

TWENTY-FOURTH DAY - FEBRUARY 13, 2020**LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION****TWENTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, February 13, 2020

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., Senator Hughes presiding.

The roll was called and all members were present except Senator Bolz who was excused; and Senators B. Hansen, Hunt, and Morfeld who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-third day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 944. Placed on Select File with amendment.

ER168

1 1. On page 1, strike beginning with "the" in line 1 through line 17
2 and insert "transportation; to amend sections 18-1214, 38-129, 60-142.01,
3 60-3,137, 60-3,203, 60-3,212, 66-1406.02, 66-1424, 75-362, 75-369.03,
4 75-386, 75-398, and 75-399, Reissue Revised Statutes of Nebraska,
5 sections 4-111, 60-192, 60-3,205, 60-484.04, 60-484.05, 60-4,113,
6 60-4,114, 60-4,138, 60-4,141, 60-4,168, 60-6,294, 60-6,297, and 60-6,356,
7 Revised Statutes Cumulative Supplement, 2018, and sections 60-107,
8 60-119.01, 60-144, 60-302.01, 60-336.01, 60-386, 60-395, 60-3,113.04,
9 60-3,193.01, 60-3,198, 60-3,238, 60-3,240, 60-3,242, 60-462.01,
10 60-479.01, 60-4,111.01, 60-4,132, 60-4,134, 60-4,147.02, 60-4,182,
11 60-501, 60-628.01, 60-6,265, 60-6,290, 60-2705, 60-2909.01, 75-363,
12 75-364, 75-366, 75-392, and 75-393, Revised Statutes Supplement, 2019; to
13 change provisions relating to the federal REAL ID Act of 2005 and certain
14 motor vehicle fees imposed by cities and villages; to update certain
15 federal references; to change provisions relating to a certificate of
16 title for a junked vehicle and odometer statements; to provide for a

17 refund or credit of fees for a loss of possession due to natural
 18 disaster; to update a reference to the International Registration Plan;
 19 to eliminate provisions relating to certain replacement permanent plates;
 20 to authorize temporary license stickers as prescribed; to provide for
 21 electronic delivery of an operator's license or state identification card
 22 and for a remote knowledge inquiry; to change provisions relating to
 23 restrictions to a commercial driver's license and a commercial learner's
 24 permit, lifetime disqualifications from operating a commercial motor
 25 vehicle, the point system for traffic violations, and vehicle length and
 26 weight limits; to provide for the crossing of a controlled-access highway
 27 by an all-terrain vehicle or utility-type vehicle as prescribed; to
 1 change provisions relating to the International Fuel Tax Agreement Act;
 2 to define and redefine terms; to change certain civil penalties; to
 3 change provisions relating to the unified carrier registration plan and
 4 agreement; to harmonize provisions; and to repeal the original
 5 sections."

LEGISLATIVE BILL 329. Placed on Select File with amendment.

[ER165](#)

1 1. On page 1, strike beginning with "child" in line 1 through line 5
 2 and insert "social services; to amend section 68-1206, Revised Statutes
 3 Supplement, 2019; to change the eligibility level for transitional child
 4 care assistance under the federal Child Care Subsidy program; and to
 5 repeal the original section."

(Signed) Julie Slama, Chairperson

MESSAGE(S) FROM THE GOVERNOR

February 12, 2020

Patrick J. O'Donnell
 Clerk of the Legislature
 State Capitol, Room 2018
 Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 4, 4A, 30, 68, 76, 93, 107, 148, 230, 236, 582,
 731, 740, 741, and 880 were received in my office on February 6, 2020.

These bills were signed and delivered to the Secretary of State on
 February 12, 2020.

Sincerely,
 (Signed) Pete Ricketts
 Governor

COMMITTEE REPORT(S)

Transportation and Telecommunications

LEGISLATIVE BILL 996. Placed on General File.

LEGISLATIVE BILL 961. Placed on General File with amendment.**AM2324**

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Sections 1 to 15 of this act shall be known and may be
4 cited as the Peer-to-Peer Vehicle Sharing Program Act.
5 Sec. 2. For purposes of the Peer-to-Peer Vehicle Sharing Program
6 Act, unless the context otherwise requires:
7 (1) Agreement means an agreement established through a peer-to-peer
8 vehicle sharing program that serves as a contract between a program, an
9 owner, and a driver and describes the specific terms and conditions of
10 the agreement that govern the use of a vehicle through such program,
11 including the sharing period and location or locations for transfer of
12 control of vehicle. Agreement does not mean a rental agreement as defined
13 in section 44-4067;
14 (2) Delivery period means the period of time during which a vehicle
15 is being delivered to the location at which the start time begins, if
16 applicable, as documented by the agreement;
17 (3) Driver means an individual who has been authorized to drive a
18 vehicle by an owner under an agreement;
19 (4) Owner means the registered owner, or a person or entity
20 designated by the registered owner, of a vehicle made available for
21 sharing through a peer-to-peer vehicle sharing program;
22 (5) Peer-to-peer vehicle sharing program or program means a business
23 platform that connects vehicle owners with drivers to enable the sharing
24 of vehicles for financial consideration. A program is not a
25 transportation network company as defined in section 75-323 or a rental
26 car company as defined in section 44-4067;
27 (6) Sharing means the authorized use of a vehicle by an individual
1 other than an owner through a peer-to-peer vehicle sharing program;
2 (7) Sharing period means the period of time that commences with the
3 delivery period or, if there is no delivery period, that commences with
4 the start time and, in either case, ends at the termination time;
5 (8) Start time means the time when a vehicle becomes subject to the
6 control of a driver at or after the time the reservation is scheduled to
7 begin as documented in the records of a program;
8 (9) Termination time means the earliest of the following events:
9 (a) The expiration of the agreed upon period of time established for
10 the use of a vehicle according to the terms of the agreement, if the
11 vehicle is delivered to the location agreed upon in the agreement;
12 (b) When a vehicle is returned to a location as alternatively agreed
13 upon by the owner and driver as communicated through the peer-to-peer
14 vehicle sharing program; or
15 (c) When an owner, or his or her authorized designee, takes
16 possession and control of a vehicle; and
17 (10) Vehicle means a personal motor vehicle that is available for
18 use through a peer-to-peer vehicle sharing program. Vehicle does not mean
19 a rental vehicle as defined in section 44-4067.
20 Sec. 3. (1) Notwithstanding any other provision of law or any
21 provision in an owner's policy of motor vehicle liability insurance, in
22 the event of a loss or injury that occurs during a sharing period, a
23 program shall:
24 (a) Except as provided in subsection (2) of this section, assume the
25 liability of the owner for bodily injury or property damage to third
26 parties, uninsured and underinsured motorist benefits, and personal
27 injury protection losses during the sharing period in an amount stated in
28 the agreement, and which amount may not be less than that set forth in
29 section 60-310; and
30 (b) Retain such liability regardless of a lapse in, or otherwise
31 absence of, any coverage under which a program is insured.

1 (2) Notwithstanding the definition of termination time, a program
2 shall not be liable when an owner:
3 (a) Makes a material, intentional, or fraudulent misrepresentation,
4 or a material, intentional, or fraudulent omission to a program before
5 the sharing period in which the loss occurred; or
6 (b) Acts in concert with a driver who fails to return a vehicle
7 pursuant to the terms of an agreement.
8 Sec. 4. (1) A program shall ensure that, during each sharing
9 period, financial responsibility for a vehicle is provided in amounts no
10 less than the minimum amounts set forth in section 60-310 that:
11 (a) Recognizes that the vehicle is made available and used through
12 the program; or
13 (b) Does not exclude use of the vehicle by a driver through the
14 program.
15 (2) The financial responsibility required under subsection (1) of
16 this section may be satisfied by motor vehicle liability insurance or
17 other acceptable means of demonstrating financial responsibility in this
18 state, voluntarily maintained by:
19 (a) The owner;
20 (b) The driver;
21 (c) The program; or
22 (d) Any combination of owner, driver, and program.
23 (3) The financial responsibility required in subsection (1) of this
24 section and satisfied pursuant to subsection (2) of this section shall be
25 the primary responsibility for losses during the sharing period.
26 (4) A program shall:
27 (a) Assume primary financial responsibility for a claim when it is
28 in whole or in part providing the financial responsibility required under
29 section 3 of this act if:
30 (i) A dispute exists as to who was in control of the vehicle at the
31 time of the loss; and
1 (ii) The program does not have available, did not retain, or fails
2 to provide the information required by section 7 of this act; and
3 (b) Be indemnified by the owner's personal policy of motor vehicle
4 liability insurance to the extent of such policy's obligation, if any, if
5 it is determined that the owner was in control of the vehicle at the time
6 of the loss.
7 (5) If insurance maintained by the owner or the driver in accordance
8 with subsection (2) of this section has lapsed or does not provide the
9 required financial responsibility, the program or its insurer shall
10 provide the coverage required by subsection (1) of this section beginning
11 with the first dollar of a claim and have the duty to defend such claim
12 except under circumstances as set forth in subsection (2) of section 3 of
13 this act.
14 (6) Financial responsibility maintained by the program shall not be
15 dependent on another automobile insurer first denying a claim, nor shall
16 another automobile insurance policy be required to first deny a claim.
17 (7) Nothing in the Peer-to-Peer Vehicle Sharing Program Act:
18 (a) Limits the liability of a program for any act or omission of the
19 program itself that results in injury to any person as a result of the
20 use of a vehicle through the program; or
21 (b) Limits the ability of a program, by contract, to seek
22 indemnification from an owner or a driver for economic loss sustained by
23 the program resulting from a breach of the terms and conditions of an
24 agreement.
25 Sec. 5. At the time an owner registers a vehicle for use through
26 the program and again prior to the time such owner makes such vehicle
27 available for use through such program, the program shall notify the
28 owner that if the vehicle has a lien against it, the use of the vehicle
29 through the program, including use without physical damage coverage, may

30 violate the terms of the contract with the lienholder.
31 Sec. 6. (1) An authorized insurer that writes motor vehicle
1 liability insurance in this state may exclude any and all coverage and
2 the duty to defend or indemnify for any claim afforded under the owner's
3 motor vehicle liability insurance policy, including, but not limited to:
4 (a) Liability coverage for bodily injury and property damage;
5 (b) Personal injury protection coverage as defined;
6 (c) Uninsured and underinsured motorist coverage;
7 (d) Medical payments coverage;
8 (e) Comprehensive physical damage coverage; and
9 (f) Collision physical damage coverage.
10 (2) Nothing in the Peer-to-Peer Vehicle Sharing Program Act
11 invalidates or limits an exclusion contained in a motor vehicle liability
12 insurance policy, including any insurance policy in use or approved for
13 use that excludes coverage for motor vehicles made available for rent,
14 hire, or for any business use, including sharing.
15 Sec. 7. (1) A program shall collect and verify records pertaining
16 to the use of a vehicle, including, but not limited to, sharing periods,
17 sharing period pick-up and drop-off locations, fees paid by a driver, and
18 revenue received by an owner.
19 (2) A program shall provide the information collected pursuant to
20 subsection (1) of this section upon request to the owner, the owner's
21 insurer, and the driver's insurer to facilitate a claim coverage
22 investigation.
23 (3) A program shall retain the records required in this section for
24 a time period not less than four years.
25 Sec. 8. A motor vehicle insurer that defends or indemnifies a claim
26 arising from the operation of a vehicle that is excluded under the terms
27 of its policy shall have the right to seek contribution against a program
28 if the claim is made against the owner or driver for loss or injury that
29 occurs during the sharing period.
30 Sec. 9. (1) Notwithstanding any other provision of law, a program
31 shall have an insurable interest in a vehicle during the sharing period.
1 (2) Nothing in this section shall impose liability on a program to
2 maintain the coverage required by section 3 of this act.
3 (3) A program may own and maintain as the named insured one or more
4 policies of motor vehicle liability insurance that provides coverage for:
5 (a) Liabilities assumed by the program under the agreement;
6 (b) Liability of an owner;
7 (c) Damage or loss to a vehicle; or
8 (d) Liability of a driver.
9 Sec. 10. A program and an owner shall be exempt from vicarious
10 liability in accordance with 49 U.S.C. 30106(a) and under any state or
11 local law that imposes liability solely based on vehicle ownership.
12 Sec. 11. (1) Each agreement made in this state shall disclose to
13 each owner and driver:
14 (a) Any right of the program to seek indemnification from an owner
15 or a driver for economic loss sustained by the program resulting from a
16 breach of the terms and conditions of the agreement;
17 (b) That a motor vehicle liability insurance policy issued to an
18 owner for the vehicle, or to a driver, may not provide a defense or
19 indemnity for any claim asserted by the program;
20 (c) That a program's financial responsibility afforded to each owner
21 and driver is available only during the sharing period;
22 (d) That for any use of a vehicle by a driver after the termination
23 time, a driver or owner may not have coverage;
24 (e) The daily rate, fees, costs, and, if applicable, any insurance
25 or protection package costs that are charged to an owner or a driver; and
26 (f) That an owner's motor vehicle liability insurance may not
27 provide coverage for the vehicle.

28 (2) Each agreement made in this state shall disclose to each driver:
29 (a) An emergency telephone number to personnel capable of fielding
30 roadside assistance and other customer service inquiries; and
31 (b) Any conditions under which a driver must maintain a personal
1 automobile insurance policy and any required coverage limits on a primary
2 basis in order to use a vehicle through the program.
3 Sec. 12. A program shall have sole responsibility for any
4 equipment, such as a global positioning system or other special
5 equipment, that is put in or on a vehicle to monitor or facilitate
6 sharing and shall agree to indemnify and hold harmless the owner for any
7 damage to or theft of such equipment during the sharing period not caused
8 by the owner. A program has the right to seek indemnity from a driver for
9 any loss or damage to such equipment that occurs during the sharing
10 period.
11 Sec. 13. (1) At the time an owner registers a vehicle for use by a
12 program, and prior to the time when the owner makes a vehicle available
13 for use by such program, the program shall:
14 (a) Verify that the vehicle does not have any safety recalls for
15 which the repairs have not been made; and
16 (b) Notify the owner of the requirements under subsection (2) of
17 this section.
18 (2) An owner shall:
19 (a) Not make a vehicle available for use through a program if the
20 owner has received actual notice of a safety recall on such vehicle until
21 the safety recall repair has been made;
22 (b) Upon receipt of actual notice of a safety recall on a vehicle
23 when such vehicle is available for use through a program, remove the
24 vehicle from availability as soon as practicably possible and until the
25 safety recall repair has been made; and
26 (c) Upon receipt of actual notice of a safety recall on a vehicle,
27 and when the vehicle is in the possession of a driver, notify the program
28 of the safety recall so that the program may notify the driver and the
29 vehicle can be removed from use until the owner makes the necessary
30 safety recall repair.
31 Sec. 14. (1) A program shall not enter into an agreement with any
1 driver unless such driver:
2 (a) Holds a driver's license issued in this state authorizing the
3 driver to operate vehicles of the class of vehicle used by the program;
4 or
5 (b) Is a nonresident who:
6 (i) Holds a driver's license issued by the state or country of the
7 driver's residence that authorizes the driver in that state or country to
8 drive vehicles of the class of vehicle used by the program; and
9 (ii) Is at least the same age as that required of a resident to
10 drive in this state.
11 (2) A program shall keep a record of:
12 (a) The name and address of each driver; and
13 (b) The driver's license number and place of issuance for each
14 driver who operates a vehicle under the agreement.
15 Sec. 15. Nothing in the Peer-to-Peer Vehicle Sharing Program Act
16 shall be construed to limit the powers of an airport authority under
17 Nebraska law.
18 Sec. 16. This act becomes operative on January 1, 2021.

(Signed) Curt Friesen, Chairperson

ANNOUNCEMENT(S)

Priority designation(s) received:

Geist - LB814

Kolowski - LB1188

REPORTS

Agency reports electronically filed with the Legislature can be found on the [Nebraska Legislature's website](#).

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 12, 2020, 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

Beasley, Daniel
Home School Legal Defense Association
Bugel, Madeleine
National Electrical Manufacturers Association
Kelley Plucker, LLC
Anthem, Inc. and Its Affiliates
Kline, Audrey
National Vote at Home Institute
Lautenbaugh, Scott
K12, Inc.
Nebraska Vape Vendors Association
Peetz & Company
Friends of Knox County
Potter, Cara E.
Anthem, Inc. and Its Affiliates
WellCare Health Plans, Inc. and Its Subsidiaries (Withdrawn 02/06/2020)

GENERAL FILE

LEGISLATIVE BILL 518A. Title read. Considered.

SPEAKER SCHEER PRESIDING

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 5 present and not voting, and 2 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 LB287 with 33 ayes, 4 nays, 10 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 287.

A BILL FOR AN ACT relating to game and parks; to amend sections 37-317, 37-407, 37-409, 37-415, 37-426, 37-438, 37-447, 37-449, 37-450, 37-4,111, 37-527, 37-1215, and 37-1219, Reissue Revised Statutes of Nebraska, and sections 37-201, 37-202, and 37-1214, Revised Statutes Supplement, 2019; to define terms; to provide and change powers of the Game and Parks Commission relating to dissemination of promotional materials, reduced-rate permits and stamps, and replacement permit fees; to change provisions relating to lifetime, multiple-year, and annual permits, stamps, and fees; to change annual and temporary motor vehicle permit fee provisions; to provide for resident and nonresident fees for preference points or bonus points in lieu of applying for certain permits or entering certain random drawings; to provide for rules and regulations relating to hunter orange; to change motorboat registration fees as prescribed; to change and eliminate provisions relating to fees for the Aquatic Invasive Species Program; 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:

Albrecht	Crawford	Hansen, B.	Lindstrom	Vargas
Arch	DeBoer	Hansen, M.	Linehan	Walz
Blood	Dorn	Hilkemann	McCollister	Wayne
Bostelman	Erdman	Howard	McDonnell	Williams
Brandt	Friesen	Hughes	Moser	Wishart
Brewer	Geist	Hunt	Murman	
Briese	Gragert	Kolowski	Pansing Brooks	
Cavanaugh	Groene	Kolterman	Quick	
Clements	Halloran	Lathrop	Scheer	

Voting in the negative, 0.

Present and not voting, 6:

Chambers La Grone Slama
 Hilgers Lowe Stinner

Excused and not voting, 2:

Bolz Morfeld

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 310.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2906, Reissue Revised Statutes of Nebraska, and section 77-5601, Revised Statutes Supplement, 2019; to provide deadlines for the determination of tax credits, change provisions relating to appeals, and provide a fee under the Nebraska Job Creation and Mainstreet Revitalization Act; to authorize the use of certain fees for revenue enforcement; 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	Hansen, M.	Lathrop	Quick
Arch	Crawford	Hilgers	Lindstrom	Scheer
Blood	DeBoer	Hilkemann	Linehan	Slama
Bostelman	Dorn	Howard	McCollister	Vargas
Brandt	Erdman	Hughes	McDonnell	Walz
Brewer	Friesen	Hunt	Morfeld	Wayne
Briese	Geist	Kolowski	Moser	Williams
Cavanaugh	Gragert	Kolterman	Murman	Wishart
Chambers	Halloran	La Grone	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 3:

Groene Hansen, B. Lowe

Excused and not voting, 2:

Bolz Stinner

A constitutional majority having voted in the affirmative, the bill was

declared passed and the title agreed to.

LEGISLATIVE BILL 310A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 310, One Hundred Sixth Legislature, Second Session, 2020.

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	Slama
Arch	DeBoer	Hilkemann	Lowe	Vargas
Blood	Dorn	Howard	McCollister	Walz
Bostelman	Erdman	Hughes	McDonnell	Wayne
Brandt	Friesen	Hunt	Morfeld	Williams
Brewer	Geist	Kolowski	Moser	Wishart
Briese	Gragert	Kolterman	Murman	
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, 2:

Bolz 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 LB381 with 31 ayes, 11 nays, 5 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 381.

A BILL FOR AN ACT relating to government; to amend sections 1-110, 2-1201, 2-1803, 2-2306, 2-3405, 2-3619, 2-3751, 2-4008, 2-4208, 2-4901,

2-5003, 7-205, 21-2307, 23-1215, 24-1003, 24-1103, 24-1203, 25-2907, 29-2259, 29-3925, 30-4108, 37-105, 37-106, 39-2304, 43-1302, 43-1903, 43-3342.05, 43-3401, 43-4001, 45-603, 46-538, 48-1116, 49-233, 50-415, 51-402, 53-112, 53-113, 58-228, 66-1335, 68-953, 68-1105, 70-719, 71-219.03, 71-222, 71-702, 71-808, 71-1799, 71-2605, 71-3406, 71-4504, 71-4723, 71-4728.05, 71-5657, 71-6227, 71-6303, 71-6321, 71-7012, 71-8236, 71-8251, 71-8604, 71-8803, 72-201, 72-224.03, 72-1239, 72-2007, 72-2103, 75-104, 77-27.157, 77-5004, 77-5206, 79-317, 79-546, 79-808, 79-861, 79-863, 79-1104.04, 79-1816, 80-318, 80-401.02, 80-401.08, 81-175, 81-502.02, 81-829.53, 81-829.54, 81-885.07, 81-8,189, 81-8,267, 81-1108.32, 81-1120.18, 81-1174, 81-1180, 81-11,104, 81-1409, 81-1421, 81-1449, 81-1505.03, 81-15,171, 81-15,211, 81-1805, 81-2105, 81-2506, 81-3521, 82-310, 83-4,124, 84-931, 84-1204, 85-104, 85-301, 85-1408, 86-461, 86-515, and 86-571, Reissue Revised Statutes of Nebraska, sections 2-3951.01, 9-1004, 29-2252, 39-2106, 43-2411, 49-14,120, 54-191, 55-604, 57-904, 58-819, 79-760.03, 79-760.07, 79-1217, 79-2204, 81-1348, 81-1430, 83-1212.01, 84-1501, 86-1025.01, and 86-1102, Revised Statutes Cumulative Supplement, 2018, and sections 3-104, 43-4202, 53-302, 53-502, 70-1003, 76-2222, 81-5,212, 81-1503, 81-1504, 81-15,175, 81-15,245, 84-1502, 85-1509, and 86-570, Revised Statutes Supplement, 2019; to change provisions relating to reimbursement for expenses as prescribed; to eliminate obsolete provisions; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal section 81-1181, 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	Hilgers	Linehan	Slama
Blood	Dorn	Hilkemann	Lowe	Vargas
Bostelman	Erdman	Howard	McCollister	Walz
Brandt	Friesen	Hughes	McDonnell	Wayne
Brewer	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:

Bolz 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 LB387 with 35 ayes, 8 nays, 4 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 387.

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 33-138, 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, 25-1629.04, 25-1633.01, 25-1634.03, 25-1642, and 25-1643, 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	Hilgers	Linehan	Slama
Blood	Dorn	Hilkemann	Lowe	Vargas
Bostelman	Erdman	Howard	McCollister	Walz
Brandt	Friesen	Hughes	McDonnell	Wayne
Brewer	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:

Bolz 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 541.

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; to provide powers and duties for the Department of Health and Human Services; to authorize the providing of bone marrow registry information to patients by physicians 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:

Albrecht	Crawford	Hansen, M.	Lindstrom	Scheer
Arch	DeBoer	Hilgers	Linehan	Slama
Blood	Dorn	Hilkemann	Lowe	Vargas
Bostelman	Erdman	Howard	McCollister	Walz
Brandt	Friesen	Hughes	McDonnell	Wayne
Brewer	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:

Bolz Stinner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 643.

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.

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	Vargas
Bostelman	Erdman	Howard	McCollister	Walz
Brandt	Friesen	Hughes	McDonnell	Wayne
Brewer	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:

Bolz 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 LB734 with 34 ayes, 8 nays, 5 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 734.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-101, 53-116.01, 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 the regulation of charter bus services and the licensure of special party buses; to provide for procedures and fees; 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, 42:

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

Voting in the negative, 0.

Present and not voting, 5:

Albrecht	Bostelman	Geist	Lindstrom	Slama
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Excused and not voting, 2:

Bolz	Stinner
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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 734A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 734, One Hundred Sixth Legislature, Second Session, 2020.

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	Hilgers	Lathrop	Quick
Blood	DeBoer	Hilkemann	Linehan	Scheer
Brandt	Dorn	Howard	McCollister	Vargas
Brewer	Friesen	Hughes	McDonnell	Walz
Briese	Gragert	Hunt	Morfeld	Wayne
Cavanaugh	Halloran	Kolowski	Moser	Williams
Chambers	Hansen, B.	Kolterman	Murman	Wishart
Clements	Hansen, M.	La Grone	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 8:

Albrecht	Erdman	Groene	Lowe
Bostelman	Geist	Lindstrom	Slama

Excused and not voting, 2:

Bolz Stinner

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 287, 310, 310A, 381, 387, 541, 643, 734, and 734A.

SELECT FILE

LEGISLATIVE BILL 312. [ER159](#), found on page 483, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 126. [ER160](#), found on page 484, was adopted.

Senator Hughes offered his amendment, [AM2380](#), found on page 581.

The Hughes amendment was adopted with 27 ayes, 3 nays, 15 present and not voting, and 4 excused and not voting.

Senator Bostelman requested a machine vote on the advancement of the bill.

Advanced to Enrollment and Review for Engrossment with 25 ayes, 6 nays, 14 present and not voting, and 4 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 238. Title read. Considered.

Pending.

COMMITTEE REPORT(S) Banking, Commerce and Insurance

LEGISLATIVE BILL 1199. Placed on General File.

LEGISLATIVE BILL 886. Placed on General File with amendment.

[AM2276](#)

1 1. Strike original sections 2 and 4.

2 2. On page 3, strike lines 19 through 22 and insert the following
 3 new subsections:
 4 "~~(4) A facility may advertise or hold itself out as a network~~
 5 ~~provider if the facility is a network provider of the health insurer.~~
 6 ~~(5) A facility shall not place the name or logo of a health insurer~~
 7 ~~in any signage or marketing materials if the facility is not a network~~
 8 ~~provider for the health insurer."~~; and in line 23 strike "~~(5)~~" and insert
 9 "~~(6)~~".
 10 3. Renumber the remaining section accordingly.

(Signed) Matt Williams, Chairperson

Business and Labor

LEGISLATIVE BILL 788. Placed on General File.

LEGISLATIVE BILL 962. Placed on General File.

LEGISLATIVE BILL 1016. Placed on General File with amendment.

[AM2350](#)

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. Section 48-622.03, Revised Statutes Supplement, 2019, is
 4 amended to read:
 5 48-622.03 (1) There is hereby created the Nebraska Worker Training
 6 Board. The board shall consist of seven members appointed and serving for
 7 terms determined by the Governor as follows:
 8 (a) A representative of employers in Nebraska;
 9 (b) A representative of employees in Nebraska;
 10 (c) A representative of the public;
 11 (d) The Commissioner of Labor or a designee;
 12 (e) The Director of Economic Development or a designee;
 13 (f) The Commissioner of Education or a designee; and
 14 (g) The chairperson of the governing board of the Nebraska Community
 15 College Association or a designee.
 16 (2) The chairperson of the Nebraska Worker Training Board shall be
 17 the representative of the employers in Nebraska.
 18 (3) By July 1 of each year, the board shall prepare an annual
 19 program plan for the upcoming fiscal year containing guidelines for the
 20 program financed by the Nebraska Training and Support Cash Fund. The
 21 guidelines shall include, but not be limited to, guidelines for
 22 certifying training providers, criteria for evaluating requests for the
 23 use of money under section 48-622.02, and guidelines for requiring
 24 employers to provide matching funds. The guidelines shall give priority
 25 to training that contributes to the expansion of the Nebraska workforce
 26 and increasing the pool of highly skilled workers in Nebraska.
 27 (4) By ~~December 31~~ ~~July 1~~ of each year, the Department of Labor
 1 shall provide a report to the Governor covering the activities of the
 2 program financed by the Nebraska Training and Support Cash Fund for the
 3 previous fiscal year. The report shall contain an assessment of the
 4 effectiveness of the program and its administration.
 5 Sec. 2. Section 48-1228, Revised Statutes Cumulative Supplement,
 6 2018, is amended to read:
 7 48-1228 Sections 48-1228 to 48-1234 and sections 3 and 6 of this act
 8 shall be known and may be cited as the Nebraska Wage Payment and
 9 Collection Act.
 10 Sec. 3. An employer shall not retaliate or discriminate against an
 11 employee because the employee:
 12 (1) Files a suit or complaint under the Nebraska Wage Payment and

13 Collection Act; or

14 (2) Testifies, assists, or participates in an investigation,

15 proceeding, or action concerning a violation of the act.

16 Sec. 4. Section 48-1231, Revised Statutes Cumulative Supplement,

17 2018, is amended to read:

18 48-1231 (1) An employee having a claim for wages which are not paid

19 within thirty days of the regular payday designated or agreed upon may

20 institute suit for such unpaid wages in the proper court. If an employee

21 establishes a claim and secures judgment on the claim, such employee

22 shall be entitled to recover ~~(a) the full amount of the judgment and all~~

23 ~~costs of such suit, including reasonable attorney's fees and (b) if such~~

24 ~~employee has employed an attorney in the case, an amount for attorney's~~

25 ~~fees assessed by the court, which fees shall not be less than twenty-five~~

26 ~~percent of the unpaid wages. If the cause is taken to an appellate court~~

27 ~~and the employee plaintiff recovers a judgment, the appellate court shall~~

28 ~~award reasonable attorney's fees to the employee tax as costs in the~~

29 ~~action, to be paid to the plaintiff, an additional amount for attorney's~~

30 ~~fees in such appellate court, which fees shall not be less than twenty-~~

31 ~~five percent of the unpaid wages. If the employee fails to recover a~~

1 judgment in excess of the amount that may have been tendered within

2 thirty days of the regular payday by an employer, such employee shall not

3 recover the attorney's fees provided by this ~~subsection~~ section. If the

4 court finds that no reasonable dispute existed as to the fact that wages

5 were owed or as to the amount of such wages, the court may order the

6 employee to pay the employer's attorney's fees and costs of the action as

7 assessed by the court.

8 (2) If an employee works for an employer that is not subject to the

9 Nebraska Fair Employment Practice Act and such employee is aggrieved by a

10 violation of section 3 of this act, the employee may bring a suit against

11 such employer in the proper court to recover the damages sustained by

12 reason of such violation. If an employee prevails in a suit brought

13 pursuant to this subsection, such employee shall be entitled to recover

14 the full amount of the judgment and all costs of such suit, including

15 reasonable attorney's fees. If the cause is taken to an appellate court

16 and the employee recovers a judgment, the appellate court shall award

17 reasonable attorney's fees to the employee.

18 (3) (2) An employer who fails to furnish a wage statement under

19 subsection (2) of section 48-1230 shall be guilty of an infraction as

20 defined in section 29-431 and shall be subject to a fine pursuant to

21 section 29-436.

22 (4) If an employee institutes suit against an employer under

23 subsection (1) or (2) of this section, any citation that is issued

24 against such employer under section 48-1234 and that relates directly to

25 the facts in dispute shall be admitted into evidence unless specifically

26 excluded by the court. If a citation has been contested as described in

27 subsection (3) of section 48-1234, it shall not be admitted into evidence

28 under this subsection until after such contest has been resolved.

29 Sec. 5. Section 48-1234, Revised Statutes Supplement, 2019, is

30 amended to read:

31 48-1234 (1) The Commissioner of Labor shall issue a citation to an

1 employer when an investigation reveals that the employer may have

2 violated the Nebraska Wage Payment and Collection Act, other than a

3 violation of subsection (2) of section 48-1230.

4 (2) When a citation is issued, the commissioner shall notify the

5 employer of the proposed administrative penalty, if any, by certified

6 mail or any other manner of delivery by which the United States Postal

7 Service can verify delivery or by any method of service recognized under

8 Chapter 25, article 5. The administrative penalty shall be not more than

9 five hundred dollars in the case of a first violation and not more than

10 five thousand dollars in the case of a second or subsequent violation.

11 (3) The employer has fifteen working days after the date of the
12 citation or penalty to contest such citation or penalty. Notice of
13 contest shall be sent to the commissioner who shall provide a hearing in
14 accordance with the Administrative Procedure Act.

15 (4) Any employer who has an unpaid citation for a violation of the
16 Nebraska Wage Payment and Collection Act shall be barred from contracting
17 with the state or any political subdivision until such citation is paid.
18 If a citation has been contested as described in subsection (3) of this
19 section, it shall not be considered an unpaid citation under this
20 subsection until after such contest has been resolved.

21 (5) Citations issued under this section and the names of employers
22 who have been issued a citation shall be made available to the public
23 upon request, except that this subsection shall not apply to any
24 citations that are being contested as described in subsection (3) of this
25 section.

26 Sec. 6. No later than December 1 of each year, the Department of
27 Labor shall post information on its web site regarding compliance with
28 and enforcement of the Nebraska Wage Payment and Collection Act and shall
29 provide notice to the Legislature that the information was posted. The
30 information shall include, but not be limited to, (1) the total number of
31 reports of unpaid wages filed with the department in the prior calendar
1 year, (2) the total number of reports investigated in the prior calendar
2 year, (3) the results of all investigations completed in the prior
3 calendar year, including, but not limited to, the number of cases in
4 which wages were found to be owed to an employee, the number of cases in
5 which the employer paid wages owed to the employee during the course of
6 the investigation, and the number of cases in which it was found that no
7 wages were owed to an employee, (4) the number of citations issued
8 pursuant to section 48-1234 in the prior calendar year, (5) the total
9 amount of wages owed to employees according to the citations issued in
10 the prior calendar year, (6) the number of employers with more than two
11 citations in the previous five years, and (7) the number and names of
12 employers with at least one unpaid citation from the previous five years.

13 Sec. 7. Section 48-2107, Revised Statutes Cumulative Supplement,
14 2018, is amended to read:

15 48-2107 (1) Each application or renewal under section 48-2105 shall
16 be signed by the applicant and accompanied by a fee not to exceed of
17 forty dollars. The commissioner may adopt and promulgate rules and
18 regulations to establish the criteria for acceptability of filing
19 documents and making payments electronically. The criteria may include
20 requirements for electronic signatures. The commissioner may refuse to
21 accept any electronic filings or payments that do not meet the criteria
22 established. The fee shall not be required when an amendment to an
23 application is submitted. The commissioner shall remit the fees collected
24 under this subsection to the State Treasurer for credit to the Contractor
25 and Professional Employer Organization Registration Cash Fund.

26 (2) A contractor shall not be required to pay the fee under
27 subsection (1) of this section if (a) the contractor is self-employed and
28 does not pay more than three thousand dollars annually to employ other
29 persons in the business and the application contains a statement made
30 under oath or equivalent affirmation setting forth such information or
31 (b) the contractor only engages in the construction of water wells or
1 installation of septic systems. At any time that a contractor no longer
2 qualifies for exemption from the fee, the fee shall be paid to the
3 department. Any false statement made under subdivision (2)(a) of this
4 section shall be a violation of section 28-915.01.

5 (3) The commissioner shall charge an additional fee of twenty-five
6 dollars for the registration of each nonresident contractor and a fee of
7 twenty-five dollars for the registration of each contract to which a
8 nonresident contractor is a party if the total contract price or

9 compensation to be received is more than ten thousand dollars. The
 10 commissioner shall remit the fees collected under this subsection to the
 11 State Treasurer for credit to the General Fund.
 12 Sec. 8. Section 48-2907, Revised Statutes Cumulative Supplement,
 13 2018, is amended to read:
 14 48-2907 (1) In addition to any other fines or penalties provided by
 15 law, if the commissioner may issue a citation to a contractor when an
 16 investigation reveals ~~finds, after notice and hearing,~~ that a contractor
 17 has violated the Employee Classification Act, ~~the contractor shall be~~
 18 ~~assessed, by the commissioner, a five-hundred-dollar fine~~
 19 (2) When a citation is issued, the commissioner shall notify the
 20 contractor of the proposed administrative penalty, if any, by certified
 21 mail or any other manner of delivery by which the United States Postal
 22 Service can verify delivery or by any method of service recognized under
 23 Chapter 25, article 5. The administrative penalty shall be not more than
 24 five hundred dollars per each misclassified individual for the first
 25 offense and not more than five thousand dollars ~~a five-thousand-dollar~~
 26 ~~fine per each misclassified individual for each second or and subsequent~~
 27 offense.
 28 (3) ~~The contractor has fifteen working days after the date of the~~
 29 citation or penalty to contest such citation or penalty. Notice of
 30 contest shall be sent to the commissioner who shall provide a hearing in
 31 accordance with the Administrative Procedure Act.
 1 (4) A contractor who is assessed an administrative penalty for a
 2 violation of the Employee Classification Act shall pay such
 3 administrative penalty no later than ten days after the date the penalty
 4 becomes final and not subject to further appeal. ~~A (2) Any contractor who~~
 5 ~~has an unpaid administrative penalty in violation of this subsection~~
 6 ~~faces for a violation of the Employee Classification Act shall be barred~~
 7 from contracting with the state or any political subdivision until such
 8 administrative penalty is ~~faces~~ paid.
 9 Sec. 9. Sections 2, 3, 4, 5, 6, and 11 of this act become operative
 10 on October 1, 2020. The other sections of this act become operative on
 11 their effective date.
 12 Sec. 10. Original sections 48-2107 and 48-2907, Revised Statutes
 13 Cumulative Supplement, 2018, and section 48-622.03, Revised Statutes
 14 Supplement, 2019, are repealed.
 15 Sec. 11. Original sections 48-1228 and 48-1231, Revised Statutes
 16 Cumulative Supplement, 2018, and section 48-1234, Revised Statutes
 17 Supplement, 2019, are repealed.
 18 Sec. 12. The following sections are outright repealed: Sections
 19 48-209, 48-210, 48-211, 48-440, 48-501.01, 48-503, 48-504, 48-505,
 20 48-506, 48-507, 48-508, 48-510, 48-511, 48-512, 48-513, 48-514, 48-515,
 21 48-516, 48-517, 48-518, 48-519, 48-520, 48-521, 48-523, and 48-524,
 22 Reissue Revised Statutes of Nebraska.
 23 Sec. 13. Since an emergency exists, this act takes effect when
 24 passed and approved according to law.

(Signed) Matt Hansen, Chairperson

Natural Resources

LEGISLATIVE BILL 858. Placed on General File with amendment.
[AM2346](#) is available in the Bill Room.

(Signed) Dan Hughes, Chairperson

ANNOUNCEMENT(S)

Priority designation(s) received:

Health and Human Services - LB1140
Business and Labor - LB1016

NOTICE OF COMMITTEE HEARING(S)

Education
Room 1525

Monday, February 24, 2020 1:30 p.m.
LB1206
LB1023
LB1177

(Signed) Mike Groene, Chairperson

General Affairs
Room 1510

Monday, February 24, 2020 1:30 p.m.
David Hunter - State Electrical Board
James S. Brummer - State Electrical Board
Janelle Beveridge - State Racing Commission
Kelly J. Lambert - Nebraska Commission on Problem Gambling
Mark Laughlin - Nebraska Arts Council

(Signed) Tom Briese, Chairperson

Revenue
Room 1524

Thursday, February 20, 2020 1:30 p.m.
LB1025
LB1034
LB1045
LB1179

Friday, February 21, 2020 1:30 p.m.
LB829
LB812
LB930
LR284CA

(Signed) Lou Ann Linehan, Chairperson

Natural Resources
Room 1525

Thursday, February 20, 2020 1:30 p.m.
Seth B. Harder - Environmental Quality Council
LR294
LB845

(Signed) Dan Hughes, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 13, 2020, at 9:46 a.m. were the following: LBs 287, 310, 310A, 381, 387, 541, 643, 734, and 734A.

(Signed) Jamie Leishman
Clerk of the Legislature's Office

GENERAL FILE

LEGISLATIVE BILL 238. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 7 nays, 8 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 131. Title read. Considered.

Committee [AM1549](#), found on page 1793, First Session, 2019, was offered.

SENATOR HILGERS PRESIDING

SPEAKER SCHEER PRESIDING

Pending.

COMMITTEE REPORT(S) Agriculture

LEGISLATIVE BILL 803. Placed on General File.

LEGISLATIVE BILL 972. Placed on General File.

(Signed) Steve Halloran, Chairperson

Revenue

LEGISLATIVE BILL 974. Placed on General File with amendment.
[AM2433](#) is available in the Bill Room.

(Signed) Lou Ann Linehan, Chairperson

RESOLUTION(S)**LEGISLATIVE RESOLUTION 314.** Introduced by Kolterman, 24.

PURPOSE: The purpose of this interim study is to review the most recent experience study required under section 84-1503. The Public Employees Retirement Board is required to obtain such experience study at least every four years for all retirement systems administered by the board. The board administers the retirement systems provided for in the County Employees Retirement Act, the Judges Retirement Act, the Nebraska State Patrol Retirement Act, the School Employees Retirement Act, and the State Employees Retirement Act. The next experience study is scheduled for 2020.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 315. Introduced by Kolterman, 24.

PURPOSE: The purpose of this interim study is to review a separate compliance audit obtained by the Public Employees Retirement Board, as required under section 84-1503, of the state-administered retirement systems. The compliance audit includes, but is not limited to, an examination of records, files, and other documents and an evaluation of all policies and procedures to determine compliance with all state and federal laws.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 316. Introduced by Kolterman, 24.

PURPOSE: The purpose of this study is to examine the Nebraska Public Employees Retirement Systems administered by the Public Employees Retirement Board as provided in the County Employees Retirement Act, the Judges Retirement Act, the Nebraska State Patrol Retirement Act, the School Employees Retire Act, and the State Employees Retirement Act. 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, SECOND 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 317. Introduced by Kolterman, 24.

PURPOSE: The purpose of this interim study is to carry out section 13-2402 which requires the Nebraska Retirement Systems Committee of the Legislature to monitor 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 defined benefit plans that are underfunded.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 318. Introduced by Kolterman, 24.

PURPOSE: The purpose of this interim study is to review progress in complying with sections 79-9,120 to 79-9,123, which require the Public Employees Retirement Board, in consultation with the Nebraska Retirement Systems Committee of the Legislature, the Omaha School Employees

Retirement System, the Omaha Public Schools, and other stakeholders, to prepare a work plan that identifies the tasks, process, costs, and timeline involved in transferring management and actuarial services of the Omaha School Employees Retirement System to the Public Employees Retirement Board. The work plan is required to be completed and submitted to the Legislature by June 30, 2020, and shall include:

(1) A comparison of the annual administration costs of the Omaha School Employees Retirement System to the estimated cost for the Nebraska Public Employees Retirement System to manage the Omaha School Employees Retirement System plan;

(2) The identification of the necessary tasks and costs to transfer management from the Omaha School Employees Retirement System to the Public Employees Retirement Board, including assessment of the following categories:

- (a) Administration;
- (b) Actuarial service;
- (c) Accounting;
- (d) Computer infrastructure;
- (e) Information technology;
- (f) Member data and record transfer;
- (g) Necessary statutory changes;
- (h) Staff training and assessment of staffing needs; and
- (i) Educational and communication plans to fully inform all system stakeholders and affected governmental entities regarding management changes; and

(3) Establishment of timelines for completion of identified tasks.

The management transfer is not to include a merger or consolidation of the Omaha School Employees Retirement System with the School Employees Retirement System nor is it to include assumption of liability for the unfunded balance by the State of Nebraska, the Nebraska Public Employees Retirement Systems, or the Public Employees Retirement Board.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 319. Introduced by Kolterman, 24.

WHEREAS, Tom Sieck served on the Seward County Public Power District Board of Directors for 38 years before serving on the Norris Public Power District Board of Directors for the past two years; and

WHEREAS, Nebraska is unique in that it is the only state in the country served entirely by public electric utilities; and

WHEREAS, in 1933, the Legislature passed Senate File 310, which provided for the creation of public power and irrigation districts to provide electric service in areas which had previously been denied central station electric power; and

WHEREAS, the Nebraska Power Review Board approved the merger of the Seward County Public Power District and the Norris Public Power District effective May 1, 2017; and

WHEREAS, the Norris Public Power District's mission is to safely provide electricity and related services to customers at competitive prices, in the most reliable, efficient, and environmentally responsible manner; and

WHEREAS, Tom Sieck has served for forty years on public power district boards to further the mission of public power.

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

1. That the Legislature recognizes and thanks Tom Sieck for his forty years of service on public power district boards.
2. That a copy of this resolution be sent to Tom Sieck.

Laid over.

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 appointment(s) be confirmed by the Legislature and suggests a record vote.

Jillian Chance - Nebraska Child Abuse Prevention Fund Board
David J. Hansen - Nebraska Child Abuse Prevention Fund Board
Shelly K. McQuillan - Nebraska Child Abuse Prevention Fund Board

Aye: 7. Arch, Cavanaugh, Hansen, B., Howard, Murman, Walz, Williams.
Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Sara Howard, Chairperson

Agriculture

The Agriculture 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.

Britt D. Anderson - Beginning Farmer Board
Bradley D. Lubben - Beginning Farmer Board
Dave W. Nielsen - Beginning Farmer Board
Wade E. Thornburg - Beginning Farmer Board

Aye: 8. Blood, Brandt, Chambers, Halloran, Hansen, B., Lathrop, Moser, Slama. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Steve Halloran, Chairperson

ANNOUNCEMENT(S)

Priority designation(s) received:

Revenue - LB974
Morfeld - LB997

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator DeBoer name added to LB786.
Senator DeBoer name added to LB1208.

VISITOR(S)

Visitors to the Chamber were Steve Louder Back from Ashland; students, teacher, and sponsors from South Sioux City; and students and teachers from the Nebraska Civic Leadership Program from Omaha.

The Doctor of the Day was Dr. Rob Rhodes from Lincoln.

ADJOURNMENT

At 11:53 a.m., on a motion by Senator Quick, the Legislature adjourned until 9:00 a.m., Tuesday, February 18, 2020.

Patrick J. O'Donnell
Clerk of the Legislature

