

**SEVENTEENTH DAY - FEBRUARY 3, 2020****LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE  
SECOND SESSION****SEVENTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, February 3, 2020

**PRAYER**

The prayer was offered by Pastor Dan Wiese, St. Paul's Lutheran Church, Cambridge.

**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 DeBoer, Geist, Groene, M. Hansen, Linehan, Slama, Stinner, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixteenth day was approved.

**ANNOUNCEMENT(S)**

Priority designation(s) received:

Lindstrom - LB242

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 301, 302, 303, and 304 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 301, 302, 303, and 304.

**MOTION(S) - Confirmation Report(s)**

Senator Kolterman moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 464:

Public Employees Retirement Board  
 Kelli M. Ackerman  
 Michael D. Jahnke  
 Allen Simpson

Voting in the affirmative, 38:

Albrecht	Chambers	Hansen, B.	La Grone	Quick
Blood	Clements	Hilgers	Lathrop	Scheer
Bolz	Crawford	Hilkemann	Lowe	Vargas
Bostelman	Dorn	Howard	McCollister	Walz
Brandt	Erdman	Hughes	McDonnell	Williams
Brewer	Friesen	Hunt	Moser	Wishart
Briese	Gragert	Kolowski	Murman	
Cavanaugh	Halloran	Kolterman	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 3:

Arch Lindstrom Morfeld

Excused and not voting, 8:

DeBoer	Groene	Linehan	Stinner
Geist	Hansen, M.	Slama	Wayne

The appointments were confirmed with 38 ayes, 0 nays, 3 present and not voting, and 8 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 464:

Nebraska Investment Council  
 John M. Dinkel

Voting in the affirmative, 38:

Albrecht	Chambers	Hansen, B.	Lathrop	Scheer
Blood	Crawford	Hilgers	Lowe	Vargas
Bolz	DeBoer	Hilkemann	McCollister	Walz
Bostelman	Dorn	Hughes	McDonnell	Wayne
Brandt	Erdman	Hunt	Moser	Williams
Brewer	Friesen	Kolowski	Murman	Wishart
Briese	Gragert	Kolterman	Pansing Brooks	
Cavanaugh	Halloran	La Grone	Quick	

Voting in the negative, 0.

Present and not voting, 5:

Arch	Clements	Howard	Lindstrom	Morfeld
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Excused and not voting, 6:

Geist	Hansen, M.	Slama
Groene	Linehan	Stinner

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 468:

Nebraska Commission on Problem Gambling  
Cameron J. Arch

Voting in the affirmative, 36:

Albrecht	Chambers	Hilgers	Lowe	Walz
Blood	Crawford	Hilkemann	McCollister	Wayne
Bolz	DeBoer	Howard	McDonnell	Williams
Bostelman	Dorn	Hunt	Moser	Wishart
Brandt	Erdman	Kolowski	Murman	
Brewer	Friesen	Kolterman	Pansing Brooks	
Briese	Halloran	La Grone	Quick	
Cavanaugh	Hansen, B.	Lathrop	Scheer	

Voting in the negative, 0.

Present and not voting, 7:

Arch	Gragert	Lindstrom	Vargas
Clements	Hughes	Morfeld	

Excused and not voting, 6:

Geist	Hansen, M.	Slama
Groene	Linehan	Stinner

The appointment was 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 468:

Nebraska Commission on Problem Gambling

Claudia Louise Barthold

Mark R. Canada

Voting in the affirmative, 36:

Albrecht	Chambers	Hansen, B.	Lowe	Walz
Blood	Clements	Hilgers	McCollister	Wayne
Bolz	Crawford	Hilkemann	McDonnell	Williams
Bostelman	DeBoer	Howard	Moser	Wishart
Brandt	Erdman	Hunt	Murman	
Brewer	Friesen	Kolowski	Pansing Brooks	
Briese	Geist	Kolterman	Quick	
Cavanaugh	Halloran	La Grone	Scheer	

Voting in the negative, 0.

Present and not voting, 8:

Arch	Gragert	Lathrop	Morfeld
Dorn	Hughes	Lindstrom	Vargas

Excused and not voting, 5:

Groene	Hansen, M.	Linehan	Slama	Stinner
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The appointments were confirmed with 36 ayes, 0 nays, 8 present and not voting, and 5 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 on page 489:

State Highway Commission

Jerome A. Fagerland

James W. Hawks

Douglas Leafgreen

Voting in the affirmative, 37:

Albrecht	Chambers	Halloran	Linehan	Scheer
Blood	Clements	Hansen, B.	Lowe	Walz
Bolz	Crawford	Howard	McCollister	Wayne
Bostelman	DeBoer	Hunt	McDonnell	Williams
Brandt	Dorn	Kolowski	Moser	Wishart
Brewer	Erdman	Kolterman	Murman	
Briese	Friesen	La Grone	Pansing Brooks	
Cavanaugh	Geist	Lathrop	Quick	

Voting in the negative, 0.

Present and not voting, 8:

Arch	Hilgers	Hughes	Morfeld
Gragert	Hilkemann	Lindstrom	Vargas

Excused and not voting, 4:

Groene	Hansen, M.	Slama	Stinner
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The appointments were confirmed with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

#### AMENDMENT(S) - Print in Journal

Senator Blood filed the following amendment to LB752:

AM2102

1 I. Strike sections 14 to 17 and insert the following new sections:  
 2 Sec. 14. (1) The Veterans' Health Task Force is created. The task  
 3 force shall consist of the following members:  
 4 (a) The chairperson of the Government, Military and Veterans Affairs  
 5 Committee of the Legislature or another member of the committee as such  
 6 chairperson's designee;  
 7 (b) One additional member of the Government, Military and Veterans  
 8 Affairs Committee of the Legislature designated by the chairperson of  
 9 such committee;  
 10 (c) The chairperson of the Health and Human Services Committee of  
 11 the Legislature or another member of the committee as such chairperson's  
 12 designee;  
 13 (d) One additional member of the Health and Human Services Committee  
 14 of the Legislature designated by the chairperson of such committee;  
 15 (e) One representative from the Department of Health and Human  
 16 Services designated by the chief executive officer of the Department of  
 17 Health and Human Services;  
 18 (f) One representative from the Department of Veterans' Affairs  
 19 designated by the Director of Veterans' Affairs; and  
 20 (g) One practicing psychologist in private practice appointed by the  
 21 chairperson of the Health and Human Services Committee of the  
 22 Legislature.  
 23 (2) Members of the task force shall serve without compensation but  
 24 shall be reimbursed for their actual and necessary expenses as provided  
 25 in sections 81-1174 to 81-1177.  
 26 (3) The chairperson of the Government, Military and Veterans Affairs

27 Committee of the Legislature or such chairperson's designee shall serve  
1 as chairperson of the task force. Administrative and staff support for  
2 the task force shall be provided by the Government, Military and Veterans  
3 Affairs Committee of the Legislature and the Health and Human Services  
4 Committee of the Legislature.

5 Sec. 15. (1) The Veterans' Health Task Force shall undertake a  
6 study regarding development and implementation of a veteran health care  
7 navigator program, administered by the Department of Veterans' Affairs,  
8 as provided in this section.

9 (2) The program, if implemented, should provide for the hiring of a  
10 suitable number of veteran health care navigators. Navigators should be  
11 full-time employees of the department. Navigators should have direct  
12 knowledge of the veteran communities they serve. The mission of the  
13 navigators should be to:

14 (a) Increase access by veterans and their families to health care  
15 coverage and services;

16 (b) Leverage existing resources and structures where veterans and  
17 their families are likely to be found;

18 (c) Ensure that the needs of veterans and their families are  
19 incorporated in all state efforts to expand access to affordable, quality  
20 healthcare; and

21 (d) Ensure that veterans and their families have access to mental  
22 health treatment, including for posttraumatic stress disorder,  
23 depression, and suicide prevention.

24 (3) The program, if implemented, should provide the following duties  
25 for veteran health care navigators:

26 (a) Identifying all federal and other health benefits, coverage, and  
27 services available to veterans and their families;

28 (b) Coordinating with other local, state, and federal agencies and  
29 departments, health care providers, and health insurance programs to help  
30 veterans and their beneficiaries apply for coverage under such programs,  
31 including helping veterans overcome barriers within the health care  
1 system, to ensure enrollment in health plans and effective delivery and  
2 coordination of health services;

3 (c) Ensuring that access to mental health coverage, services, and  
4 treatment is a primary focus of their activities under the program;

5 (d) Connecting veterans to trained mental health care providers,  
6 including those trained in veteran suicide prevention; and

7 (e) Carrying out such other duties as the Director of Veterans'  
8 Affairs may assign to carry out the program.

9 (4) If the program is implemented, when carrying out their duties  
10 under the program, the Department of Veterans' Affairs and the veteran  
11 health care navigators should coordinate and collaborate with other  
12 relevant local, state, and federal departments and agencies, including,  
13 but not limited to, the behavioral health regions established in section  
14 71-807, county veterans service officers, and the Department of Health  
15 and Human Services.

16 (5) As part of the study required by this section, the Veterans'  
17 Health Task Force shall also conduct an examination of all existing  
18 health care and veterans' programs to:

19 (a) Evaluate whether the needs of veterans and their families are  
20 met by such programs;

21 (b) Determine any necessary and appropriate steps that could be  
22 taken to increase access to affordable, quality health care, including by  
23 rule and regulation pursuant to existing statutory authority or through  
24 new legislation; and

25 (c) Evaluate how the veteran health care navigator program proposed  
26 under this section could improve access to affordable, quality health  
27 care for veterans and their families.

28 (6) On or before January 1, 2022, the Veterans' Health Task Force

29 shall electronically submit a report to the Legislature regarding  
30 development and implementation of a veteran health care navigator program  
31 as provided in this section. The report shall include any recommended  
1 legislation necessary to implement the program. The report shall also  
2 summarize the task force's findings from the examination under subsection  
3 (5) of this section.

4 Sec. 16. (1) The Veterans' Health Task Force shall conduct an  
5 analysis of the impact medicaid expansion has had on veterans and their  
6 families.

7 (2) On or before January 1, 2022, the task force shall  
8 electronically submit a report to the Legislature summarizing its  
9 findings under this section. The report shall include any changes made or  
10 proposed to be made through rule and regulation and any recommended  
11 legislation.

12 Sec. 17. (1) The Veterans' Health Task Force shall undertake a study  
13 regarding development and implementation of a program to reduce barriers  
14 to access to mental health services and treatment for veterans and their  
15 families. If implemented, the program should provide for:

16 (a) Identifying structural and logistical barriers to accessing  
17 treatment, including perceived stigma, long travel distances to receive  
18 care, and any other barriers;

19 (b) Resolving all barriers identified in subdivision (1)(a) of this  
20 section that can be resolved without legislative or budgetary action,  
21 including through increased coordination between departments, nonprofit  
22 organizations, service providers, and the federal government, application  
23 for and use of private and federal grants, and any other actions;

24 (c) Enhancing and strengthening veteran suicide prevention programs  
25 in keeping with proven best practices and research, including by:

26 (i) Identifying and applying for federal and private grants focused  
27 on veteran suicide prevention;

28 (ii) Coordinating local, state, federal, and nonprofit programs that  
29 include community-based approaches for at-risk veterans and veterans at  
30 large;

31 (iii) Providing technical assistance to communities to develop  
1 strategic plans to reduce veteran suicide, including through coordination  
2 and participation by local leaders, faith communities, schools,  
3 workplaces, and other stakeholders; and

4 (iv) Evaluating community strategic plans within Nebraska and  
5 disseminating findings and best practices to optimize the impact of  
6 efforts by all partners and stakeholders;

7 (d) Creating a centralized provider data base which identifies, by  
8 region, mental health providers with the expertise and ability to assist  
9 veterans and their families. The data base should highlight providers  
10 with training or experience in the prevention and treatment of veteran  
11 suicide;

12 (e) Using the report created by the Department of Health and Human  
13 Services under section 13 of this act to compile data on the locations of  
14 residency and death, length and location of service, branch of service,  
15 and occupation and industry or business of each veteran included in such  
16 report;

17 (f) Using the compilation provided for in subdivision (1)(e) of this  
18 section in the Department of Veterans' Affairs' efforts to prevent  
19 veteran suicides; and

20 (g) Identifying evidence-based best practices to increase awareness  
21 of veteran suicide prevention hotlines in Nebraska and elsewhere and  
22 other crisis resources with proven effectiveness to reduce veteran  
23 suicide.

24 (2) If the program is implemented, when carrying out its duties  
25 under the program, the Department of Veterans' Affairs should coordinate  
26 and consult with:

27 (a) Other relevant local, state, and federal agencies and  
 28 departments, including, but not limited to, the behavioral health regions  
 29 established in section 71-807, county veterans service officers, and the  
 30 Department of Health and Human Services;  
 31 (b) Nonprofit organizations and service providers; and  
 1 (c) Other localities and cities that have effective mental health  
 2 treatment and prevention systems.  
 3 (3) On or before January 1, 2022, the Veterans' Health Task Force  
 4 shall electronically submit a report to the Legislature regarding  
 5 development and implementation of the program to reduce barriers to  
 6 access to mental health services and treatment for veterans and their  
 7 families. The report shall include any recommended legislation necessary  
 8 to implement the program.  
 9 Sec. 18. (1) On or before January 1, 2022, the Veterans' Health Task  
 10 Force shall develop a continuing education course for mental health  
 11 providers in Nebraska to obtain expertise in veteran suicide assessment,  
 12 prevention, treatment, and risk management. The course shall incorporate  
 13 best practices and research from the United States Department of  
 14 Veterans' Affairs and service providers in Nebraska and elsewhere. The  
 15 course shall be made available at no cost to health care providers in  
 16 areas of the state the Department of Veterans' Affairs has identified as  
 17 lacking sufficient trained mental health care providers.  
 18 (2) On or before January 1, 2022, the Veterans' Health Task Force  
 19 shall electronically submit a report to the Legislature regarding the  
 20 continuing education course developed under this section.  
 21 (3) On or before January 1, 2023, the Veterans' Health Task Force  
 22 shall electronically submit a report to the Legislature regarding  
 23 utilization of the course by mental health providers.  
 24 2. Renumber the remaining sections accordingly.

Senator Chambers filed the following amendment to LB518:  
AM2243

(Amendments to Standing Committee amendments, AM899)

1 1. On page 1, line 20, strike "and"; in line 23 strike the period  
 2 and insert "; and"; and after line 23 insert the following new  
 3 subdivision:  
 4 "(g) Given the subject matter and intent of this legislative bill,  
 5 it shall be considered within the context of the sordid history of  
 6 America relative to human trafficking and sexual exploitation. Therefore  
 7 it is appropriate to recognize and acknowledge some of the more renowned  
 8 members of the "All American Pantheon and Register of Human Traffickers",  
 9 which is hereby created. Charter members shall include (i) President  
 10 George Washington, (ii) President Thomas Jefferson ["all men are created  
 11 equal..."], (iii) President James Madison, (iv) President Andrew Jackson,  
 12 (v) President James Monroe, (vi) Alexander Hamilton, (vii) Patrick Henry  
 13 ["give me liberty or give me death"], (viii) Francis Scott Key ["the land  
 14 of the free and the home of the brave..."], and (ix) John Hancock [slave  
 15 smuggler]. Such register shall be kept, maintained, and prominently  
 16 displayed on a wall of the Governor's meeting room. Additional names  
 17 accompanied by factual documentation supporting placement on such  
 18 register may be submitted by any person to the Governor for consideration  
 19 for such placement. Following a public hearing in accordance with the  
 20 Open Meetings Act, at a location determined by the Governor at which  
 21 public comments shall be taken, a determination shall be made whether or  
 22 not a suggested name, or names, shall be included in such register. The  
 23 Governor, the Attorney General, and the Secretary of State, serving as a  
 24 committee of three, shall make such determination by majority vote.  
 25 Rejection of placement of a name shall not be a bar to resubmission of  
 26 such name if it is accompanied by additional supportive facts."

**COMMITTEE REPORT(S)**

## Education

The Education 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.

Glenn R. Wilson - Board of Educational Lands and Funds

Aye: 8. Brewer, Groene, Kolowski, Linehan, Morfeld, Murman, Pansing Brooks, Walz. Nay: 0. Absent: 0. Present and not voting: 0.

The Education 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.

Dorothy C. Anderson - Nebraska Educational Telecommunications Commission  
Jacque Carter - Nebraska Educational Telecommunications Commission

Aye: 8. Brewer, Groene, Kolowski, Linehan, Morfeld, Murman, Pansing Brooks, Walz. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Mike Groene, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**

Education  
Room 1525

Monday, February 10, 2020 1:30 p.m.

LB1111  
LB1153  
LB1151  
LB1217

(Signed) Mike Groene, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 267.** Committee [AM1245](#), found on page 1258, First Session, 2019, and considered on page 491, was renewed.

Senator La Grone offered the following motion:

[MO143](#)

Bracket until April 23, 2020.

**SENATOR WILLIAMS PRESIDING**

Senator La Grone withdrew his motion to bracket.

Senator La Grone offered the following amendment to the committee amendment:

[AM2265](#)

(Amendments to Standing Committee amendments, AM1245)

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 13-1304, Reissue Revised Statutes of Nebraska, is

5 amended to read:

6 13-1304 Any commission established under sections 13-1301 to 13-1312

7 shall have power to:

8 (1) Sue and be sued;

9 (2) Have a seal and alter the seal;

10 (3) Acquire, hold, and dispose of personal property for its

11 corporate purposes;

12 (4) Acquire in the name of the city and county, by gift, grant,

13 bequest, purchase, or condemnation, real property or rights and easements

14 thereon necessary or convenient for its corporate purposes and use such

15 property or rights and easements so long as its corporate existence

16 continues;

17 (5) Make bylaws for the management and regulation of its affairs and

18 make rules and regulations for the use of its projects;

19 (6) With the consent of the city or the county, as the case may be,

20 use the services of agents, employees, and facilities of the city or

21 county, for which the commission may reimburse the city or the county its

22 proper proportion of the compensation or cost thereof, and use the

23 services of the city attorney as legal advisor to the commission;

24 (7) Appoint officers, agents, and employees and fix their

25 compensation, except that the county treasurer shall be the ex officio

26 treasurer of the commission;

1 (8) Design, acquire, construct, maintain, operate, improve, remodel,

2 remove, and reconstruct, so long as its corporate existence continues,

3 such projects for the use both by the city and county as are approved by

4 the city and the county and all facilities necessary or convenient in

5 connection with any such projects;

6 (9) Enter into agreements with the city or county, or both, as to

7 the operation, maintenance, repair, and use of its projects. Such

8 agreements may provide that the city or county, or both, has

9 responsibility for a certain area within any building, structure, or

10 facility, including the maintenance, repair, use, furnishing, or

11 management of such area;

12 (10) With the approval of both the city and the county, enter into

13 agreements with the United States of America, the State of Nebraska, any

14 body, board, agency, corporation, or other governmental entity of either

15 of them, or other governmental units for use by them of any projects to

16 the extent that such use is not required by the city or the county;

17 (11) Make all other contracts, leases, and instruments necessary or

18 convenient to the carrying out of the corporate purposes or powers of the

19 commission;

20 (12) Annually levy, assess, and certify to the governing body of the

21 county the amount of tax to be levied for the purposes of the commission

22 subject to section 77-3443, not to exceed one and seven-tenths cents on

23 each one hundred dollars upon the taxable valuation of all the taxable

24 property in the county. The governing body of the county shall collect

25 the tax so certified at the same time and in the same manner as other

26 county taxes are levied and collected, and the proceeds of such taxes

27 when due and as collected shall be set aside and deposited in the special

28 account or accounts in which other revenue of the commission is

29 deposited;

30 (13) Accept grants, loans, or contributions from the United States  
31 of America, the State of Nebraska, any agency or instrumentality of  
1 either of them, the city, the county, any other governmental unit, or any  
2 private person, firm, or corporation and expend the proceeds thereof for  
3 any corporate purposes;

4 (14) Subject to section 13-1306, ~~incur~~ incur debt, issue bonds and  
5 notes and provide for the rights of the holders thereof, and pledge and  
6 apply to the payment of such bonds and notes the taxes and other  
7 receipts, income, revenue, profits, and money of the commission;

8 (15) Enter on any lands, waters, and premises for the purpose of  
9 making surveys, findings, and examinations; and

10 (16) Do all things necessary or convenient to carry out the powers  
11 specially conferred on the commission by sections 13-1301 to 13-1312.  
12 Sec. 2. Section 13-1306, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14 13-1306 (1)(a) With the prior approval of both the city and the  
15 county for which the commission was created, the commission shall have  
16 the power and is hereby authorized from time to time to issue its bonds  
17 for any corporate purpose in such amounts as may be required to carry out  
18 and fully perform the purposes for which such commission is established.  
19 No bonds shall be issued by any commission on or after the effective date  
20 of this act until the question has been submitted to the qualified  
21 electors of the county at an election called for that purpose as provided  
22 in this subsection and a majority of the qualified electors voting on the  
23 question voted in favor of issuing the same.

24 (b) The county board shall give notice of the election at least  
25 fifty days prior to the election. The question of issuing bonds may be  
26 submitted at the statewide primary or general election. The election  
27 shall be conducted in accordance with the Election Act.

28 (c) The question of bond issues, when defeated, shall not be  
29 resubmitted in substance for a period of six months from and after the  
30 date of such election.

31 (d) Before the issuance of bonds pursuant to sections 13-1301 to  
1 13-1312, the commission shall make a written statement of all proceedings  
2 relative to the vote upon the issuance of such bonds and the notice of  
3 the election, the manner and time of giving notice, the question  
4 submitted, and the result of the canvass of the vote on the proposition  
5 pursuant to which it is proposed to issue such bonds, together with a  
6 full statement of the taxable valuation and the total bonded indebtedness  
7 of the county. Such statement shall be certified to under oath.

8 (2) The commission shall have power from time to time and when  
9 refunding is deemed expedient to issue bonds in amounts sufficient to  
10 refund any bonds, including any premiums payable upon the redemption of  
11 the bonds to be refunded and interest to their redemption date upon the  
12 bonds to be refunded, by the issuance of new bonds, whether the bonds to  
13 be refunded have or have not matured. It may issue bonds partly to refund  
14 bonds then outstanding and partly for any other corporate purpose subject  
15 to approval by the voters if required under subsection (1) of this  
16 section. The refunding bonds may be exchanged for the bonds to be  
17 refunded with such cash adjustment as may be agreed or may be sold and  
18 the proceeds applied to the purchase, redemption, or payment of the bonds  
19 to be refunded.

20 (3) All bonds shall be general obligations of the commission issuing  
21 the same and shall be payable out of the tax and other receipts, revenue,  
22 income receipts, profits, or other money of the commission.

23 (4) A commission shall have power from time to time to issue bond  
24 anticipation notes referred to as notes in this section and from time to  
25 time to issue renewal notes, such notes in any case to mature not later  
26 than thirty months from the date of incurring the indebtedness  
27 represented thereby in an amount not exceeding in the aggregate at any  
28 time outstanding the amount of bonds then or theretofore authorized. Such

29 notes shall be general obligations of the commission. Payment of such  
 30 notes shall be made from any money or revenue which the commission may  
 31 have available for such purpose or from the proceeds of the sale of bonds  
 1 of the commission or such notes may be exchanged for a like amount of  
 2 such bonds.

3 (5) All such bonds and notes shall be authorized by a resolution or  
 4 resolutions of the board, after approval by the voters if required under  
 5 subsection (1) of this section, and shall bear such date or dates, mature  
 6 at such time or times, bear interest at such rate or rates, be in such  
 7 denominations, be in such form, either coupon or registered, carry such  
 8 exchange privileges, be executed in such manner, be payable in such  
 9 medium of payment at such place or places within or without the State of  
 10 Nebraska and be subject to such terms of redemption and at such  
 11 redemption premiums, as such resolution or resolutions may provide and  
 12 the provisions of section 10-126, shall not be applicable to such bonds  
 13 or notes. The bonds and notes may be sold at public or private sale for  
 14 such price or prices as the commission shall determine. No proceedings  
 15 for the issuance of bonds or notes of a commission shall be required  
 16 other than those required by the provisions of sections 13-1301 to  
 17 13-1312 and the provisions of all other laws and city charters, if any,  
 18 relative to the terms and conditions for the issuance, payment,  
 19 redemption, registration, sale or delivery of bonds of public bodies,  
 20 corporations or political subdivisions of this state shall not be  
 21 applicable to bonds and notes issued by commissions pursuant to sections  
 22 13-1301 to 13-1312.

23 (6) The full faith and credit of the commission shall be pledged to  
 24 the payment and security of the bonds and notes issued by it, whether or  
 25 not such pledge shall be set forth in the bonds or notes. So long as any  
 26 of its bonds or notes are outstanding, the commission shall have the  
 27 power and be obligated to levy taxes within the limitation as provided in  
 28 section 13-1304 to the extent required, together with any other money  
 29 available to the commission therefor to pay the principal of and interest  
 30 and premium, if any, on such bonds and notes as the same become due and  
 31 payable.

1 (7) All bonds and notes issued pursuant to the provisions of  
 2 sections 13-1301 to 13-1312 shall be and are hereby made negotiable  
 3 instruments within the meaning of and for all the purposes of the Uniform  
 4 Commercial Code subject only to any provisions contained in such bonds  
 5 and notes for the registration of the principal thereof.

6 (8) A commission shall have power to purchase bonds or notes of the  
 7 commission out of any money available therefor. Any bonds so purchased  
 8 shall be canceled by the commission.

9 Sec. 3. Original sections 13-1304 and 13-1306, Reissue Revised  
 10 Statutes of Nebraska, are repealed.

Pending.

### NOTICE OF COMMITTEE HEARING(S)

Appropriations  
 Room 1003

Thursday, February 13, 2020 1:30 p.m.

LB1154

LB762

LB780

Agency 69 - Arts Council, Nebraska

Agency 13 - Education, Department of

Agency 47 - Educational Telecommunications Commission, Nebraska

Agency 54 - Historical Society, Nebraska State  
Agency 31 - Military Department

Room 1524

Tuesday, February 18, 2020 1:30 p.m.

LB778  
LB901  
LB1018  
LB1019  
LB1102

(Signed) John Stinner, Chairperson

Government, Military and Veterans Affairs  
Room 1507

Wednesday, February 12, 2020 1:30 p.m.

LB1193  
LB1110  
LB1119  
LB1120  
LB1086

Thursday, February 13, 2020 1:30 p.m.

LB1218  
LB918  
LB1187  
LB1068

(Signed) Tom Brewer, Chairperson

Executive Board  
Room 1507

Wednesday, February 12, 2020 12:00 p.m.

LB1157  
LB1207

(Signed) Mike Hilgers, 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.

Jan K. tenBensel - Nebraska Ethanol Board

Aye: 7. Albrecht, Bostelman, Gragert, Halloran, Hughes, Moser, Quick.  
Nay: 0. Absent: 1. Geist. 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.

Norris Marshall - Environmental Quality Council

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

(Signed) Dan Hughes, Chairperson

The Revenue 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.

James D. Kuhn - Tax Equalization and Review Commission

Aye: 8. Briese, Crawford, Friesen, Groene, Kolterman, Lindstrom, Linehan, McCollister. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Lou Ann Linehan, Chairperson

#### AMENDMENT(S) - Print in Journal

Senator Kolterman filed the following amendment to LB1084:

AM2211

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. Sections 1 to 26 of this act shall be known and may be
- 4 cited as the Nebraska Transformational Projects Act.
- 5 Sec. 2. For purposes of the Nebraska Transformational Projects Act,
- 6 the definitions found in sections 3 to 14 of this act shall be used.
- 7 Sec. 3. Applicant means a postsecondary institution having a
- 8 college of medicine located in the State of Nebraska.
- 9 Sec. 4. Continuation period means the period of five years
- 10 immediately following the end of the transformational period.
- 11 Sec. 5. Date of application means the date that a completed
- 12 application is filed under the Nebraska Transformational Projects Act.
- 13 Sec. 6. Director means the Director of Economic Development.
- 14 Sec. 7. Investment means the amount paid by the applicant for:
- 15 (1) Real property that is (a) constructed after the date of
- 16 application, (b) owned by the applicant, (c) located at the qualified
- 17 location, and (d) used to carry out the project; or
- 18 (2) Equipment that is (a) purchased after the date of application,
- 19 (b) owned by the applicant, (c) located at the qualified location, and
- 20 (d) used to carry out the project.
- 21 Sec. 8. Matching funds means the funds provided toward investment
- 22 at a project by the State of Nebraska pursuant to section 18 of this act.
- 23 Sec. 9. (1) Private dollars means dollars donated to the applicant

24 specifically for the project by any combination of one or more of the  
25 following:

26 (a) An individual;

27 (b) An organization that is exempt from income tax under section  
1 501(c) of the Internal Revenue Code; or

2 (c) Any nongovernmental organization.

3 (2) Private dollars does not include any direct or indirect funding  
4 from any federal, state, or local government.

5 Sec. 10. Project means an investment by the applicant of at least  
6 one billion six hundred million dollars at one qualified location which  
7 is made to carry out the requirements for the qualified location to be  
8 included in the program described in Title VII, Subtitle C, section 740  
9 of Public Law 116-92.

10 Sec. 11. Qualified location means any parcel of real property, or  
11 contiguous or adjacent parcels of real property, within the State of  
12 Nebraska that is or are owned by the applicant, and such other parcels  
13 owned by the applicant that are necessary to support the applicant's  
14 project at such parcel or parcels. Except to the extent required for a  
15 project to be included in the program described in Title VII, Subtitle C,  
16 section 740 of Public Law 116-92, the award made for a qualified location  
17 may not be used for athletic or recreational purposes, except that a  
18 qualified location may contain space, totaling less than ten percent of  
19 the facility square footage at the project, that may be used for food  
20 service or for exercise or recreational purposes as is commonly used for  
21 the health and well-being of employees, students, and patients.

22 Sec. 12. Related entity means any entity which is a subsidiary or  
23 affiliated entity of the applicant or which has, as one of its purposes  
24 for existence, the financial support of the applicant.

25 Sec. 13. Transformational period means the period of time from the  
26 date of the complete application through the earlier of (1) the end of  
27 the tenth year after the year in which the complete application was filed  
28 with the director or (2) the end of the year in which the applicant  
29 attains the one billion six hundred million dollar investment  
30 requirement.

31 Sec. 14. Year means the fiscal year of the State of Nebraska.

1 Sec. 15. (1) In order to be eligible to receive the matching funds  
2 allowed in the Nebraska Transformational Projects Act, the applicant  
3 shall file an application with the director, on a form developed by the  
4 director, requesting an agreement.

5 (2) The application shall:

6 (a) Identify the project, including the qualified location of such  
7 project, and state that the applicant is pursuing a partnership with the  
8 federal government pursuant to Title VII, Subtitle C, section 740 of  
9 Public Law 116-92 for the project;

10 (b) State the estimated, projected amount of total new investment at  
11 the project, which shall not be less than one billion six hundred million  
12 dollars, including the estimated, projected amount of private dollars and  
13 matching funds;

14 (c) Include an independent assessment of the economic impact to  
15 Nebraska from the project and its construction, which shall be performed  
16 by a professional economist or economics firm which is not in the regular  
17 employ of the applicant. The assessment must show, to the reasonable  
18 satisfaction of the director, an economic impact to Nebraska of at least  
19 two billion seven hundred million dollars during the planning and  
20 construction period and at least four billion nine hundred million  
21 dollars during the ten-year period beginning either when construction is  
22 commenced or when the application is approved;

23 (d) Include approval of the project and of submission of the  
24 application by the governing body of the applicant. Approval of the  
25 project may be subject to other federal, state, and local government

26 approvals needed to complete the project and subject to obtaining the  
27 funding, financing, and donations needed for the project;  
28 (e) State the E-Verify number or numbers that will be used by the  
29 applicant for employees at the qualified location as provided by the  
30 United States Citizenship and Immigration Services; and  
31 (f) Contain a nonrefundable application fee of twenty-five thousand  
1 dollars. The fee shall be remitted to the State Treasurer for credit to  
2 the Nebraska Transformational Project Fund.  
3 (3) An application must be complete to establish the date of the  
4 application. An application shall be considered complete once it contains  
5 the items listed in subsection (2) of this section.  
6 (4) Once satisfied that the application is complete and that the  
7 applicant is eligible to receive the matching funds allowed in the  
8 Nebraska Transformational Projects Act, the director shall approve the  
9 application.  
10 (5) There shall be no new applications filed under this section  
11 after December 31, 2021. Any complete application filed on or before  
12 December 31, 2021, shall be considered by the director and approved if  
13 the location and applicant qualify for approval. Agreements may be  
14 executed with regard to any complete application filed on or before  
15 December 31, 2021.  
16 Sec. 16. (1) Within ninety days after approval of the application,  
17 the director shall prepare and deliver a written agreement to the  
18 applicant for the applicant's signature. The applicant and the director,  
19 on behalf of the State of Nebraska, shall enter into such written  
20 agreement. Under the agreement, the applicant shall agree to undertake  
21 the project and report all investment at the project to the director  
22 annually. The director, on behalf of the State of Nebraska, shall agree  
23 to allow the applicant to receive the matching funds allowed in the  
24 Nebraska Transformational Projects Act, subject to appropriation of such  
25 funds by the Legislature. The application, and all supporting  
26 documentation, to the extent approved, shall be considered a part of the  
27 agreement. The agreement shall state:  
28 (a) The qualified location;  
29 (b) The type of documentation the applicant will need to document  
30 its investment and receipt of private dollars under the act;  
31 (c) The date the application was complete;  
1 (d) A requirement that the applicant be and will stay registered for  
2 the E-Verify Program provided by the United States Citizenship and  
3 Immigration Services for the duration of the project;  
4 (e) A requirement that the applicant update the director within  
5 sixty days of the following events:  
6 (i) Execution of an agreement for construction of real property at  
7 the project;  
8 (ii) Local approval for construction of real property at the  
9 project;  
10 (iii) A binding commitment for financing of the project by a private  
11 lender, to the extent applicable;  
12 (iv) Commencement of construction of real property at the project;  
13 and  
14 (v) The issuance of a certificate of occupancy for real property at  
15 the project;  
16 (f) A requirement that the applicant provide any information needed  
17 by the director to perform his or her responsibilities under the Nebraska  
18 Transformational Projects Act, in the manner specified by the director;  
19 (g) A requirement that the applicant provide an annually updated  
20 timetable showing the private dollars donated and received and the  
21 investment at the project, in the manner specified by the director; and  
22 (h) A requirement that the applicant update the director annually,  
23 with its timetable or in the manner specified by the director, on any

24 changes in plans or circumstances which it reasonably expects will affect  
25 the investment or expected donations for the project.

26 (2) Any failure by the applicant to timely provide the updates or  
27 information required by the director or the act shall result in the loss  
28 of the right to receive matching funds or may, in the discretion of the  
29 director, result in the deferral of matching fund disbursements until  
30 such updates and information have been provided to the director by the  
31 applicant.

1 (3) The applicant shall provide documentation to the director  
2 validating the receipt of private dollars.

3 (4) An agreement under the Nebraska Transformational Projects Act  
4 shall have a duration of no more than fifteen years after the date of  
5 application, consisting of up to the ten years of the transformational  
6 period followed by the five-year continuation period, except such  
7 agreement shall remain effective until all matching fund payments have  
8 been received as provided for under the act.

9 (5) An agreement under the Nebraska Transformational Projects Act  
10 must be approved by the governing body of the applicant to be valid.

11 Sec. 17. The following transactions or activities shall not create  
12 investment under the Nebraska Transformational Projects Act except as  
13 specifically allowed by this section:

14 (1) The renegotiation of any private donor commitment in existence  
15 before the date of application, except to the extent of additional  
16 donation commitments;

17 (2) The purchase of any property which was previously owned by the  
18 applicant or a related entity. The first purchase by either the applicant  
19 or a related entity shall be treated as investment if the item was first  
20 placed in service in the state after the date of the application;

21 (3) The renegotiation of any agreement in existence on the date of  
22 application which does not materially change any of the material terms of  
23 the agreement shall be presumed to be a transaction entered into for the  
24 purpose of facilitating benefits under the act and shall not be allowed  
25 in the meeting of the required investment level under the act; and

26 (4) Any purchase of property from a related entity, except that the  
27 applicant will be considered to have made investment under the act to the  
28 extent the related entity would have been considered to have made  
29 investment on the purchase of the property if the related entity was  
30 considered the applicant.

31 Sec. 18. (1) Subject to section 21 of this act, an applicant shall,  
1 upon the applicant's project being selected for the program established  
2 under Title VII, Subtitle C, section 740 of Public Law 116-92 and the  
3 receipt of federal dollars, be entitled to receive, from the State of  
4 Nebraska, three hundred million dollars as matching funds for the three  
5 hundred million dollars of private dollars received by the applicant  
6 between the date of application and the end of the continuation period.

7 (2) Subject to section 21 of this act, the state shall pay the  
8 available matching funds to the applicant on an annual basis.

9 Sec. 19. (1) The right to matching funds prescribed in section 18  
10 of this act shall be established by filing the forms required by the  
11 director. The matching funds may only be used by the applicant to make  
12 investments at the project or to pay off debt financing for such  
13 investments. Matching funds and private dollars shall be counted towards  
14 the attainment of the one billion six hundred million dollar investment  
15 requirement.

16 (2) Interest shall be due by the applicant on any repayment of  
17 matching funds.

18 (3) All interpretations of the Nebraska Transformational Projects  
19 Act shall be made by the director.

20 (4) An audit of a project shall be made by the director to the  
21 extent and in the manner determined by the director. The director may

22 recover any matching funds which were erroneously allowed by issuing a  
23 repayment determination within the later of three years from the date the  
24 matching funds were paid or three years after the end of the continuation  
25 period.

26 (5) Any determination by the director that the applicant does not  
27 qualify, that a location is not a qualified location, that a project does  
28 not qualify, that a private dollar donation does not qualify, or that  
29 matching funds must be repaid may be protested by the applicant to the  
30 director within sixty days after the mailing to the applicant of the  
31 written notice of the proposed determination by the director. If the  
1 notice of proposed determination is not protested in writing by the  
2 applicant within the sixty-day period, the proposed determination is a  
3 final determination. If the notice is protested, the director, after a  
4 formal hearing by the director or by an independent hearing officer  
5 appointed by the director, if requested by the applicant in such protest,  
6 shall issue a written order resolving such protest.

7 Sec. 20. (1) The applicant must make an investment of one billion  
8 six hundred million dollars at the project before the end of the  
9 transformational period. If the applicant fails to reach such threshold,  
10 all of the matching funds paid to the applicant under the Nebraska  
11 Transformational Projects Act shall be repaid by the applicant to the  
12 director, and the applicant shall be entitled to no matching funds for  
13 the project.

14 (2) The applicant must maintain the required level of investment for  
15 the entire continuation period. If the applicant fails to maintain the  
16 required level of investment for the entire continuation period, all of  
17 the matching funds paid to the applicant under the act shall be repaid by  
18 the applicant to the director, and the applicant shall be entitled to no  
19 matching funds for the project.

20 (3) If the applicant fails to receive, before the end of the  
21 continuation period, three hundred million dollars of donations of  
22 private dollars to be used for the project, then all matching funds paid  
23 to the applicant under the act shall be repaid by the applicant to the  
24 director.

25 (4) The repayment required by this section shall not occur if the  
26 failure to receive a donation, or achieve or maintain the required level  
27 of investment, was caused by an act of God or national emergency.  
28 Sec. 21. The right to receive matching funds under the Nebraska  
29 Transformational Projects Act:

30 (1) Shall be subject to the limitations provided in the act;

31 (2) Shall be subject to funds being appropriated by the Legislature;  
1 and

2 (3) Shall not be transferable.

3 Sec. 22. If the applicant cannot be paid in full in any given  
4 fiscal year, then the matching funds shall be paid in later years until  
5 fully funded.

6 Sec. 23. Any complete application shall be considered a valid  
7 application on the date submitted for the purposes of the Nebraska  
8 Transformational Projects Act.

9 Sec. 24. (1) No later than October 1, 2022, and no later than  
10 October 1 of each year thereafter, the director shall submit  
11 electronically an annual report for the previous fiscal year to the  
12 Legislature. The report shall be on a fiscal year, accrual basis that  
13 satisfies the requirements set by the Governmental Accounting Standards  
14 Board. The director shall, on or before December 15, 2022, and on or  
15 before December 15 of each year thereafter, appear at a joint hearing of  
16 the Appropriations Committee of the Legislature and the Revenue Committee  
17 of the Legislature and present the report. Any supplemental information  
18 requested by three or more committee members shall be presented within  
19 thirty days after the request.

20 (2) The report shall state (a) the payment of matching funds made by  
 21 the State of Nebraska, (b) the expected payments of matching funds still  
 22 to be made by the State of Nebraska, and (c) the investment made by the  
 23 applicant.

24 (3) The report shall provide an explanation of the audit and review  
 25 processes of the Department of Economic Development in approving and  
 26 rejecting the provision of matching funds and in enforcing matching funds  
 27 repayment.

28 (4) No information shall be provided in the report or in  
 29 supplemental information that is protected by state or federal  
 30 confidentiality laws. The identity of private donors shall not be  
 31 included in the report.

1 Sec. 25. Except as otherwise provided in the Nebraska  
 2 Transformational Projects Act, the director may adopt and promulgate all  
 3 procedures and rules and regulations necessary to carry out the purposes  
 4 of the act.

5 Sec. 26. (1) The Nebraska Transformational Project Fund is hereby  
 6 created. The fund shall receive money from application fees paid under  
 7 the Nebraska Transformational Projects Act and from appropriations from  
 8 the Legislature, grants, private contributions, repayments of matching  
 9 funds, and all other sources. Any money in the fund available for  
 10 investment shall be invested by the state investment officer pursuant to  
 11 the Nebraska Capital Expansion Act and the Nebraska State Funds  
 12 Investment Act.

13 (2) It is the intent of the Legislature that the State Treasurer  
 14 shall transfer an amount not to exceed three hundred million dollars to  
 15 the Nebraska Transformational Project Fund no later than fiscal year  
 16 2026-27. No transfer shall be made to the fund until the applicant has  
 17 been selected for participation in the program described in Title VII,  
 18 Subtitle C, section 740 of Public Law 116-92 and commitments of at least  
 19 one billion three hundred million dollars in total investment, including  
 20 only federal dollars and private donations, have been secured.

21 Distributions may be made from the fund in amounts equal to the amount of  
 22 private dollars received by the applicant for the project.

23 (3) Any money remaining in the fund after all obligations have been  
 24 met shall be transferred to the General Fund.

25 Sec. 27. This act becomes operative on January 1, 2021.

### COMMITTEE REPORT(S) Enrollment and Review

**LEGISLATIVE BILL 387.** Placed on Select File with amendment.

#### [ER163](#)

- 1 1. On page 18, line 25, strike "subdivision" and insert
- 2 "subsection".
- 3 2. On page 19, line 23, after "a" insert "juror".
- 4 3. On page 34, line 25, strike "2020" and insert "2021".

(Signed) Julie Slama, Chairperson

### UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Blood name added to LB106.

Senator Blood name added to LB607.  
Senator Kolterman name added to LB770.  
Senator Blood name added to LB803.  
Senator Blood name added to LB825.  
Senator Blood name added to LB850.  
Senator Blood name added to LB911.  
Senator Blood name added to LB945.  
Senator Blood name added to LB972.  
Senator Blood name added to LB1189.

**WITHDRAW - Cointroducer(s)**

Senator Murman name withdrawn from LB205.  
Senator Brewer name withdrawn from LR284CA.

**VISITOR(S)**

Visitors to the Chamber were Reverend Michael Holder from Liberia and Pastor Jason Kirsch from Lincoln; a group from the Nebraska State Bar Association Leadership Academy from across the state; and a group from the Nebraska Children and Families Foundation from across the state.

**ADJOURNMENT**

At 11:43 a.m., on a motion by Senator Blood, the Legislature adjourned until 9:00 a.m., Tuesday, February 4, 2020.

Patrick J. O'Donnell  
Clerk of the Legislature