

**TWENTY-SIXTH DAY - FEBRUARY 19, 2020**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SIXTH LEGISLATURE  
SECOND SESSION**

**TWENTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, February 19, 2020

**PRAYER**

The prayer was offered by Father Mike Swanton, St. Bonaventure's Catholic Church, Columbus.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Scheer presiding.

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

**SENATOR HILGERS PRESIDING**

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-fifth day was approved.

**COMMITTEE REPORT(S)**  
Executive Board

**LEGISLATIVE BILL 283.** Placed on General File with amendment.

[AM2481](#)

1 1. Strike original section 1 and insert the following new section:  
2 Section 1. The Legislature finds that:  
3 (1) Pests, drought, floods, high winds, and other extreme weather  
4 events present serious, diverse, and ongoing issues for Nebraska. Many  
5 sectors and resources are impacted by such extreme weather, including  
6 agriculture, water, health care, energy generation and usage, ecosystems,  
7 forestry, rural and urban communities, transportation, and commerce and  
8 industry. Nebraska's life-giving water and soil resources continue to be  
9 subject to new stressors and risks;  
10 (2) Opportunities exist for the people of Nebraska to respond  
11 appropriately to these risks, including economic opportunities through  
12 development of renewable energy from our abundant wind and solar  
13 resources, biofuels, and nuclear power, through reduction of pollutants,

14 through efforts to reduce the use of fossil fuels, through strengthened  
 15 private property rights by having public input on infrastructure and  
 16 reduced eminent domain use, and through development of new technologies,  
 17 new agricultural crops and harvesting methods, and new products that  
 18 match Nebraska's vibrant and changing needs and resources;  
 19 (3) The report Understanding and Assessing Climate Change:  
 20 Implications for Nebraska, University of Nebraska-Lincoln, 2014, provides  
 21 a fundamental basis for understanding the impacts of extreme weather  
 22 events or climate change for our state;  
 23 (4) The 2015 Nebraska Rural Poll found that sixty-one percent of  
 24 rural Nebraskans agree or strongly agree that the state should develop a  
 25 plan to address the impacts of extreme weather events or climate change;  
 26 (5) Appropriate planning is needed to develop strategies to mitigate  
 27 and adapt to the impacts of extreme weather events or climate change on  
 1 the health and well-being of Nebraskans;  
 2 (6) The state must invest in research and data gathering, planning,  
 3 education, and coordination of efforts related to mitigation of and  
 4 adaptation to the impacts of extreme weather events or climate change;  
 5 and  
 6 (7) An effective plan to meet the challenges of extreme weather  
 7 events or climate change will enable the state and its communities to  
 8 take advantage of opportunities resulting from adaptation and mitigation  
 9 strategies, including attracting new businesses and investment to  
 10 Nebraska, as well as reducing the potential negative impacts of extreme  
 11 weather events or climate change.  
 12 2. On page 3, line 28, after "impacts" insert "of extreme weather  
 13 events or" and after "change" insert an underscored comma.  
 14 3. On page 5, line 5, strike "Waste Reduction and Recycling  
 15 Incentive" and insert "Petroleum Release Remedial Action Collection".

(Signed) Mike Hilgers, Chairperson

Education

**LEGISLATIVE BILL 1083.** Placed on General File with amendment.

[AM2454](#)

1 1. Strike the original sections and insert the following new  
 2 sections:  
 3 Section 1. Section 85-2802, Revised Statutes Supplement, 2019, is  
 4 amended to read:  
 5 85-2802 For purposes of the Meadowlark Act:  
 6 (1) Eligible educational institution has the same meaning as in  
 7 section 85-1802;  
 8 (2) Nebraska educational savings plan trust has the same meaning as  
 9 in section 85-1802;  
 10 (3) Qualified higher education expenses has the same meaning as in  
 11 section 85-1802;  
 12 (4) Qualified individual means an individual born on or after  
 13 January 1, 2020, who is a resident of this state at the time of birth;  
 14 and  
 15 (5) Qualified private contribution means a contribution from an  
 16 individual or private entity which is made for the purpose of providing a  
 17 ~~an ongoing~~ source of funding for the Meadowlark Program established in  
 18 section 85-2804.  
 19 Sec. 2. Section 85-2803, Revised Statutes Supplement, 2019, is  
 20 amended to read:  
 21 85-2803 (1) There is hereby established in the state treasury a  
 22 trust fund to be known as the Meadowlark Endowment Fund. The fund shall  
 23 be administered by the State Treasurer and shall consist of qualified

24 private contributions and any amounts appropriated or transferred to the  
 25 fund by the Legislature. No General Funds shall be transferred to the  
 26 Meadowlark Endowment Fund. Any money in the fund available for investment  
 27 shall be invested by the state investment officer pursuant to the  
 1 Nebraska Capital Expansion Act and the Nebraska State Funds Investment  
 2 Act. No portion of the principal of the fund shall be expended for any  
 3 purpose except investment pursuant to this subsection.  
 4 (2) The State Treasurer ~~may~~ shall accept qualified private  
 5 contributions and shall credit all such contributions received either to  
 6 the Meadowlark Endowment Fund or to accounts opened under the Meadowlark  
 7 Program, at the direction of the donor. The State Treasurer shall  
 8 determine the total amount of qualified private contributions received  
 9 under this subsection and shall transfer an equal amount from the College  
 10 Savings Plan Expense Fund or the Unclaimed Property Escheat Trust Fund,  
 11 as determined by the State Treasurer, to the Meadowlark Endowment Fund or  
 12 to accounts opened under the Meadowlark Program. The amount transferred  
 13 by the State Treasurer from the College Savings Plan Expense Fund or the  
 14 Unclaimed Property Escheat Trust Fund shall be equally distributed across  
 15 all Meadowlark accounts opened in such year.  
 16 Sec. 3. Original sections 85-2802 and 85-2803, Revised Statutes  
 17 Supplement, 2019, are repealed.

(Signed) Mike Groene, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**  
 Health and Human Services  
 Room 1510

Wednesday, February 26, 2020 1:30 p.m.  
 Dion J. Neumiller - Board of Emergency Medical Services  
 John L. Kuehn - State Board of Health  
 LB1044  
 LB838  
 LB1170  
 LB1182

(Signed) Sara Howard, Chairperson

**ANNOUNCEMENT(S)**

Priority designation(s) received:

Walz - LB956

**MESSAGE(S) FROM THE GOVERNOR**

February 14, 2020

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

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

Contingent upon your approval, the following individual is being appointed to the State Racing Commission:

Shane Greckel, 54172 887 Road, Bloomfield, NE 68718

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

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

February 14, 2020

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

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

Contingent upon your approval, the following individual is being appointed to the Nebraska Environmental Trust Board:

Felix B. Davidson, 83 Peppermill Point, Valley, NE 68064

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

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

February 14, 2020

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

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

Contingent upon your approval, the following individual is being appointed to the Board of Trustees of the Nebraska State Colleges:

Marjean C. Terrell, 4412 436th Trail, Hay Springs, NE 69347

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

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

February 14, 2020

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

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

Contingent upon your approval, the following individual is being appointed to the State Board of Health:

Daniel J. Rosenthal, P.E., 7211 Woody Creek Lane, Lincoln, NE 68516

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

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

February 18, 2020

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

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

Contingent upon your approval, the following individual is being appointed to the Board of Public Roads Classifications and Standards:

Steven D. Rames, 1900 Claycomb Road, Wayne, NE 68787

Also, contingent upon your approval, the following individuals are being reappointed to the Board of Public Roads Classifications and Standards:

Roger Figard, 5411 Glade Street, Lincoln, NE 68506  
John F. Krager III, 15205 Bauman Avenue, Omaha, NE 68116  
Lisa Kramer, 13263 County Road 38, Kennard, NE 68034  
Darold E. Tagge, 204 W. 15 Avenue, Holdrege, NE 68983  
Timothy W. Weander, 17734 Castelar Circle, Omaha, NE 68130

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

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

February 18, 2020

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

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

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

April J. Dexter, 84866 477th Avenue, Amelia, NE 68711  
Martin L. Fattig, 73091 643A Avenue, Auburn, NE 68305  
Jessye A. Goertz, 74983 Highway 2, Berwyn, NE 68814  
Benjamin R. Iske, 1006 Main Street, Bridgeport, NE 69336  
Lynette D. Kramer, 2612 Hill View Drive, Albion, NE 68620

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

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

February 18, 2020

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

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

Contingent upon your approval, the following individual is being appointed to the Board of Emergency Medical Services:

Carolyn Petersen, 421 N. Valentine Street, Valentine, NE 69201

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

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

February 18, 2020

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

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

Contingent upon your approval, the following individual is being appointed to the Nebraska Oil and Gas Commission:

Dallen R. Juelfs, 1301 S. 50th Street, Lincoln, NE 68510

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

included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

### GENERAL FILE

**LEGISLATIVE BILL 974.** Title read. Considered.

### SPEAKER SCHEER PRESIDING

Committee [AM2433](#), found on page 614, was offered.

Senator Chambers offered the following motion:

[MO152](#)

Recommit to the Revenue Committee.

Senator Chambers withdrew his motion to recommit to committee.

Senator Pansing Brooks offered the following motion:

[MO153](#)

Bracket until April 23, 2020.

Senator Pansing Brooks withdrew her motion to bracket.

Senator Linehan offered the following amendment to the committee amendment:

[AM2500](#)

(Amendments to Standing Committee amendments, AM2433)

1 1. On page 9, lines 2 and 6, strike "each", show as stricken, and

2 insert "any".

### SENATOR LINDSTROM PRESIDING

### SENATOR HUNT PRESIDING

Pending.

### COMMITTEE REPORT(S)

Agriculture

**LEGISLATIVE BILL 344.** Placed on General File with amendment.

[AM2486](#) is available in the Bill Room.

(Signed) Steve Halloran, Chairperson

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

Senator Linehan filed the following amendment to LB974:

[AM2499](#)

(Amendments to Standing Committee amendments, AM2433)

1 1. On page 1, line 10, strike "its".

Senator La Grone filed the following amendments to LB974:

[AM2521](#)

1 1. Strike section 7.  
2 2. Renumber the remaining sections, correct internal references, and  
3 correct the repealer accordingly.

[AM2520](#)

1 1. Strike section 6.  
2 2. Renumber the remaining sections, correct internal references, and  
3 correct the repealer accordingly.

[AM2519](#)

1 1. Strike section 5.  
2 2. Renumber the remaining sections, correct internal references, and  
3 correct the repealer accordingly.

[AM2518](#)

1 1. Strike section 4.  
2 2. Renumber the remaining sections, correct internal references, and  
3 correct the repealer accordingly.

Senator M. Hansen filed the following amendment to LB720:

[AM2453](#)

(Amendments to AM2207)

1 1. Strike section 10 and insert the following new section:  
2 Sec. 57. For purposes of the Key Employer and Jobs Retention Act:  
3 (1) Hours worked by part-time employees shall not be considered for  
4 purposes of determining the number of full-time employees; and  
5 (2) Only full-time employees, as defined and described in section  
6 4980H of the Internal Revenue Code of 1986, as amended, and the  
7 regulations for such section, shall be included in the calculation of  
8 total hours paid.  
9 2. On page 3, strike lines 10 through 28 and insert "the number of  
10 full-time employees that are employed at the qualified location or  
11 locations during a year that are in excess of the number of full-time  
12 employees during the base year, not to exceed the number of full-time  
13 employees employed at the qualified location or locations during a year  
14 who are not base-year employees, who meet the health coverage requirement  
15 of subsection (7) of this section, and who are paid wages at a rate equal  
16 to at least one hundred fifty percent of the Nebraska statewide average  
17 hourly wage for the year of application."; and strike beginning with  
18 "lesser" in line 30 through line 31 and insert "number of full-time  
19 employees that are employed at the qualified location or locations during  
20 a year that are in excess of the number of full-time employees during the  
21 base year, not to exceed the number of full-time employees employed at  
22 the qualified location or locations during a year who are not base-year  
23 employees, who meet the health coverage requirement of subsection (7) of  
24 this section, and who are paid wages at a rate equal to at least ninety  
25 percent of the Nebraska statewide average hourly wage for the year of  
26 application.".

1 3. On page 4, strike lines 1 through 16; and strike beginning with  
 2 "lesser" in line 18 through line 31 and insert "number of full-time  
 3 employees that are employed at the qualified location or locations during  
 4 a year that are in excess of the number of full-time employees during the  
 5 base year, not to exceed the number of full-time employees employed at  
 6 the qualified location or locations during a year who are not base-year  
 7 employees, who meet the health coverage requirement of subsection (7) of  
 8 this section, and who are paid wages at a rate equal to at least seventy-  
 9 five percent of the Nebraska statewide average hourly wage for the year  
 10 of application."

11 4. On page 5, strike lines 1 through 5; strike beginning with  
 12 "lesser" in line 7 through line 24 and insert "number of full-time  
 13 employees that are employed at the qualified location or locations during  
 14 a year that are in excess of the number of full-time employees during the  
 15 base year, not to exceed the number of full-time employees employed at  
 16 the qualified location or locations during a year who are not base-year  
 17 employees, who meet the health coverage requirement of subsection (7) of  
 18 this section, and who are paid wages at a rate equal to at least seventy  
 19 percent of the Nebraska statewide average hourly wage for the year of  
 20 application."; and strike beginning with "lesser" in line 26 through line  
 21 31 and insert "number of full-time employees that are employed at the  
 22 qualified location or locations during a year that are in excess of the  
 23 number of full-time employees during the base year, not to exceed the  
 24 number of full-time employees employed at the qualified location or  
 25 locations during a year who are not base-year employees, who meet the  
 26 health coverage requirement of subsection (7) of this section, and who  
 27 are paid wages at a rate equal to at least one hundred percent of the  
 28 Nebraska statewide average hourly wage for the year of application."

29 5. On page 6, strike lines 1 through 12; and strike lines 27 through  
 30 30 and insert the following new subsection:

31 "(8) For purposes of this section:

1 (a) Hours worked by part-time employees shall not be considered for  
 2 purposes of determining the number of full-time employees; and

3 (b) Only full-time employees, as defined and described in section  
 4 4980H of the Internal Revenue Code of 1986, as amended, and the  
 5 regulations for such section, shall be included in the calculation of  
 6 total hours paid."

7 6. On page 50, lines 18 and 28; page 51, lines 14 and 16; and page  
 8 52, line 2, strike "equivalent" and insert "full-time".

9 7. On page 71, line 31, strike "11, 15, 19," and insert "10, 14, 18,  
 10 20, 21, 30, 33, 41, 50, 54, 57, and 61 of this act".

11 8. On page 72, line 1, strike the new matter.

12 9. Renumber the remaining sections and correct internal references  
 13 accordingly.

14 10. Correct the operative date section so that the section added by  
 15 this amendment becomes operative on August 1, 2020.

## RESOLUTION(S)

**LEGISLATIVE RESOLUTION 324.** Introduced by Bolz, 29; Slama, 1.

WHEREAS, Ken Malone began teaching agricultural education in 1976;  
 and

WHEREAS, Mr. Malone has been the agriculture educator, welding  
 instructor, and FFA advisor at Palmyra High School since 1988; and

WHEREAS, Mr. Malone has been instrumental in using distance  
 education to extend his agricultural education lessons beyond Palmyra High  
 School; and

WHEREAS, Mr. Malone served as the anaphylaxis and asthma team coordinator and the CPR training coordinator and monitor at Palmyra High School; and

WHEREAS, Mr. Malone was selected as the Nebraska Farm Bureau FFA Advisor at the state FFA convention in 2014; and

WHEREAS, Mr. Malone was named Educator of the Year in 2016 by the Nebraska Association of Resources Districts, where he has also served as the State Land Judging Coordinator for over 25 years; and

WHEREAS, Mr. Malone has given back to his community as an emergency medical technician in the Palmyra Fire and Rescue Department and by serving on the Palmyra Planning and Zoning Commission; and

WHEREAS, Mr. Malone has taught thousands of students at Palmyra High School and has made true and lasting contributions to Nebraska's agricultural industry; and

WHEREAS, Mr. Malone has instilled a sense of community service and leadership skills in his students that has served them throughout their education and careers; and

WHEREAS, Mr. Malone will retire at the conclusion of the 2019-2020 school year.

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

1. That the Legislature thanks Ken Malone for 44 years in education and wishes him well in retirement.
2. That copies of this resolution be sent to Ken Malone and Palmyra High School.

Laid over.

#### **ANNOUNCEMENT(S)**

Priority designation(s) received:

Pansing Brooks - LB627

Wishart - LB1052

Executive Board - LB681

Erdman - LR300CA

Banking, Commerce and Insurance - LB774

Williams - LB808

M. Hansen - LB881

#### **REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

Davidson, Felix B. - Nebraska Environmental Trust Board - Natural Resources

Dexter, April J. - Nebraska Rural Health Advisory Commission - Health and Human Services

Fattig, Martin L. - Nebraska Rural Health Advisory Commission - Health and Human Services  
 Figard, Roger - Board of Public Roads Classifications and Standards - Transportation and Telecommunications  
 Goertz, Jessye A. - Nebraska Rural Health Advisory Commission - Health and Human Services  
 Greckel, Shane - State Racing Commission - General Affairs  
 Iske, Benjamin R. - Nebraska Rural Health Advisory Commission - Health and Human Services  
 Juelfs, Dallen R. - Oil and Gas Conservation Commission - Natural Resources  
 Krager, John F., III - Board of Public Roads Classifications and Standards - Transportation and Telecommunications  
 Kramer, Lisa - Board of Public Roads Classifications and Standards - Transportation and Telecommunications  
 Kramer, Lynette D. - Nebraska Rural Health Advisory Commission - Health and Human Services  
 Petersen, Carolyn - Board of Emergency Medical Services - Health and Human Services  
 Rames, Steven D. - Board of Public Roads Classifications and Standards - Transportation and Telecommunications  
 Rosenthal, Daniel J. - State Board of Health - Health and Human Services  
 Tagge, Darold E. - Board of Public Roads Classifications and Standards - Transportation and Telecommunications  
 Terrell, Marjean C. - Board of Trustees of the Nebraska State Colleges - Education  
 Weander, Timothy W. - Board of Public Roads Classifications and Standards - Transportation and Telecommunications

(Signed) Mike Hilgers, Chairperson  
 Executive Board

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator Hunt name added to LB1003.  
 Senator Brewer name added to LB1202.  
 Senator Halloran name added to LB1202.  
 Senator Hunt name added to LR280CA.

**VISITOR(S)**

Visitors to the Chamber were a group from Leadership York; a group from Leadership Beatrice; students from Lincoln North Star; students and teacher from Mount Michael Benedictine School, Elkhorn; and a group from the American Federation for Children Future Leaders Fellowship.

The Doctor of the Day was Dr. David Hoelting from Pender.

**ADJOURNMENT**

At 11:46 a.m., on a motion by Senator Bostelman, the Legislature adjourned until 9:00 a.m., Thursday, February 20, 2020.

Patrick J. O'Donnell  
Clerk of the Legislature

