). These statutes, thus, provide general authority for counties to regulate the height of structures.

CONCLUSION

The answer to your first question is that the Nebraska Supreme Court, in the two cases which you cite, employed a due process analysis that focused on whether there was a reasonable relationship between the exercise of the state's police power and the protection of the public health, safety, and welfare. Similarly, with regard to the validity of zoning provisions, the court has determined, based on the facts of each particular case, whether the provision was rationally related to a legitimate governmental purpose.

The answer to your second question is that Neb. Rev. Stat. § 66-913 seems to authorize, but not require, counties to take into consideration both solar energy and wind energy when adopting zoning resolutions or regulations. In addition, there is general statutory authority for county zoning in Chapter 23, which may include reasonable regulation of such matters as the height of structures.

Sincerely,

DOUGLAS J. PETERSON
Attorney General

(Signed) Lynn A. Melson
Assistant Attorney General

pc. Patrick J. O'Donnell
Clerk of the Nebraska Legislature

09-626-29

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 150, 185, 195, 196, 203, 225, 230, 254, 255, 256, 258, 259, 260, and 261 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 150, 185, 195, 196, 203, 225, 230, 254, 255, 256, 258, 259, 260, and 261.
MOTION(S) - Confirmation Report(s)

Senator Briese moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 1653:

State Electrical Board
George Morrissey

Voting in the affirmative, 41:

Voting in the negative, 0.

Present and not voting, 6:

Excused and not voting, 2:

Morfeld Wayne

The appointment was confirmed with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

Senator Briese moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 1653:

Nebraska Commission on Problem Gambling
Susan Lutz

Voting in the affirmative, 46:
Senator Briese moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 1653:

- Nebraska Arts Council
  - Amy Haddad
  - Walter Seiler

Voting in the affirmative, 45:

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

Voting in the negative, 0.
Present and not voting, 3:

- Erdman
- Lathrop
- McDonnell

Excused and not voting, 1:
Wayne

The appointments were confirmed with 45 ayes, 0 nays, 3 present and not voting, and 1 excused and not voting.

Senator Briese moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 1818:
   Nebraska Commission on Problem Gambling
   James Patterson

Voting in the affirmative, 45:

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Voting in the negative, 0.

Present and not voting, 3:

<p>| | |</p>
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<tr>
<td>Cavanaugh</td>
<td>Lathrop</td>
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Excused and not voting, 1:

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<tr>
<td>Wayne</td>
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The appointment was confirmed with 45 ayes, 0 nays, 3 present and not voting, and 1 excused and not voting.

Senator Brewer moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 1664:
   Nebraska Tourism Commission
   Roger L. Jasnoch
   Starr Lehl
   Debra Nelson-Loseke

Voting in the affirmative, 47:
Voting in the negative, 0.

Present and not voting, 1:

Hansen, M.

Excused and not voting, 1:

Wayne

The appointments were confirmed with 47 ayes, 0 nays, 1 present and not voting, and 1 excused and not voting.

Senator Brewer moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 1664:

State Personnel Board
Sharon Rues
Christopher Waddle

Voting in the affirmative, 47:

Voting in the negative, 0.

Present and not voting, 1:

Crawford
Excused and not voting, 1:

Wayne

The appointments were confirmed with 47 ayes, 0 nays, 1 present and not voting, and 1 excused and not voting.

Senator Kolterman moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 1754:

Public Employees Retirement Board

Janis Elliott

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Wayne

The appointment was confirmed with 48 ayes, 0 nays, and 1 excused and not voting.

Senator Kolterman moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 1753:

Public Employees Retirement Board

Allen Simpson

Voting in the affirmative, 45:
Voting in the negative, 0.

Present and not voting, 3:

Chambers  Hansen, M.  Wishart

Excused and not voting, 1:

Wayne

The appointment was confirmed with 45 ayes, 0 nays, 3 present and not voting, and 1 excused and not voting.

Senator Kolterman moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 1753:

Public Employees Retirement Board

Michael D. Jahnke

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

Briese

Excused and not voting, 1:
Wayne

The appointment was confirmed with 47 ayes, 0 nays, 1 present and not voting, and 1 excused and not voting.

Senator Friesen moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found in this day's Journal:
  Division of Aeronautics, Department of Transportation
  Ann Richart, Director

Voting in the affirmative, 48:

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<tr>
<th>Albrecht</th>
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Voting in the negative, 0.

Excused and not voting, 1:

Wayne

The appointment was confirmed with 48 ayes, 0 nays, and 1 excused and not voting.

Senator M. Hansen moved the adoption of the Business and Labor Committee report for the following appointment(s) found on page 1818:
  Commission of Industrial Relations
  Gregory M. Neuhaus

Senator M. Hansen moved for a call of the house. The motion prevailed with 23 ayes, 2 nays, and 24 not voting.

Voting in the affirmative, 27:
Voting in the negative, 19:

Blood   Crawford   Hunt   McDonnell   Walz
Bolz    DeBoer     Kolowski  Morfeld    Wayne
Cavanagh  Hansen, M.  Lathrop  Pansing  Brooks Wishart
Chambers  Howard    McCollister  Vargas

Present and not voting, 3:

Brandt  Hilkemann  Quick

Pursuant to Rule 3, Sec. 4(e)(iv), the appointment was confirmed with 27 ayes, 19 nays, and 3 present and not voting.

The Chair declared the call raised.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 268. Introduced by Bolz, 29.

WHEREAS, the Lincoln Southeast High School girls' tennis team won the 2019 NSAA Class A State Girls Tennis Championship; and
WHEREAS, the Southeast Knights were represented by Camilla Ibrahimova, Averie Dodds, Ally Keitges, Evie Barnett, Katie Whitehead, and Caroline Miller; and
WHEREAS, the team championship was fueled by the first place finish of Katie Whitehead and Caroline Miller in No. 1 doubles, 6-1, 6-7 (5-7), 6-4; and
WHEREAS, Head Coach Chris Salem provided the leadership needed to cap the season with a state championship; and
WHEREAS, the hard work, sacrifice, and dedication shown by the student-athletes and their families, this season and for many years of dedication to tennis, culminated in a state championship; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates the Lincoln Southeast High School girls' tennis team on winning the 2019 Class A State Girls Tennis Championship.
2. That a copy of this resolution be sent to Lincoln Southeast High School and Head Coach Chris Salem.

Laid over.

**LEGISLATIVE RESOLUTION 269.** Introduced by Bolz, 29.

WHEREAS, the NSAA Class A State Track and Field Championship was held May 17-18, 2019; and
WHEREAS, Skyler Peterson won the pole vault for Lincoln Southeast High School with a personal best of fifteen feet, 6.25 inches; and
WHEREAS, the Lincoln Public Schools pole vault coach, Chris Johnson, and the Lincoln Southeast head track and field coach, Dave Nebel, provided effective coaching and leadership to prepare for the championship; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates Skyler Peterson for his win at the 2019 Class A State Track and Field Championship.
2. That a copy of this resolution be sent to Lincoln Southeast High School, Coach Dave Nebel, and Coach Chris Johnson.

Laid over.

**LEGISLATIVE RESOLUTION 270.** Introduced by Geist, 25.

WHEREAS, the NSAA Class A Girls State Tennis Championship was held on May 16-17, 2019, in Omaha; and
WHEREAS, Bianca Rademacher from Lincoln East High School competed in the No. 1 singles event and won 6-1, 6-3; and
WHEREAS, Brooke Sailer from Lincoln East High School competed in the No. 2 singles event and won 6-2, 6-2; and
WHEREAS, the NSAA Class A Boys State Tennis Championship was held on October 10-12, 2018, in Omaha; and
WHEREAS, Richard Batelaan from Lincoln East High School competed in the No. 2 singles event and won 6-1, 6-0; and
WHEREAS, Coaches Chris Stock, Joe Hovorka, and Alex Kolba provided effective coaching to prepare for the championships; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates the Lincoln East High School tennis teams, Bianca Rademacher, Brooke Sailer, Richard Batelaan, and Head Coach Chris Stock on their championship wins.
2. That a copy of this resolution be sent to Lincoln East High School and Head Coach Chris Stock.

Laid over.

LEGISLATIVE RESOLUTION 271. Introduced by Geist, 25.

WHEREAS, the Lincoln East High School girls' cross country team won the 2018 Class A Girls State Cross Country Championships; and
WHEREAS, Lincoln East Spartans' team members Jenna Muma, Abigail Schmidt, Madison Muma, Abby Volkmer, and Taylor Searcey displayed outstanding commitment and resolve this season and through many years of dedication to cross country running; and
WHEREAS, Head Coach Brian Kabourek provided the leadership necessary to cap this season with a state championship; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates the Lincoln East Spartans girls' cross country team for winning the 2018 Class A Girls State Cross Country Championships.
2. That a copy of this resolution be sent to Lincoln East High School and Head Coach Brian Kabourek.

Laid over.

LEGISLATIVE RESOLUTION 272. Introduced by Pansing Brooks, 28.

WHEREAS, AIA Nebraska, the Nebraska Chapter of the American Institute of Architects, was chartered on April 15, 1919; and
WHEREAS, AIA Nebraska organizes and unites the architects of Nebraska to promote artistic, scientific, and practical efficiency in the profession, to advance the science and art of planning, design, and building by advancing the standards of architectural education, training, and practice, to coordinate the building industry and the profession of architecture to ensure the advancement of living standards through improved environments, and to assure the profession is ever increasing its service to society; and
WHEREAS, the American Institute of Architects is the voice of the architectural profession in the United States and a resource for its members in their service to society; and
WHEREAS, through a culture of innovation, the American Institute of Architects empowers its members and inspires the creation of a better built environment.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature recognizes the 100th anniversary of the Nebraska Chapter of the American Institute of Architects and its more than ten decades of service to its members and promotion of the value of architects and architecture across Nebraska.
2. That a copy of this resolution be sent to AIA Nebraska.

Laid over.

LEGISLATIVE RESOLUTION 273. Introduced by Arch, 14.

WHEREAS, scoliosis awareness is important to help children, parents, health care providers, and others understand, recognize, and treat the complexities of spinal deformities, such as scoliosis; and
WHEREAS, scoliosis is an abnormal curvature of the spine with no known cause that strikes without regard to gender, race, age, or economic status; and
WHEREAS, scoliosis affects between 2 and 3 percent of the population or an estimated 50,000 Nebraskans; and
WHEREAS, the primary age for onset of scoliosis is between ten and fifteen years, with females being five times more likely to progress to a curve magnitude requiring medical treatment; and
WHEREAS, approximately one in every six children diagnosed with scoliosis will eventually need active medical treatment; and
WHEREAS, screening programs allow for early detection and treatment opportunities that may alleviate the long-term effects of scoliosis; and
WHEREAS, June 2019 is National Scoliosis Awareness Month, an opportunity to raise awareness of scoliosis and improve our understanding of this condition through research and innovation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature recognizes June 2019 as National Scoliosis Awareness Month.
2. That a copy of this resolution be sent to the Curvy Girls scoliosis support group of Nebraska.

Laid over.

LEGISLATIVE RESOLUTION 274. Introduced by McDonnell, 5.

WHEREAS, the National Association of Letter Carriers began their one-day food drive in 1992; and
WHEREAS, for many years prior to 1992, a number of National Association of Letter Carriers branches collected food for the needy in the communities they served; and
WHEREAS, in 1992, ten cities were selected to explore a coordinated effort, and a pilot food drive was held in Columbus, Ohio, by Branch 78 of the National Association of Letter Carriers; and
WHEREAS, the pilot food drive was so successful that the food drive was then expanded nationwide; and
WHEREAS, a nationwide one-day food drive was organized for May 15, 1993, with the goal of having at least one National Association of Letter Carriers branch participate in each state; and
WHEREAS, more than 220 National Association of Letter Carriers branches participated in the first national one-day food drive and set a one-day record for food collection in the United States by collecting more than 11,000,000 pounds of food; and
WHEREAS, in 2018, the National Association of Letter Carriers collected over 71,600,000 pounds of food to help restock food banks, pantries, and shelters throughout the United States; and
WHEREAS, 2018 marked the 15th consecutive year that the nation's largest one-day food drive collected more than 70,000,000 pounds of food; and
WHEREAS, the National Association of Letter Carriers one-day food drive has collected more than 1,670,000,000 pounds of food since it began in 1993; and
WHEREAS, the National Association of Letter Carriers one-day food drive occurs on the second Saturday in May each year; and
WHEREAS, it is estimated that 560,000 pounds of food was collected across Nebraska this year; and
WHEREAS, the National Association of Letter Carriers and Nebraska Post Office branches partnered with many organizations to bring the "Stamp Out Hunger" event to the State of Nebraska. The partnering organizations include the AFL-CIO, Nebraska AFL-CIO Central Labor Councils and Federations, Big Chuck Trucking LLC, Enterprise Truck Rental, the International Brotherhood of Electrical Workers Local 22, International Brotherhood of Electrical Workers Local 265, Kellogg’s, the National Electrical Contractors Association-Nebraska, Penske Truck Rental, Valassis, Valpak, United Food and Commercial Workers, United States Postal Service, Nebraska Center for Workforce Development and Education, United Way of the Midlands, United Way of Lincoln and Lancaster County, and local area food pantries.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature recognizes the National Association of Letter Carriers' one-day food drive.
2. That the Legislature honors the National Association of Letter Carriers for their distinguished community service and philanthropic efforts.
3. That copies of this resolution be sent to the Nebraska affiliates of the National Association of Letter Carriers.

Laid over.
LEGISLATIVE RESOLUTION 275. Introduced by Geist, 25.

WHEREAS, the 2019 Class A State Wrestling Championship was held February 14-16; and
WHEREAS, senior Chance Fry from Lincoln East High School won the 152-pound division title by major decision, 12-1; and
WHEREAS, this was the third state wrestling championship for Chance Fry; and
WHEREAS, junior Maxx Mayfield from Lincoln East High School won the 138-pound division title by fall at four minutes, sixteen seconds; and
WHEREAS, Coach Kennan McCurdy effectively led the team to prepare for the state championship; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Chance Fry and Maxx Mayfield on their wrestling titles.
2. That a copy of this resolution be sent to Lincoln East High School and Coach Kennan McCurdy.

Laid over.

LEGISLATIVE RESOLUTION 276. Introduced by Geist, 25.

WHEREAS, the NSAA Class A State Track and Field Championship was held May 17-18, 2019; and
WHEREAS, Jenna Muma from Lincoln East High School competed in and won the 1600-meter run with a time of 5 minutes, 4.32 seconds; and
WHEREAS, Tyler Brown from Lincoln East High School competed in and won the discus event with a throw of 187 feet, zero inches; and
WHEREAS, Head Coach John Gingery provided effective coaching and leadership to prepare for the championship; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Jenna Muma and Tyler Brown for their respective wins at the 2019 Class A State Track and Field Championship.
2. That a copy of this resolution be sent to Lincoln East High School and Head Coach John Gingery.

Laid over.
LEGISLATIVE RESOLUTION 277. Introduced by Lathrop, 12.

WHEREAS, the National History Day program connects students with history while teaching research, writing, and presentation skills that will serve the students well into adulthood; and
WHEREAS, students from Ralston Middle School and Ralston High School participated in History Day with support from coaches Mindy Podraza, Lynn Behounek, and Shane Adams; and
WHEREAS, Maya Dooley, Jaclyn Johnson, Bethany Madden, Olivia Van Lancker, Carol Van Lancker, Ella Johnson, Andrew Creek, Cassidy Culjat, Shelby Stephens, and Tyler Richardson were chosen to participate in the national-level competition in College Park, Maryland in June 2019; and
WHEREAS, one team project, from Ralston Middle School students Maya Dooley and Jaclyn Johnson, was selected by state-level judges to represent Nebraska at a Smithsonian National Museum of Natural History display following the competition; and
WHEREAS, historical knowledge is critical to the development of individuals, our state, our nation, and humanity as a whole; and
WHEREAS, the curiosity and dedication of Ralston Public Schools students sets a positive example for those around them; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates Ralston Middle and High School students on their participation in the National History Day competition.
2. That a copy of this resolution be sent to Ralston Public Schools.

Laid over.

LEGISLATIVE RESOLUTION 278. Introduced by Hunt, 8.

WHEREAS, June 7, 2019, is recognized as National Gun Violence Awareness Day to honor and remember all victims and survivors of gun violence and to declare that we as a country must do more to reduce gun violence; and
WHEREAS, between 2013 and 2017, over 1,200 Nebraska residents died by suicide and nearly half of all suicide deaths were carried out with a gun, killing nearly 600 Nebraskans; and
WHEREAS, on average, one Nebraska resident dies by suicide by gun every three days; and
WHEREAS, gun-related crimes, such as homicides, gun assaults, and gun robberies, have risen by 20 percent in Omaha between 2013 and 2017; and
WHEREAS, every day, 100 Americans are killed by gun violence and countless others are wounded; and
WHEREAS, Americans are 25 times more likely to be killed with guns than people in other high-income countries; and
WHEREAS, protecting public safety in the state is among a governor's highest responsibilities; and
WHEREAS, support for the second amendment rights of law-abiding citizens goes hand-in-hand with keeping guns away from people that shouldn't have them; and
WHEREAS, June 2019 would have marked the twenty-second birthday of Hadiya Pendleton, a teenager who marched in President Obama's second inaugural parade and was tragically shot and killed just weeks later; and
WHEREAS, to help honor Hadiya and the 100 Americans whose lives are cut short and the countless others who are wounded by gun violence every day, June 7, 2019, has been designated as the fifth National Gun Violence Awareness Day; and
WHEREAS, the idea was inspired by a group of Hadiya's friends, who asked their classmates to commemorate her life by wearing orange. They chose this color because hunters wear orange to protect themselves and others, and orange is a color that has been embraced by the gun safety movement because it symbolizes the value of human life; and
WHEREAS, by wearing orange and commemorating National Gun Violence Awareness Day on June 7, Americans will raise awareness about gun violence and honor the lives and lost human potential stolen by gun violence in America; and
WHEREAS, we renew our commitment to reduce gun violence and pledge to do all we can to keep firearms out of the wrong hands and encourage responsible gun ownership to help keep our children safe.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature recognizes June 7, 2019, as National Gun Violence Awareness Day and encourages all Nebraskans to support their communities' efforts to prevent the tragic effects of gun violence and to honor and value human lives.

Laid over.

REFERENCE COMMITTEE REPORT

2019 Resolution calling for an Interim Study

<table>
<thead>
<tr>
<th>LR262</th>
<th>Interim study to examine issues under the jurisdiction of the Revenue Committee</th>
<th>Revenue</th>
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(Signed) Mike Hilgers, Chairperson
Executive Board
MOTION(S) - Return LB470 to Select File

Senator Chambers moved to return LB470 to Select File for the following specific amendment:

FA90
Strike the enacting clause.

Senator Chambers withdrew his motion to return.

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB470 with 38 ayes, 6 nays, and 5 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 470. With Emergency Clause.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-103, 77-105, 77-202, 77-3,110, 77-1374, 77-1375, 77-2716, 77-5007, 85-1807, 85-1808, and 85-1810, Reissue Revised Statutes of Nebraska; to redefine terms; to exempt dwelling complexes and any related amenities located on a United States Department of Defense military installation from property taxes as prescribed; to provide for payments in lieu of taxes as prescribed; to change provisions relating to the Department of Revenue Miscellaneous Receipts Fund and the College Savings Plan Expense Fund; to change provisions relating to the assessment of improvements on leased lands; to provide tax deductions for certain contributions to the Nebraska educational savings plan trust as prescribed; to provide that certain contributions to the Nebraska educational savings plan trust not be recognized as income for certain purposes; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 43:
The following bill was read and put upon final passage:

**LEGISLATIVE BILL 470A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 470, One Hundred Sixth Legislature, First Session, 2019; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"
Present and not voting, 5:

Albrecht  Cavanaugh  Erdman  Hunt  Kolowski

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**MOTION(S) - Return LB209 to Select File**

Senator Wishart moved to return LB209 to Select File for her specific amendment, FA64, found on page 1379.

**SPEAKER SCHEER PRESIDING**

Senator Wishart withdrew her motion to return.

**MOTION(S) - Recommit LB209 to Committee**

Senator Hunt offered the following motion to LB209:

MO109
Recommit to the Judiciary Committee.

**PRESIDENT FOLEY PRESIDING**

Senator Albrecht offered the following motion:

MO110
Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Albrecht moved for a call of the house. The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

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

Voting in the affirmative, 36:

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<td>Lathrop</td>
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Voting in the negative, 12:

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<td>Kolowski</td>
<td>Pansing</td>
<td>Brooks</td>
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Present and not voting, 1:

Blood

The Albrecht motion to invoke cloture prevailed with 36 ayes, 12 nays, and 1 present and not voting.

The Hunt motion to recommit to committee failed with 8 ayes, 36 nays, and 5 present and not voting.

The Chair declared the call raised.

BILL ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB209 with 37 ayes, 11 nays, and 1 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 209.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-327, 28-327.01, 28-345, and 28-806, Reissue Revised Statutes of Nebraska; to provide requirements for the provision of information and materials regarding finding medical assistance and continuing a viable pregnancy after taking mifepristone; to provide duties for the Department of Health and Human Services; to require a confidential reporting form as prescribed; to change provisions relating to public indecency; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 36:

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

Voting in the negative, 12:
Cavanaugh  Howard  McCollister  Vargas  
Chambers  Hunt  Morfeld  Wayne  
Hansen, M.  Kolowski  Pansing  Brooks  Wishart  

Present and not voting, 1:  
DeBoer  

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.  

**PRESIDENT SIGNED**  

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 470, 470A, and 209.  

**RESOLUTION(S)**  

**LEGISLATIVE RESOLUTION 104.** Read. Considered.  
Committee AM1884, found on page 1697, was adopted with 45 ayes, 0 nays, 3 present and not voting, and 1 excused and not voting.  
LR104, as amended, was adopted with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.  

**LEGISLATIVE RESOLUTION 257.** Read. Considered.  
Senator Stinner offered his amendment, AM1974, found on page 1798.  
The Stinner amendment was adopted with 43 ayes, 0 nays, 5 present and not voting, and 1 excused and not voting.  
LR257, as amended, was adopted with 46 ayes, 0 nays, 2 present and not voting, and 1 excused and not voting.  

**LEGISLATIVE RESOLUTION 13.** Read. Considered.  
Committee AM435, found on page 740, was adopted with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.  
LR13, as amended, was adopted with 28 ayes, 3 nays, 10 present and not voting, and 8 excused and not voting.
UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Arch name added to LR118.

VISITOR(S)

Visitors to the Chamber were Senator Cavanaugh's son and daughters, Barrett, Harriett, and Della Cavanaugh, and Senator Cavanaugh's parents, John and Kate Cavanaugh, from Omaha.

MOTION - Adjournment

Senator Lindstrom moved to adjourn until 9:00 a.m., Friday, May 31, 2019.

Senator Chambers moved for a call of the house. The motion failed with 16 ayes, 17 nays, and 16 not voting.

Senator Chambers requested a roll call vote on the motion to adjourn.

The Lindstrom motion to adjourn prevailed with 36 ayes, 1 nay, 4 present and not voting, and 8 excused and not voting, and at 6:33 p.m., the Legislature adjourned until 9:00 a.m., Friday, May 31, 2019.

Patrick J. O'Donnell
Clerk of the Legislature
The prayer was offered by Senator Williams.

ROLL CALL
Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.
The roll was called and all members were present except Senator B. Hansen who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL
The Journal for the eighty-third day was approved.

PRESENTED TO THE GOVERNOR
Presented to the Governor on May 30, 2019, at 6:30 p.m. were the following: LBs 470e, 470Ae, and 209.

(Signed) Laura Gerkin
Clerk of the Legislature's Office

MESSAGE(S) FROM THE GOVERNOR
May 30, 2019

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

Dear Mr. President and Members of the Legislature:

I am returning LB 492 without my signature and with my objections.
LB 492 amounts to an incredible $17 million property tax increase for all residents of Omaha and Douglas County because it moves the transit authority's property tax levy authority outside of the city and county tax lids and authorizes the new authority to double its existing property tax levy amount.

The bill allows the Omaha Transit Authority to convert itself into a new political subdivision that will have broader taxing authority. Once converted, a new regional metropolitan transit authority ("RMTA") will have the power to levy property taxes outside of the existing City of Omaha and Douglas County levy limits. Although the Omaha Transit Authority may levy property taxes now, those property taxes are under the City of Omaha and the Douglas County property tax levy and budget lid limits.

The existing Omaha Transit Authority is currently levying approximately 5 cents per $100 against the total valuation of $35.3 billion. In the most 2018-2019 budget year, the current 5-cent levy is costing Douglas County residents $18,016,991 in property taxes.

In contrast, the stated purpose of the newly created RMTA is to obtain additional financing by levying the maximum 10 cents per $100 against the same total valuation. Douglas County taxpayers would face at least a $17 million dollar property tax increase. The new regional transportation authority would collect $35 million annually.

Furthermore, LB 492 exempts the newly created RMTA from all existing statutory limits on allowable tax asking and budget growth for 5 years. No other political subdivision in Nebraska is given this expansive property tax increase ability.

For the owners of a $200,000 home in Omaha, this increase could be as much as $200 per year. The average farm in Douglas County is estimated to be valued at $1,891,447 according to the National Agricultural Statistics Service. The increased property tax bill for a farm owner could be as much as $1891 per year.

LB 492 also has the potential to raise property taxes in Sarpy County communities such as LaVista, Bellevue, and Papillion without a vote of the people. Currently, these cities contract with the Omaha Transit Authority for service to and from Omaha and surrounding communities. Under LB 492, these communities may join the RMTA by a two-thirds vote of their respective city councils. Once surrounding cities join the RMTA, the existing transportation contracts become nullified and the RMTA property tax is imposed on the entire community, with no input on the property tax levy rate from the respective city council or affected residents of these adjacent cities.

LB 492 represents a substantial step in the wrong direction in efforts to reduce property taxes. The bill creates a new political subdivision and vests it with extraordinary powers to levy property taxes and to spend outside of
the important existing lid limits that are imposed on every other political subdivision. The result is a $17 million property tax increase on the residents of Douglas County. This will only make addressing property tax relief more difficult in the coming years.

According to the Nebraska Revenue Department, there are 2,336 separate governmental entities that can levy property taxes in Nebraska. Creating yet another separate entity and vesting it with greater property taxing powers is not the answer to solving transit issues in the metropolitan area.

The rationale for the entire legislative bill is to expand bus routes and to expand ridership. No business case has been made that raising property taxes to expand routes will lead to expanded ridership or to economic employment opportunities.

Before proceeding with this unprecedented property tax increase upon residents in Douglas and Sarpy Counties, I believe it is more wise to wait for the results of the Nebraska Department of Transportation's ("NDOT") long-range transportation plan study, which is scheduled to begin this summer. This study includes examining transit issues in Omaha and Douglas County in great detail to address local concerns with public transit.

For these reasons, I respectfully urge you to sustain my veto of LB 492.

Sincerely,

(Signed) Pete Ricketts
Governor

May 30, 2019

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

Dear Mr. President and Members of the Legislature:

I am returning LB 533 without my signature and with my objections.

A section of the legislation mandates that Nebraska marriage applications, marriage licenses and marriage certificates refer to the married couple as "Applicant 1" and "Applicant 2."

Following the United States Supreme Court's 2015 decision recognizing same-sex marriages, Nebraska amended the marriage application form to refer to couples as "Groom/Party A" and "Bride/Party B." The marriage license and certificate continue to reference the "Groom" and "Bride."

My disagreement with LB 533 is not with the intent to harmonize each of the three official marriage documents. However, while Nebraska must
legally accommodate same-sex couples, it is vital that our State also support the vast majority of Nebraskans who believe in traditional marriage.

LB 533 would also mandate the specific use of term "applicant" to refer to the parties. The term selected in the bill is workable for the marriage license application at which time the couple are applying for a license; however, both the marriage license and the formal certificate of marriage are issued after the parties are married. They are no longer "applicants." The mandated use of this term would be factually inaccurate on both the marriage license and the marriage certificate.

A better course of action is to amend the marriage license and the certificate of marriage to mirror the terminology presently used on the Application for Marriage so that all three documents refer to all couples as: "Groom/Party A" and "Bride/Party B." I have directed the Department of Health and Human Services to ensure all documents are harmonized. The other changes proposed in the bill can be addressed in the 2020 legislative session.

For each of these reasons, I respectfully urge you to sustain my veto of LB 533.

Sincerely,
(Signed) Pete Ricketts
Governor
May 30, 2019

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 86, 86A, 149, 186e, 186Ae, 334, 334A, 397, 433, 460e, 460Ae, 462, 468, 481, 481A, 511, 512e, 519, 532, 532A, 583, 592, 593e, 610, 610A, 630, 657e, 657Ae, 680, 686, and 690 were received in my office on May 24, 2019. These bills were signed and delivered to the Secretary of State on May 30, 2019.

Sincerely,
(Signed) Pete Ricketts
Governor

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 30, 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

Leahy, Ed
Emergent BioSolutions (Withdrawn 05/24/2019)
Zulkoski Weber LLC
Viaero Wireless

BILL ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 26.

A BILL FOR AN ACT relating to legal service insurance corporations; to amend sections 44-3302 and 44-3303, Reissue Revised Statutes of Nebraska; to redefine a term; to exclude certain plans from the insurance laws as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Present and not voting, 3:

Blood  Morfeld  Williams

Excused and not voting, 1:
Hansen, B.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 221.**

A BILL FOR AN ACT relating to the Title Insurers Act; to amend section 44-1984, Reissue Revised Statutes of Nebraska; to change provisions relating to limitations on powers; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

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Voting in the negative, 0.

Present and not voting, 1:

Williams

Excused and not voting, 1:

Hansen, B.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 436. With Emergency Clause.**

A BILL FOR AN ACT relating to government; to create the Complete Count Committee; to provide powers and duties for the Nebraska State Data Center program; to provide a termination date; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the
emergency clause attached?"

Voting in the affirmative, 38:

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Voting in the negative, 4:

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Present and not voting, 6:

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Excused and not voting, 1:

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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 26, 221, and 436.

**MOTION(S) - Override Veto on LB492**

Senator Wayne offered the following motion to LB492:

MO111

Becomes law notwithstanding the objections of the Governor.

Senator Wayne moved for a call of the house. The motion prevailed with 32 ayes, 5 nays, and 12 not voting.

Senator Wayne requested a roll call vote, in reverse order, on the motion to override the Governor's veto.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?'"
Voting in the affirmative, 33:

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Voting in the negative, 16:

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Not voting, 0.

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

The Chair declared the call raised.

**MOTION(S) - Override Veto on LB533**

Senator Cavanaugh offered the following motion to LB533:

MO112

Becomes law notwithstanding the objections of the Governor.

Senator Cavanaugh withdrew her motion to override the Governor's veto.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 147.** Read. Considered.

**LEGISLATIVE RESOLUTION 263.** Read. Considered.

**LEGISLATIVE RESOLUTION 264.** Read. Considered.

**LEGISLATIVE RESOLUTION 265.** Read. Considered.

**LEGISLATIVE RESOLUTION 266.** Read. Considered.

**LEGISLATIVE RESOLUTION 267.** Read. Considered.

**LEGISLATIVE RESOLUTION 270.** Read. Considered.

**LEGISLATIVE RESOLUTION 271.** Read. Considered.
LEGISLATIVE RESOLUTION 272. Read. Considered.

LEGISLATIVE RESOLUTION 273. Read. Considered.

LEGISLATIVE RESOLUTION 274. Read. Considered.

LEGISLATIVE RESOLUTION 275. Read. Considered.

LEGISLATIVE RESOLUTION 276. Read. Considered.

LEGISLATIVE RESOLUTION 277. Read. Considered.

LEGISLATIVE RESOLUTION 278. Read. Considered.

LEGISLATIVE RESOLUTION 268. Read. Considered.

LEGISLATIVE RESOLUTION 269. Read. Considered.

LRs 147, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, and 278 were adopted with 44 ayes, 0 nays, and 5 present and not voting.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 147, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, and 278.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 31, 2019, at 9:30 a.m. were the following: LBs 26, 221, and 436e.

(Signed) Laura Gerkin
Clerk of the Legislature's Office

COMMITTEE REPORT
Enrollment and Review

Correctly Enrolled

The following resolution was correctly enrolled: LR104.

(Signed) Julie Slama, Chairperson
LEGISLATIVE RESOLUTION 104. Introduced by Walz, 15; Bolz, 29; Cavanaugh, 6; Friesen, 34; Halloran, 33; Kolterman, 24; Linehan, 39; McCollister, 20; Quick, 35; Stinner, 48; Vargas, 7; Wishart, 27.

WHEREAS, an individual residing at Life Quest at the Coolidge Center, a state-licensed care facility in Palmer, died on September 3, 2017, after three days of life-threatening symptoms; and

WHEREAS, the Department of Health and Human Services produced an eighty-one page report of violations found during inspections in June and July of 2017 and another six-page report after a visit in September of 2017. These reports were not released until officials revoked the facility's mental health care license on October 5, 2017, a month after the incident occurred. The revocation took effect fifteen days later; and

WHEREAS, the report indicates that the Department of Health and Human Services knew of multiple violations in the months preceding the closure of this facility. If more immediate action had been taken to remedy these violations or draw attention to the inequities in quality of care standards, a life could have been saved; and

WHEREAS, the circumstances surrounding this event have garnered media attention throughout Nebraska, along with scrutiny from the public. This care facility, as well as multiple others in the past few years, including Hotel Pawnee in North Platte and Park View Villa in Gothenburg, have been shut down due to violations regarding maintenance, cleanliness, and personnel issues; and

WHEREAS, the individuals affected by these policies are some of the most vulnerable in our community. The citizens of Nebraska have a right to know the standard of care to which our governmental organizations are held, including, but not limited to, policies, procedures, and regulations regarding oversight of assisted-living facilities and mental health centers; and

WHEREAS, under Title II of the Americans with Disabilities Act (ADA) it is illegal for public entities, namely state and local governments, to deny the benefits of programs, services, or activities to qualified individuals with disabilities; and

WHEREAS, the regulations which implement Title II mandate that state governments administer services "in the most integrated settings appropriate to the needs of qualified individuals with disabilities"; and

WHEREAS, the integration mandate in the ADA is implicated when a public entity administers its programs in a manner that results in unjustified segregation of persons with disabilities; and

WHEREAS, a public entity may violate the integration mandate in the ADA when it: (1) Directly or indirectly operates facilities or programs that segregate individuals with disabilities; (2) finances the segregation of individuals with disabilities in private facilities; or (3) through planning, service system design, funding choices, or service implementation practices, promotes or relies upon the segregation of individuals with disabilities in private facilities or programs.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE
ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST
SESSION:

1. That the Legislature hereby calls for the Executive Board of the
Legislative Council to meet forthwith and appoint a special committee of the
Legislature to be known as the State-Licensed Care Facilities Oversight
Committee of the Legislature. The committee shall consist of seven
members of the Legislature appointed by the Executive Board. The
committee shall elect a chairperson and vice-chairperson from the
membership of the committee. The Executive Board is hereby authorized to
provide the committee with a legal counsel, committee clerk, and other staff
as required by the committee from existing legislative staff.

2. The State-Licensed Care Facilities Oversight Committee shall limit the
scope of its inquiry to assisted-living facilities where many of the residents
are diagnosed with a mental illness. The oversight committee shall also
examine the recent closures of the mental health centers known as Life
Quest, located in Palmer and Blue Hill.

3. The State-Licensed Care Facilities Oversight Committee of the
Legislature is hereby authorized to study the lack of adequate conditions of
state-licensed care facilities, the treatment of individuals residing in such
facilities, the effectiveness of regulation and licensure by the Division of
Public Health of the Department of Health and Human Services in providing
oversight, and how the Department of Health and Human Services
implements and administers its behavioral health services through the
behavioral health regions to address the needs of this vulnerable population.
The committee shall also investigate what steps the department has taken to
advance the recommendations proposed by the Technical Assistance
Collaborative as a consultant to the department, namely, the reasons that
assisted-living facilities are the primary residential options for individuals
with severe and persistent mental illness and alternatives, such as permanent
supportive housing and services, do not exist. The committee shall also
investigate whether the department is taking adequate steps to ensure
behavioral health services are administered in the most integrated setting
pursuant to the ADA. The committee shall utilize existing studies, reports,
and legislation developed to address the current conditions. The committee
shall not be limited to such studies, reports, or legislation.

4. The State-Licensed Care Facilities Oversight Committee of the
Legislature shall issue a report with its findings and recommendations to the
Legislature on or before December 15, 2019.

COMMITTEE REPORT
Enrollment and Review

Correctly Enrolled

The following resolution was correctly enrolled: LR257.

(Signed) Julie Slama, Chairperson
LEGISLATIVE RESOLUTION

LEGISLATIVE RESOLUTION 257. Introduced by Stinner, 48.

WHEREAS, the Nebraska Association of Former State Legislators has offered a gift of labor and materials to restore the gardens of the Capitol Courtyards; and

WHEREAS, the gift of labor and materials will be used to restore the gardens to the original design by Ernst Herminghaus with modifications agreed to by the State Capitol Administrator; and

WHEREAS, the installation of the gardens, including irrigation and drainage systems, plants, and other improvements within the courtyards of the State Capitol, will be accomplished by the funding provided by the gift and ongoing maintenance will be supported with amounts to be made available by the Nebraska Association of Former State Legislators; and

WHEREAS, the Nebraska Association of Former State Legislators and the Office of the Nebraska Capitol Commission have entered into a Memorandum of Understanding for Nebraska Capitol Courtyard Gardens Restoration which provides, among other specifications, that the State Capitol Administrator will provide oversight and supervise the work to be performed; and

WHEREAS, restoring the gardens within the courtyards of the State Capitol will provide an investment in the real property of the State of Nebraska which will be for the benefit of the people of the State of Nebraska; and

WHEREAS, the Appropriations Committee of the Legislature held a public hearing on this matter on May 23, 2019.

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

1. That pursuant to section 81-1108.33 the Legislature approves the gift of labor and materials from the Nebraska Association of Former State Legislators for the restoration of the gardens of the State Capitol Courtyards.

2. That such approval is granted with the understanding that the gift will be implemented in accordance with the Memorandum of Understanding for Nebraska Capitol Courtyard Gardens Restoration.

COMMITTEE REPORT

Enrollment and Review

Correctly Enrolled

The following resolution was correctly enrolled: LR13.

(Signed) Julie Slama, Chairperson
WHEREAS, milk is a standardized food, described in 21 C.F.R. 131.110(a) as the lacteal secretion, practically free of colostrum, obtained by the complete milking of one or more healthy cows; and
WHEREAS, further standards of identity have long been promulgated for cultured milk, yogurt, butter, ice cream, cheese, and cheese-related products under the Federal Food, Drug, and Cosmetic Act and regulations of the federal Food and Drug Administration that require milk or cream as an essential and characteristic element of the product; and
WHEREAS, there has been an emergence and expansion of plant-based products labeled with names that include standardized dairy food terms such as milk, cultured milk, and cheese that are often sold in packaging mimicking that of real dairy food counterparts and often sold within or adjacent to the dairy display in retail stores; and
WHEREAS, such plant-based milk and other dairy food analog products may not have the same basic nature and characterizing composition as real dairy counterparts and differ in physical properties, nutritional composition, flavor characteristics, and shelf life such that they are not suitable dairy food substitutes, and, except for fortified soy beverages, do not meet the recommendation for dairy food group intake in the 2015-2020 Dietary Guidelines for Americans published by the United States Department of Agriculture and the United States Department of Health and Human Services; and
WHEREAS, consumer demand for such plant-based dairy food analog products is in part derived from cultivating consumer perceptions that falsely equate such products compositionally, nutritionally, and functionally with real dairy food products by utilization of the term milk and other standardized dairy food product terms in non-dairy product names; and
WHEREAS, such change in perception is eroding the market distinction and the unique cultural, dietary, historical, and culinary values consumers associate with high-quality dairy products supplied by America's dairy farmers; and
WHEREAS, the federal Food and Drug Administration has initiated a review of labeling issues associated with the use of milk and other dairy terms with standardized definitions in the names of products that are derived from non-dairy sources in Docket ID FDA-2018-N-3522 and has invited comments regarding how consumers' understanding, perception, purchase practices, and consumption of plant-based milk and other dairy food analog products is influenced by the use of milk and other standardized dairy terms to identify non-dairy products; and
WHEREAS, the Legislature of North Carolina during its 2018 session became the first state legislature to enact legislation through passage of SB711 which directs the North Carolina Department of Agriculture to prepare regulations and enforcement policies to address mislabeling of
plant-based milk and other dairy food analog products and to implement such regulations when at least ten other states pass similar legislation; and

WHEREAS, additional states may consider similar legislation in the absence of clear federal direction and enforcement of the use of standardized dairy food terms for the labeling of plant-based milk and other dairy food analog products.

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

1. That the Legislature urges the appropriate federal agencies of the United States Government responsible for food labeling to:
   a. Establish and enforce standards for nomenclature of plant-based imitation milk and dairy food products that are truthful, not misleading, and sufficient to differentiate non-dairy derived beverages and food products from milk and dairy products that conform to the standard of identity in 21 C.F.R. part 131 and 21 C.F.R. part 133;
   b. Enforce product labeling and statements of product identity that exclusively reserve the use of the term milk and other standardized dairy food product terms such as yogurt, butter, ice cream, and cheese to products derived from real dairy origin that conform to the standards of identity in 21 C.F.R. parts 131, 133, and 135 and the Federal Food, Drug, and Cosmetic Act; and
   c. Ensure certainty and consistency in regulation of the labeling of traditional dairy milk and other real dairy food products and plant-based beverages and other dairy food analog products to aid consumer understanding of the distinction between such products and to avoid market distortion.

2. That a copy of this resolution be sent to President Donald J. Trump, Commissioner of Food and Drugs of the United States Department of Health and Human Services Scott Gottlieb, M.D., United States Secretary of Agriculture George E. (Sonny) Perdue, III, and to each member of Nebraska's congressional delegation.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 104, 257, and 13.

COMMUNICATION

May 31, 2019

The Honorable Robert Evnen
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Secretary:
Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB492 with a certificate attached thereto signed by the President of the Legislature certifying the passage of LB492, notwithstanding the objections of the Governor.

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

PJO:lg
Enc.

CERTIFICATE

Legislative Bill 492, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, has become law this 31st day of May 2019.

(Signed) Mike Foley
President of the Legislature

COMMUNICATION

May 31, 2019

The Honorable Robert Evnen
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Secretary:

Inasmuch as the Legislature did not override the veto by Governor Ricketts of LB533, and consistent with our rules, I am delivering the bill for filing in the form prescribed by the Governor.

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

PJO:lg

MOTION - Notify Governor

Senator Bolz moved that a committee of five be appointed to notify the Governor that the One Hundred Sixth Legislature, First Session of the Nebraska Legislature, is about to complete its work, and to return with any message the Governor may have for the Legislature.

The motion prevailed.

The Chair appointed Senators Clements, Crawford, Hilgers, McDonnell, and Slama to serve on said committee.
The committee returned and escorted Governor Pete Ricketts to the rostrum where he delivered a message to the members.

The committee escorted Governor Pete Ricketts from the Chamber.

**MOTION(S) - Suspend Rules**

Senator Scheer offered his motion, found on page 1817, and corrected on page 1851, to suspend Rule 6, Sections 3 and 5, and Rule 7, Sections 3 and 7, and to indefinitely postpone the following bills whose provisions have been included in other enacted legislation or whose companion bill has been indefinitely postponed: LBs 13, 88, 98, 101, 172, 178, 191, 239, 246, 280, 330, 332, 342, 360, 385, 434, 452, 479, 522, 544, 547, 566, 574, 579, 584, 608, 618, 626, 642, 642A, 694, 733, 733A, and 737.

The Scheer motion to suspend the rules prevailed with 40 ayes, 1 nay, and 8 present and not voting.

**MOTION - Journal, Session Laws, and Indexes**

Senator Howard moved that the Legislature approve the preparation and printing of the permanent Legislative Journal, Session Laws, and Indexes by Patrick J. O'Donnell and that he be directed to send to each member of the Legislature a copy of the permanent Legislative Journal and Session Laws.

The motion prevailed.

**MOTION - Eighty-Fourth Day Journal**

Senator Crawford moved that the Journal for the Eighty-Fourth Day, as prepared by the Clerk of the Legislature, be approved.

The motion prevailed.

**VISITOR(S)**

Visitors to the Chamber were Emily Schlichting from Omaha; member of the Western Australia Legislative Assembly, Ian Blayney, and Barbara Blayney from Western Australia; Senator Wayne's wife, daughter, and son, Katie, Mya, and Thomas Wayne, from Omaha; and Senator Wayne's cousins, Suraya Wayne and Arien Parker, from Omaha.

**MOTION - Adjourn Sine Die**

Senator Kolowski moved that the One Hundred Sixth Legislature, First Session of the Nebraska Legislature, having finished all business before it, now at 11:40 a.m., adjourn sine die.
Senator Erdman requested a roll call vote on the motion to adjourn.

The motion to adjourn sine die prevailed with 37 ayes, 9 nays, 1 present and not voting, and 2 absent and not voting.

Patrick J. O'Donnell  
Clerk of the Legislature