

TWENTY-SEVENTH DAY - FEBRUARY 20, 2020**LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION****TWENTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, February 20, 2020

PRAYER

The prayer was offered by Reverend Gregg Gahan, Craig-Alder Grove Parish, Craig.

ROLL CALL

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

The roll was called and all members were present except Senators Cavanaugh, Howard, Morfeld, Walz, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-sixth day was approved.

**COMMITTEE REPORT(S)
Enrollment and Review**

LEGISLATIVE BILL 909. Placed on Select File with amendment.

ER172

1 1. In the Standing Committee amendments, AM2312, on page 2, line 1,
2 strike the new matter and insert "as a deputy director, a counsel, an
3 attorney, or a financial".
4 2. On page 1, strike beginning with "finance" in line 1 through line
5 19 and insert "banking and finance; to amend sections 8-224.01, 30-3205,
6 45-191.02, 45-191.09, 45-601, 45-602, 45-605, 45-606, 45-609, 45-610,
7 45-611, 45-620, 45-623, 45-905, 45-906, 45-912, 45-915, 45-1017, 45-1033,
8 and 59-1725.01, Reissue Revised Statutes of Nebraska, sections 8-103,
9 8-141, 8-167, 45-901, 45-902, 45-910, 45-911, 52-1308, and 59-1722,
10 Revised Statutes Cumulative Supplement, 2018, sections 8-135, 8-143.01,
11 8-157.01, 8-183.04, 8-1,140, 8-318, 8-355, 8-1101, 8-1101.01, 8-1103,
12 8-1111, 8-1704, 8-1707, 21-17,115, 69-2103, 69-2104, 69-2112, 77-2398,
13 and 77-23,100, Revised Statutes Supplement, 2019, section 9-513A, Uniform
14 Commercial Code, Revised Statutes Cumulative Supplement, 2018, and
15 section 4A-108, Uniform Commercial Code, Revised Statutes Supplement,

16 2019; to change financial institution loan provisions relating to
 17 Department of Banking and Finance employees; to redefine a term and
 18 update a federal reference relating to loan limits; to update and change
 19 references to certain federal provisions under the Nebraska Banking Act,
 20 building and loan association provisions, the Securities Act of Nebraska,
 21 the Commodity Code, the Seller-Assisted Marketing Plan Act, and the
 22 Consumer Rental Purchase Agreement Act; to eliminate a bank reporting
 23 notice requirement and exemption; to redefine terms under the Securities
 24 Act of Nebraska; to revise powers of state-chartered banks, building and
 25 loan associations, and credit unions; to authorize financial institutions
 26 to place a hold on certain customer transactions in cases of financial
 27 exploitation; to provide exceptions from certain prohibited investments
 1 and authorize investments in certain securities, shares, and interests by
 2 trust companies; to change obsolete civil penalty provisions; to change
 3 the fund for remittance of loan broker filing fees; to authorize
 4 licensees under the Collection Agency Act to be licensed and registered
 5 through the Nationwide Mortgage Licensing System and Registry, define and
 6 redefine terms, and change certain fee and license renewal provisions; to
 7 update a definition, define a term, add a processing fee, and change
 8 licensing provisions under the Delayed Deposit Services Licensing Act; to
 9 change provisions relating to examinations under the Nebraska Installment
 10 Loan Act; to change provisions relating to farm product liens and actions
 11 relating to termination statements; to change provisions relating to
 12 secured deposits and pooled collateral and change reporting requirements
 13 under the Public Funds Deposit Security Act; to harmonize provisions; to
 14 provide operative dates; to repeal the original sections; to outright
 15 repeal section 8-167.01, Revised Statutes Supplement, 2019; and to
 16 declare an emergency."

LEGISLATIVE BILL 996. Placed on Select File.

(Signed) Julie Slama, Chairperson

MESSAGE(S) FROM THE GOVERNOR

February 19, 2020

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 287, 310, 310A, 381, 387, 541, 643, 734, and 734A were received in my office on February 13, 2020.

These bills were signed and delivered to the Secretary of State on February 19, 2020.

Sincerely,
 (Signed) Pete Ricketts
 Governor

ANNOUNCEMENT(S)

Priority designation(s) received:

Clements - LB870

Slama - LR288

AMENDMENT(S) - Print in Journal

Senator McCollister filed the following amendment to LB816:

AM2498

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 69-2402, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 69-2402 For purposes of sections 69-2401 to 69-2425 and section 8 of
6 this act:
7 (1) Antique handgun or pistol means any handgun or pistol, including
8 those with a matchlock, flintlock, percussion cap, or similar type of
9 ignition system, manufactured in or before 1898 and any replica of such a
10 handgun or pistol if such replica (a) is not designed or redesigned for
11 using rimfire or conventional centerfire fixed ammunition or (b) uses
12 rimfire or conventional centerfire fixed ammunition which is no longer
13 manufactured in the United States and which is not readily available in
14 the ordinary channels of commercial trade;
15 (2) Criminal history record check includes a check of the criminal
16 history records of the Nebraska State Patrol and a check of the Federal
17 Bureau of Investigation's National Instant Criminal Background Check
18 System;
19 (3) Firearm-related disability means a person is not permitted to
20 (a) purchase, possess, ship, transport, or receive a firearm under either
21 state or federal law, (b) obtain a certificate to purchase, lease, rent,
22 or receive transfer of a handgun under section 69-2404, or (c) obtain a
23 permit to carry a concealed handgun under the Concealed Handgun Permit
24 Act; and
25 (4) Handgun means any firearm with a barrel less than sixteen inches
26 in length or any firearm designed to be held and fired by the use of a
27 single hand.
1 Sec. 2. Section 69-2404, Reissue Revised Statutes of Nebraska, is
2 amended to read:
3 69-2404 Any person desiring to purchase, lease, rent, or receive
4 transfer of a handgun shall apply with the chief of police or sheriff of
5 the applicant's place of residence for a certificate. The application may
6 be made in person or by mail. The application form and certificate shall
7 be made on forms approved by the Superintendent of Law Enforcement and
8 Public Safety. The application shall include the applicant's full name,
9 address, date of birth, and country of citizenship. If the applicant is
10 not a United States citizen, the application shall include the
11 applicant's place of birth and his or her alien or admission number. If
12 the application is made in person, the applicant shall also present a
13 current Nebraska motor vehicle operator's license, state identification
14 card, or military identification card, or if the application is made by
15 mail, the application form shall describe the license or card used for
16 identification and be notarized by a notary public who has verified the
17 identification of the applicant through such a license or card. An
18 applicant shall receive a certificate if he or she is twenty-one years of
19 age or older and is not prohibited from purchasing or possessing a
20 handgun by 18 U.S.C. 922. A fee of ten ~~five~~ dollars shall be charged for

21 each application for a certificate to cover the cost of a criminal
 22 history record check.
 23 Sec. 3. Section 69-2405, Reissue Revised Statutes of Nebraska, is
 24 amended to read:
 25 69-2405 (1) Upon the receipt of an application for a certificate,
 26 the chief of police or sheriff shall issue a certificate or deny a
 27 certificate and furnish the applicant the specific reasons for the denial
 28 in writing. The chief of police or sheriff shall be permitted up to five
 29 ~~three~~ days in which to conduct an investigation to determine whether the
 30 applicant is prohibited by law from purchasing or possessing a handgun.
 31 If the certificate or denial is mailed to the applicant, it shall be
 1 mailed to the applicant's address by first-class mail within the five-day
 2 ~~three-day~~ period but no sooner than forty-eight hours after receipt of
 3 the application. If it is determined that the purchase or possession of a
 4 handgun by the applicant would be in violation of applicable federal,
 5 state, or local law, the chief of police or sheriff shall deny the
 6 certificate.
 7 (2) In computing the five-day ~~three-day~~ period, the day of receipt
 8 of the application shall not be included and the last day of the five-day
 9 ~~three-day~~ period shall be included. The five-day ~~three-day~~ period shall
 10 expire at 11:59 p.m. of the fifth ~~third~~ day unless it is a Saturday,
 11 Sunday, or legal holiday in which event the period shall run until 11:59
 12 p.m. of the next day which is not a Saturday, Sunday, or legal holiday.
 13 (3)(a) Subject to subdivision (3)(b) of this, ~~no~~ later than the
 14 end of the five-day ~~three-day~~ period the chief of police or sheriff shall
 15 issue or deny such certificate and, if the certificate is denied, furnish
 16 the applicant the specific reasons for denial in writing.
 17 (b) A certificate shall not be issued sooner than forty-eight hours
 18 after receipt of the application.
 19 (4) When issuing any certificate under this section, the chief of
 20 police or sheriff shall include with the certificate informational
 21 materials regarding suicide prevention and firearm safety. Such materials
 22 shall provide evidence-based information aligned with best practices in
 23 suicide prevention.
 24 (5) No civil liability shall arise to any law enforcement agency if
 25 such law enforcement agency complies with sections 69-2401, 69-2403 to
 26 69-2408, and 69-2409.01.
 27 Sec. 4. Section 69-2406, Reissue Revised Statutes of Nebraska, is
 28 amended to read:
 29 69-2406 Any person who is denied a certificate, whose certificate is
 30 revoked, or who has not been issued a certificate upon expiration of the
 31 five-day ~~three-day~~ period in section 69-2405 may appeal within ten days
 1 ~~of receipt of the denial or revocation~~ to the county court of the county
 2 of the applicant's place of residence. The appeal shall be filed within
 3 ten days after receipt of the denial or revocation or, in the case of a
 4 certificate not issued within the five-day period in section 69-2405,
 5 within ten days after expiration of such period. The applicant shall file
 6 with the court the specific reasons for the denial or revocation by the
 7 chief of police or sheriff and pay a filing fee of ten dollars in lieu of
 8 any other filing fee required by law. The court shall issue its decision
 9 within thirty days of the filing of the appeal.
 10 Sec. 5. Section 69-2409.01, Reissue Revised Statutes of Nebraska, is
 11 amended to read:
 12 69-2409.01 (1) For purposes of sections 69-2401 to 69-2425 and
 13 section 8 of this act, the Nebraska State Patrol shall be furnished with
 14 only such information as may be necessary for the sole purpose of
 15 determining whether an individual is disqualified from purchasing or
 16 possessing a handgun pursuant to state law or is subject to the
 17 disability provisions of 18 U.S.C. 922(d)(4) and (g)(4). Such information
 18 shall be furnished by the Department of Health and Human Services. The

19 clerks of the various courts shall furnish to the Department of Health
20 and Human Services and Nebraska State Patrol, as soon as practicable but
21 within thirty days after an order of commitment or discharge is issued or
22 after removal of firearm-related disabilities pursuant to section 71-963,
23 all information necessary to set up and maintain the data base required
24 by this section. This information shall include (a) information regarding
25 those persons who are currently receiving mental health treatment
26 pursuant to a commitment order of a mental health board or who have been
27 discharged, (b) information regarding those persons who have been
28 committed to treatment pursuant to section 29-3702, and (c) information
29 regarding those persons who have had firearm-related disabilities removed
30 pursuant to section 71-963. The mental health board shall notify the
31 Department of Health and Human Services and the Nebraska State Patrol
1 when such disabilities have been removed. The Department of Health and
2 Human Services shall also maintain in the data base a listing of persons
3 committed to treatment pursuant to section 29-3702. To ensure the
4 accuracy of the data base, any information maintained or disclosed under
5 this subsection shall be updated, corrected, modified, or removed, as
6 appropriate, and as soon as practicable, from any data base that the
7 state or federal government maintains and makes available to the National
8 Instant Criminal Background Check System. The procedures for furnishing
9 the information shall guarantee that no information is released beyond
10 what is necessary for purposes of this section.

11 (2) In order to comply with sections 69-2401 and 69-2403 to 69-2408
12 and this section, the Nebraska State Patrol shall provide to the chief of
13 police or sheriff of an applicant's place of residence or a licensee in
14 the process of a criminal history record check pursuant to section
15 69-2411 only the information regarding whether or not the applicant is
16 disqualified from purchasing or possessing a handgun.

17 (3) Any person, agency, or mental health board participating in good
18 faith in the reporting or disclosure of records and communications under
19 this section is immune from any liability, civil, criminal, or otherwise,
20 that might result by reason of the action.

21 (4) Any person who intentionally causes the Nebraska State Patrol to
22 request information pursuant to this section without reasonable belief
23 that the named individual has submitted a written application under
24 section 69-2404 or has completed a consent form under section 69-2410
25 shall be guilty of a Class II misdemeanor in addition to other civil or
26 criminal liability under state or federal law.

27 (5) The Nebraska State Patrol and the Department of Health and Human
28 Services shall report electronically to the Clerk of the Legislature on a
29 biannual basis the following information about the data base: (a) The
30 number of total records of persons unable to purchase or possess firearms
31 because of disqualification or disability shared with the National
1 Instant Criminal Background Check System; (b) the number of shared
2 records by category of such persons; (c) the change in number of total
3 shared records and change in number of records by category from the
4 previous six months; (d) the number of records existing but not able to
5 be shared with the National Instant Criminal Background Check System
6 because the record was incomplete and unable to be accepted by the
7 National Instant Criminal Background Check System; and (e) the number of
8 hours or days, if any, during which the data base was unable to share
9 records with the National Instant Criminal Background Check System and
10 the reason for such inability. The report shall also be published on the
11 web sites of the Nebraska State Patrol and the Department of Health and
12 Human Services.

13 Sec. 6. Section 69-2421, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 69-2421 Any licensed importer, manufacturer, or dealer who knowingly
16 and intentionally sells or delivers a handgun in violation of sections

17 69-2401 to 69-2425 and section 8 of this act shall be guilty of a Class
18 IV felony.

19 Sec. 7. Section 69-2422, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 69-2422 For purposes of sections 69-2401 to 69-2425 and section 8 of
22 this act, any person who knowingly and intentionally obtains a handgun
23 for the purposes of transferring it to a person who is prohibited from
24 receipt or possession of a handgun by state or federal law shall be
25 guilty of a Class IV felony.

26 Sec. 8. (1) At any gun show there shall be present a dealer
27 licensed pursuant to 18 U.S.C. 923. Any sale, purchase, or other transfer
28 of a handgun occurring at the gun show shall be reviewed or conducted by
29 the dealer to ensure compliance with sections 69-2401 to 69-2425 and
30 section 8 of this act.

31 (2) A person selling, purchasing, or otherwise transferring a
32 handgun who does not comply with subsection (1) of this section shall be
33 guilty of a Class I misdemeanor. As a part of the judgment of conviction,
34 the court may order the confiscation of the handgun.

35 (3) A person sponsoring, organizing, or managing a gun show that
36 does not comply with subsection (1) of this section shall be guilty of a
37 Class IV felony.

38 (4) For purposes of this section, gun show means any event at which
39 fifty or more firearms are offered or exhibited for sale, exchange, or
40 transfer. The term gun show does not include an offer or exhibit of
41 firearms for sale, exchange, or transfer by an individual from the
42 personal collection of that individual, at the private residence of that
43 individual, if the individual is not required to be licensed under 18
44 U.S.C. 923, as such section existed on January 1, 2020.

45 Sec. 9. Section 69-2424, Reissue Revised Statutes of Nebraska, is
46 amended to read:

47 69-2424 The Nebraska State Patrol shall adopt and promulgate rules
48 and regulations to carry out sections 69-2401 to 69-2425 and section 8 of
49 this act.

50 Sec. 10. Section 69-2425, Reissue Revised Statutes of Nebraska, is
51 amended to read:

52 69-2425 Any city or village ordinance existing on September 6, 1991,
53 shall not be preempted by sections 69-2401 to 69-2425 and section 8 of
54 this act.

55 Sec. 11. Section 69-2426, Reissue Revised Statutes of Nebraska, is
56 amended to read:

57 69-2426 (1) Any firearm dealer licensed pursuant to 18 U.S.C. 923:
58 (a) Shall ~~Dealers of firearms shall~~ distribute to all firearm
59 purchasers information developed by the Department of Health and Human
60 Services regarding the dangers of leaving loaded firearms unattended
61 around children; and -

62 (b) May distribute to any firearm purchaser other informational
63 materials regarding suicide prevention and firearm safety, including
64 materials that provide evidence-based information aligned with best
65 practices in suicide prevention.

66 (2) There is hereby created the Firearm Information Fund. Private
67 contributions shall be credited by the State Treasurer to such fund for
68 the implementation of the provisions of this section.

69 Sec. 12. Section 69-2432, Reissue Revised Statutes of Nebraska, is
70 amended to read:

71 69-2432 (1) The Nebraska State Patrol shall prepare and publish
72 minimum training and safety requirements for and adopt and promulgate
73 rules and regulations governing handgun training and safety courses and
74 handgun training and safety course instructors. Minimum safety and
75 training requirements for a handgun training and safety course shall
76 include, but not be limited to:

15 (a) Knowledge and safe handling of a handgun;
 16 (b) Knowledge and safe handling of handgun ammunition;
 17 (c) Safe handgun shooting fundamentals;
 18 (d) A demonstration of competency with a handgun with respect to the
 19 minimum safety and training requirements;
 20 (e) Knowledge of federal, state, and local laws pertaining to the
 21 purchase, ownership, transportation, and possession of handguns;
 22 (f) Knowledge of federal, state, and local laws pertaining to the
 23 use of a handgun, including, but not limited to, use of a handgun for
 24 self-defense and laws relating to justifiable homicide and the various
 25 degrees of assault;
 26 (g) Knowledge of ways to avoid a criminal attack and to defuse or
 27 control a violent confrontation; ~~and~~
 28 (h) Knowledge of proper storage practices for handguns and
 29 ammunition, including storage practices which would reduce the
 30 possibility of accidental injury to a child; ~~and~~ -
 31 (i) Suicide prevention training. Such training shall consist of
1 evidenced-based information aligned with best practices in suicide
2 prevention.
 3 (2) A person or entity conducting a handgun training and safety
 4 course and the course instructors shall be approved by the patrol before
 5 operation. The patrol shall issue a certificate evidencing its approval.
 6 (3) A certificate of completion of a handgun training and safety
 7 course shall be issued by the person or entity conducting a handgun
 8 training and safety course to persons successfully completing the course.
 9 The certificate of completion shall also include certification from the
 10 instructor that the person completing the course does not suffer from a
 11 readily discernible physical infirmity that prevents the person from
 12 safely handling a handgun.
 13 (4) Any fee for participation in a handgun training and safety
 14 course is the responsibility of the applicant.
 15 Sec. 13. Original sections 69-2402, 69-2404, 69-2405, 69-2406,
 16 69-2409.01, 69-2421, 69-2422, 69-2424, 69-2425, 69-2426, and 69-2432,
 17 Reissue Revised Statutes of Nebraska, are repealed.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 312 and 313 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 312 and 313.

GENERAL FILE

LEGISLATIVE BILL 974. Senator DeBoer offered the following motion:

[MO154](#)

Bracket until February 25, 2020.

Pending.

ANNOUNCEMENT(S)

Priority designation(s) received:

General Affairs - LB1056 and LB1064

AMENDMENT(S) - Print in Journal

Senator McCollister filed the following amendment to LB974:
AM2452

(Amendments to Standing Committee amendments, AM2433)

1 1. Strike sections 1, 8, and 10 to 34 and insert the following new
2 section:

3 Sec. 8. Section 77-4212, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 77-4212 (1) For tax year 2007, the amount of relief granted under
6 the Property Tax Credit Act shall be one hundred five million dollars.
7 For tax year 2008, the amount of relief granted under the act shall be
8 one hundred fifteen million dollars. It is the intent of the Legislature
9 to fund the Property Tax Credit Act for tax years after tax year 2008
10 using available revenue. For tax year 2017, the amount of relief granted
11 under the act shall be two hundred twenty-four million dollars. For tax
12 year 2020, the amount of relief granted under the act shall be three
13 hundred eighty million dollars. The relief shall be in the form of a
14 property tax credit which appears on the property tax statement.

15 (2)(a) For tax years prior to tax year 2017, to determine the amount
16 of the property tax credit, the county treasurer shall multiply the
17 amount disbursed to the county under subdivision (4)(a) of this section
18 by the ratio of the real property valuation of the parcel to the total
19 real property valuation in the county. The amount determined shall be the
20 property tax credit for the property.

21 (b) Beginning with tax year 2017, to determine the amount of the
22 property tax credit, the county treasurer shall multiply the amount
23 disbursed to the county under subdivision (4)(b) of this section by the
24 ratio of the credit allocation valuation of the parcel to the total
25 credit allocation valuation in the county. The amount determined shall be
26 the property tax credit for the property.

1 (3) If the real property owner qualifies for a homestead exemption
2 under sections 77-3501 to 77-3529, the owner shall also be qualified for
3 the relief provided in the act to the extent of any remaining liability
4 after calculation of the relief provided by the homestead exemption. If
5 the credit results in a property tax liability on the homestead that is
6 less than zero, the amount of the credit which cannot be used by the
7 taxpayer shall be returned to the State Treasurer by July 1 of the year
8 the amount disbursed to the county was disbursed. The State Treasurer
9 shall immediately credit any funds returned under this subsection to the
10 Property Tax Credit Cash Fund. Upon the return of any funds under this
11 subsection, the county treasurer shall electronically file a report with
12 the Property Tax Administrator, on a form prescribed by the Tax
13 Commissioner, indicating the amount of funds distributed to each taxing
14 unit in the county in the year the funds were returned, any collection
15 fee retained by the county in such year, and the amount of unused credits
16 returned.

17 (4)(a) For tax years prior to tax year 2017, the amount disbursed to
18 each county shall be equal to the amount available for disbursement
19 determined under subsection (1) of this section multiplied by the ratio
20 of the real property valuation in the county to the real property
21 valuation in the state. By September 15, the Property Tax Administrator

22 shall determine the amount to be disbursed under this subdivision to each
 23 county and certify such amounts to the State Treasurer and to each
 24 county. The disbursements to the counties shall occur in two equal
 25 payments, the first on or before January 31 and the second on or before
 26 April 1. After retaining one percent of the receipts for costs, the
 27 county treasurer shall allocate the remaining receipts to each taxing
 28 unit levying taxes on taxable property in the tax district in which the
 29 real property is located in the same proportion that the levy of such
 30 taxing unit bears to the total levy on taxable property of all the taxing
 31 units in the tax district in which the real property is located.
 1 (b) Beginning with tax year 2017, the amount disbursed to each
 2 county shall be equal to the amount available for disbursement determined
 3 under subsection (1) of this section multiplied by the ratio of the
 4 credit allocation valuation in the county to the credit allocation
 5 valuation in the state. By September 15, the Property Tax Administrator
 6 shall determine the amount to be disbursed under this subdivision to each
 7 county and certify such amounts to the State Treasurer and to each
 8 county. The disbursements to the counties shall occur in two equal
 9 payments, the first on or before January 31 and the second on or before
 10 April 1. After retaining one percent of the receipts for costs, the
 11 county treasurer shall allocate the remaining receipts to each taxing
 12 unit based on its share of the credits granted to all taxpayers in the
 13 taxing unit.
 14 (5) For purposes of this section, credit allocation valuation means
 15 the taxable value for all real property except agricultural land and
 16 horticultural land, one hundred twenty percent of taxable value for
 17 agricultural land and horticultural land that is not subject to special
 18 valuation, and one hundred twenty percent of taxable value for
 19 agricultural land and horticultural land that is subject to special
 20 valuation.
 21 (6) The State Treasurer shall transfer from the General Fund to the
 22 Property Tax Credit Cash Fund one hundred five million dollars by August
 23 1, 2007, and one hundred fifteen million dollars by August 1, 2008.
 24 (7) The Legislature shall have the power to transfer funds from the
 25 Property Tax Credit Cash Fund to the General Fund.
 26 2. Renumber the remaining sections and correct the repealer
 27 accordingly.

Senator Friesen filed the following amendment to LB944:
[AM2396](#)

(Amendments to Standing Committee amendments, AM2307)

1 1. Insert the following new sections:
 2 Sec. 59. Sections 59 to 73 of this act shall be known and may be
 3 cited as the Peer-to-Peer Vehicle Sharing Program Act.
 4 Sec. 60. For purposes of the Peer-to-Peer Vehicle Sharing Program
 5 Act, unless the context otherwise requires:
 6 (1) Agreement means an agreement established through a peer-to-peer
 7 vehicle sharing program that serves as a contract between a program, an
 8 owner, and a driver and describes the specific terms and conditions of
 9 the agreement that govern the use of a vehicle through such program,
 10 including the sharing period and location or locations for transfer of
 11 control of vehicle. Agreement does not mean a rental agreement as defined
 12 in section 44-4067;
 13 (2) Delivery period means the period of time during which a vehicle
 14 is being delivered to the location at which the start time begins, if
 15 applicable, as documented by the agreement;
 16 (3) Driver means an individual who has been authorized to drive a
 17 vehicle by an owner under an agreement;
 18 (4) Owner means the registered owner, or a person or entity
 19 designated by the registered owner, of a vehicle made available for

20 sharing through a peer-to-peer vehicle sharing program;
 21 (5) Peer-to-peer vehicle sharing program or program means a business
 22 platform that connects vehicle owners with drivers to enable the sharing
 23 of vehicles for financial consideration. A program is not a
 24 transportation network company as defined in section 75-323 or a rental
 25 car company as defined in section 44-4067;
 26 (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. 61. (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. 62. (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 61 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 65 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 61
13 of 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. 63. 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. 64. (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. 65. (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. 66. A motor vehicle insurer that defends or indemnifies a
26 claim arising from the operation of a vehicle that is excluded under the
27 terms of its policy shall have the right to seek contribution against a
28 program if the claim is made against the owner or driver for loss or
29 injury that occurs during the sharing period.
30 Sec. 67. (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 61 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. 68. A program and an owner shall be exempt from vicarious
10 liability in accordance with 49 U.S.C. 30106(a), as such section existed
11 on January 1, 2020, and under any state or local law that imposes
12 liability solely based on vehicle ownership.
13 Sec. 69. (1) Each agreement made in this state shall disclose to
14 each owner and driver:
15 (a) Any right of the program to seek indemnification from an owner
16 or a driver for economic loss sustained by the program resulting from a
17 breach of the terms and conditions of the agreement;
18 (b) That a motor vehicle liability insurance policy issued to an
19 owner for the vehicle, or to a driver, may not provide a defense or
20 indemnity for any claim asserted by the program;
21 (c) That a program's financial responsibility afforded to each owner
22 and driver is available only during the sharing period;
23 (d) That for any use of a vehicle by a driver after the termination
24 time, a driver or owner may not have coverage;
25 (e) The daily rate, fees, costs, and, if applicable, any insurance
26 or protection package costs that are charged to an owner or a driver; and
27 (f) That an owner's motor vehicle liability insurance may not
28 provide coverage for the vehicle.
29 (2) Each agreement made in this state shall disclose to each driver:
30 (a) An emergency telephone number to personnel capable of fielding
31 roadside assistance and other customer service inquiries; and
1 (b) Any conditions under which a driver must maintain a personal
2 automobile insurance policy and any required coverage limits on a primary
3 basis in order to use a vehicle through the program.
4 Sec. 70. A program shall have sole responsibility for any
5 equipment, such as a global positioning system or other special
6 equipment, that is put in or on a vehicle to monitor or facilitate
7 sharing and shall agree to indemnify and hold harmless the owner for any
8 damage to or theft of such equipment during the sharing period not caused
9 by the owner. A program has the right to seek indemnity from a driver for
10 any loss or damage to such equipment that occurs during the sharing
11 period.
12 Sec. 71. (1) At the time an owner registers a vehicle for use by a
13 program, and prior to the time when the owner makes a vehicle available
14 for use by such program, the program shall:
15 (a) Verify that the vehicle does not have any safety recalls for
16 which the repairs have not been made; and
17 (b) Notify the owner of the requirements under subsection (2) of
18 this section.

19 (2) An owner shall:

20 (a) Not make a vehicle available for use through a program if the
21 owner has received actual notice of a safety recall on such vehicle until
22 the safety recall repair has been made;

23 (b) Upon receipt of actual notice of a safety recall on a vehicle
24 when such vehicle is available for use through a program, remove the
25 vehicle from availability as soon as practicably possible and until the
26 safety recall repair has been made; and

27 (c) Upon receipt of actual notice of a safety recall on a vehicle,
28 and when the vehicle is in the possession of a driver, notify the program
29 of the safety recall so that the program may notify the driver and the
30 vehicle can be removed from use until the owner makes the necessary
31 safety recall repair.

1 Sec. 72. (1) A program shall not enter into an agreement with any
2 driver unless such driver:

3 (a) Holds a driver's license issued in this state authorizing the
4 driver to operate vehicles of the class of vehicle used by the program;
5 or

6 (b) Is a nonresident who:

7 (i) Holds a driver's license issued by the state or country of the
8 driver's residence that authorizes the driver in that state or country to
9 drive vehicles of the class of vehicle used by the program; and

10 (ii) Is at least the same age as that required of a resident to
11 drive in this state.

12 (2) A program shall keep a record of:

13 (a) The name and address of each driver; and

14 (b) The driver's license number and place of issuance for each
15 driver who operates a vehicle under the agreement.

16 Sec. 73. Nothing in the Peer-to-Peer Vehicle Sharing Program Act
17 shall be construed to limit the powers of an airport authority under
18 Nebraska law.

19 Sec. 74. Sections 59 to 73 of this act become operative on January
20 1, 2021. The other sections become operative on their effective date.

21 2. Renumber the remaining section accordingly.

Senator Howard filed the following amendment to LB1059:

AM2511

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Section 28-710, Revised Statutes Supplement, 2019, is
4 amended to read:

5 28-710 (1) Sections 28-710 to 28-727 and section 3 of this act shall
6 be known and may be cited as the Child Protection and Family Safety Act.

7 (2) For purposes of the Child Protection and Family Safety Act:

8 (a) Alcohol and drug testing means the use of biological sources,
9 including, but not limited to, urine, saliva, sweat, hair, breath, blood,
10 and meconium, to identify the concentration or presence of specific
11 substances or their metabolites in an individual's system;

12 (b) (a) Alternative response means a comprehensive assessment of (i)
13 child safety, (ii) the risk of future child abuse or neglect, (iii)
14 family strengths and needs, and (iv) the provision of or referral for
15 necessary services and support. Alternative response is an alternative to
16 traditional response and does not include an investigation or a formal
17 determination as to whether child abuse or neglect has occurred, and the
18 subject of the report shall not be entered into the central registry of
19 child protection cases maintained pursuant to section 28-718;

20 (c) (b) Child abuse or neglect means knowingly, intentionally, or
21 negligently causing or permitting a minor child to be:

22 (i) Placed in a situation that endangers his or her life or physical
23 or mental health;

24 (ii) Cruelly confined or cruelly punished;
 25 (iii) Deprived of necessary food, clothing, shelter, or care;
 26 (iv) Left unattended in a motor vehicle if such minor child is six
 27 years of age or younger;
 1 (v) Placed in a situation to be sexually abused;
 2 (vi) Placed in a situation to be sexually exploited through sex
 3 trafficking of a minor as defined in section 28-830 or by allowing,
 4 encouraging, or forcing such person to engage in debauchery, public
 5 indecency, or obscene or pornographic photography, films, or depictions;
 6 or
 7 (vii) Placed in a situation to be a trafficking victim as defined in
 8 section 28-830;
 9 (d) ~~(e)~~ Comprehensive assessment means an analysis of child safety,
 10 risk of future child abuse or neglect, and family strengths and needs on
 11 a report of child abuse or neglect. Comprehensive assessment does not
 12 include a determination as to whether the child abuse or neglect occurred
 13 but does determine the need for services and support to address the
 14 safety of children and the risk of future abuse or neglect;
 15 (e) ~~(d)~~ Department means the Department of Health and Human
 16 Services;
 17 (f) ~~(e)~~ Investigation means fact gathering related to the current
 18 safety of a child and the risk of future child abuse or neglect that
 19 determines whether child abuse or neglect has occurred and whether child
 20 protective services are needed;
 21 (g) ~~(f)~~ Law enforcement agency means the police department or town
 22 marshal in incorporated municipalities, the office of the sheriff in
 23 unincorporated areas, and the Nebraska State Patrol;
 24 (h) ~~(g)~~ Out-of-home child abuse or neglect means child abuse or
 25 neglect occurring outside of a child's family home, including in day care
 26 homes, foster homes, day care centers, residential child-caring agencies
 27 as defined in section 71-1926, other child care facilities or
 28 institutions, and the community. Out-of-home child abuse or neglect also
 29 includes cases in which the subject of the report of child abuse or
 30 neglect is not a member of the child's household, no longer has access to
 31 the child, is unknown, or cannot be identified;
 1 (i) ~~(h)~~ Review, Evaluate, and Decide Team means an internal team of
 2 staff within the department and shall include no fewer than two
 3 supervisors or administrators and two staff members knowledgeable on the
 4 policies and practices of the department, including, but not limited to,
 5 the structured review process. County attorneys, child advocacy centers,
 6 or law enforcement agency personnel may attend team reviews upon request
 7 of a party;
 8 (j) ~~(i)~~ Traditional response means an investigation by a law
 9 enforcement agency or the department pursuant to section 28-713 which
 10 requires a formal determination of whether child abuse or neglect has
 11 occurred; and
 12 (k) ~~(j)~~ Subject of the report of child abuse or neglect or subject
 13 of the report means the person or persons identified in the report as
 14 responsible for the child abuse or neglect.
 15 Sec. 2. Section 28-710.01, Reissue Revised Statutes of Nebraska, is
 16 amended to read:
 17 28-710.01 (1) The Legislature declares that the public policy of the
 18 State of Nebraska is to protect children whose health or welfare may be
 19 jeopardized by abuse or neglect. The Legislature recognizes that most
 20 families want to keep their children safe, but circumstances or
 21 conditions sometimes interfere with their ability to do so. Families and
 22 children are best served by interventions that engage their protective
 23 capacities and address immediate safety concerns and ongoing risks of
 24 child abuse or neglect. In furtherance of this public policy and the
 25 family policy and principles set forth in sections 43-532 and 43-533, it
 26 is the intent of the Legislature to strengthen the family and make the

27 home, school, and community safe for children by promoting responsible
 28 child care in all settings and to provide, when necessary, a safe
 29 temporary or permanent home environment for abused or neglected children.
 30 (2) In addition, it is the policy of this state to: Require the
 31 reporting of child abuse or neglect in home, school, and community
 1 settings; provide for alternative response to reports as permitted by law
 2 and the rules and regulations of the department; provide for traditional
 3 response to reports as required by law and the rules and regulations of
 4 the department; and provide protective and supportive services designed
 5 to preserve and strengthen the family in appropriate cases.
 6 Sec. 3. (1) The department shall recognize that:
 7 (a) Alcohol and other drugs are often contributing factors in child
 8 abuse and neglect;
 9 (b) Alcohol and other drugs can impair a parent or caretaker's
 10 judgment and ability to provide consistent care, supervision, and
 11 protection; and
 12 (c) Effective alcohol and drug testing is often necessary as one
 13 tool to provide evidence of or rule out substance abuse as part of an
 14 investigation or assessment of a child's safety or risk, to monitor
 15 whether a parent or caretaker is continuing to use substances, and to
 16 ensure treatment compliance.
 17 (2) Alcohol and drug testing shall be a service available for all
 18 court, non-court-involved, traditional response, or alternative response
 19 cases. Alcohol and drug testing shall be one component of initial
 20 assessment and ongoing case management to identify or eliminate substance
 21 abuse as a contributing factor to child abuse and neglect in cases in
 22 which drug or alcohol use or exposure is suspected.
 23 (3) The department shall adopt and promulgate rules and regulations
 24 or policies consistent with this section and shall revoke any rules and
 25 regulations or policies inconsistent with this section by July 1, 2020.
 26 Sec. 4. Original section 28-710.01, Reissue Revised Statutes of
 27 Nebraska, and section 28-710, Revised Statutes Supplement, 2019, are
 28 repealed.
 29 Sec. 5. Since an emergency exists, this act takes effect when
 30 passed and approved according to law.

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

Thursday, February 27, 2020 1:30 p.m.
 Todd Hovey - Board of Emergency Medical Services
 LB875
 LB815
 LB1065
 LB1059

(Signed) Sara Howard, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 325. Introduced by Howard, 9;
 McCollister, 20.

WHEREAS, Leona R. Doll was born on February 22, 1920, on a farm
 near Rising City in Butler County; and

WHEREAS, Leona was the third child of ten born to Henry and Alice Klingemann; and

WHEREAS, Leona has been a lifelong Nebraska resident for 100 years; and

WHEREAS, Leona married Charles H. Doll on February 3, 1942, and they farmed near 102nd and West Center Road in Douglas County until 1955; and

WHEREAS, Leona has two children, Clifford and Nora, four grandchildren, and five great-grandchildren; and

WHEREAS, Leona will celebrate her 100th birthday on February 22, 2020.

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

1. That the Legislature congratulates Leona R. Doll on her 100th birthday.
2. That a copy of this resolution be sent to Leona R. Doll.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 1016. Title read. Considered.

Committee [AM2350](#), found on page 609, was offered.

SENATOR HILGERS PRESIDING

SPEAKER SCHEER PRESIDING

The committee amendment was adopted with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

Senator Chambers offered the following motion:

[MO156](#)

Bracket until April 22, 2020.

SENATOR WAYNE PRESIDING

Senator Chambers withdrew his motion to bracket.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 997. Title read. Considered.

Committee [AM2431](#), found on page 641, was adopted with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, 5 present

and not voting, and 1 excused and not voting.

COMMITTEE REPORT(S)
Business and Labor

LEGISLATIVE BILL 1060. Placed on General File.

LEGISLATIVE BILL 963. Placed on General File with amendment.

[AM2523](#)

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 48-101.01, Revised Statutes Cumulative
4 Supplement, 2018, is amended to read:
5 48-101.01 (1) The Legislature finds and declares:
6 (a) The occupations of first responders are recognized as stressful
7 occupations. Only our nation's combat soldiers endure more stress.
8 Similar to military personnel, first responders face unique and uniquely
9 dangerous risks in their sworn mission to keep the public safe. They rely
10 on each other for survival to protect the communities they serve;
11 (b) On any given day, first responders can be called on to make life
12 and death decisions, witness a young child dying with the child's grief-
13 stricken family, make a decision that will affect a community member for
14 the rest of such person's life, or be exposed to a myriad of communicable
15 diseases and known carcinogens;
16 (c) On any given day, first responders protect high-risk individuals
17 from themselves and protect the community from such individuals;
18 (d) First responders are constantly at significant risk of bodily
19 harm or physical assault while they perform their duties;
20 (e) Constant, cumulative exposure to horrific events make first
21 responders uniquely susceptible to the emotional and behavioral impacts
22 of job-related stressors;
23 (f) Trauma-related injuries can become overwhelming and manifest in
24 post-traumatic stress, which may result in substance use disorders and
25 even, tragically, suicide; and
26 (g) It is imperative for society to recognize occupational injuries
27 related to post-traumatic stress and to promptly seek diagnosis and
1 treatment without stigma. This includes recognizing that mental injury
2 and mental illness as a result of trauma is not disordered, but is a
3 normal and natural human response to trauma, the negative effects of
4 which can be ameliorated through diagnosis and effective treatment.
5 (2) (4) Personal injury includes mental injuries and mental illness
6 unaccompanied by physical injury for an employee who is a first responder
7 or frontline state employee if such first responder or frontline state
8 employee:
9 (a) Establishes, ~~by a preponderance of the evidence~~, that the
10 employee's employment conditions causing the mental injury or mental
11 illness were extraordinary and unusual in comparison to the normal
12 conditions of the particular employment; and
13 (b) Establishes, ~~through a mental health professional by a~~
14 ~~preponderance of the evidence~~, the medical causation between the mental
15 injury or mental illness and the employment conditions by medical
16 evidence.
17 (3) The employee bears the burden of establishing the matters
18 described in subsection (2) of this section by a preponderance of the
19 evidence.
20 (4) A first responder may establish prima facie evidence of a
21 personal injury that is a mental injury or mental illness if the first
22 responder:

23 (a) Presents evidence that the first responder underwent a mental
 24 health examination upon entry into such service or subsequent to such
 25 entry and before the onset of the mental injury or mental illness and
 26 such examination did not reveal the mental injury or mental illness for
 27 which the first responder seeks compensation;

28 (b) Presents testimony or an affidavit from a mental health
 29 professional stating the first responder suffers from a mental injury or
 30 mental illness caused by one or more events or series of events which
 31 cumulatively produced the mental injury or mental illness which brought
 1 about the need for medical attention and the interruption of employment;

2 (c) Presents evidence that such events or series of events arose out
 3 of and in the course of the first responder's employment; and

4 (d) Presents evidence that, prior to the employment conditions which
 5 caused the mental injury or mental illness, the first responder had
 6 participated in resilience training and updated the training at least
 7 annually thereafter.

8 (5) (2) For purposes of this section, mental injuries and mental
 9 illness arising out of and in the course of employment unaccompanied by
 10 physical injury are not considered compensable if they result from any
 11 event or series of events which are incidental to normal employer and
 12 employee relations, including, but not limited to, personnel actions by
 13 the employer such as disciplinary actions, work evaluations, transfers,
 14 promotions, demotions, salary reviews, or terminations.

15 (6)(a) The Department of Health and Human Services shall reimburse a
 16 first responder for the cost of annual resilience training not reimbursed
 17 by the first responder's employer. The department shall pay reimbursement
 18 at a rate determined by the Critical Incident Stress Management Program
 19 under section 71-7104. Reimbursement shall be subject to the annual limit
 20 set by such program under section 71-7104.

21 (b) To obtain reimbursement under this subsection, a first responder
 22 shall submit an application to the Department of Health and Human
 23 Services on a form and in a manner prescribed by the department.

24 (7) The Department of Health and Human Services shall maintain and
 25 annually update records of first responders who have completed annual
 26 resilience training.

27 (8) (3) For purposes of this section:

28 (a) First responder means a sheriff, a deputy sheriff, a police
 29 officer, an officer of the Nebraska State Patrol, a volunteer or paid
 30 firefighter, or a volunteer or paid individual licensed under a licensure
 31 classification in subdivision (1) of section 38-1217 who provides medical
 1 care in order to prevent loss of life or aggravation of physiological or
 2 psychological illness or injury;

3 (b) Frontline state employee means an employee of the Department of
 4 Correctional Services or the Department of Health and Human Services
 5 whose duties involve regular and direct interaction with high-risk
 6 individuals;

7 (c) High-risk individual means an individual in state custody for
 8 whom violent or physically intimidating behavior is common, including,
 9 but not limited to, a committed offender as defined in section 83-170, a
 10 patient at a regional center as defined in section 71-911, and a juvenile
 11 committed to the Youth Rehabilitation and Treatment Center-Kearney or the
 12 Youth Rehabilitation and Treatment Center-Geneva; and

13 (d) Mental health professional means:

14 (i) A practicing physician licensed to practice medicine in this
 15 state under the Medicine and Surgery Practice Act;

16 (ii) A practicing psychologist licensed to engage in the practice of
 17 psychology in this state as provided in section 38-3111 or as provided in
 18 similar provisions of the Psychology Interjurisdictional Compact; or

19 (iii) A person licensed as a mental health practitioner under the
 20 Mental Health Practice Act;

21 (e) Resilience training means training that meets the guidelines
 22 established by the Critical Incident Stress Management Program under
 23 section 71-7104 and that teaches how to adapt to, manage, and recover
 24 from adversity, trauma, tragedy, threats, or significant sources of
 25 stress; and

26 (f) (4) State custody means under the charge or control of a state
 27 institution or state agency and includes time spent outside of the state
 28 institution or state agency.

29 Sec. 2. Section 71-7104, Reissue Revised Statutes of Nebraska, is
 30 amended to read:

31 71-7104 There is hereby created the Critical Incident Stress
 1 Management Program. The focus of the program shall be to minimize the
 2 harmful effects of critical incident stress for emergency service
 3 personnel, with a high priority on confidentiality and respect for the
 4 individuals involved. The program shall:

5 (1) Provide a stress management session to emergency service
 6 personnel who appropriately request such assistance in an effort to
 7 address critical incident stress;
 8 (2) Assist in providing the emotional and educational support
 9 necessary to ensure optimal functioning of emergency service personnel;

10 (3) Conduct preincident educational programs to acquaint emergency
 11 service personnel with stress management techniques;

12 (4) Promote interagency cooperation; ~~and~~

13 (5) Provide an organized statewide response to the emotional needs
 14 of emergency service personnel impacted by critical incidents; -

15 (6) Develop guidelines for resilience training for first responders
 16 under section 48-101.01;

17 (7) Set reimbursement rates for resilience training under section
 18 48-101.01; and

19 (8) Set an annual limit on the hours or quantity of resilience
 20 training for which reimbursement is required under section 48-101.01.

21 Sec. 3. Original section 71-7104, Reissue Revised Statutes of
 22 Nebraska, and section 48-101.01, Revised Statutes Cumulative Supplement,
 23 2018, are repealed.

(Signed) Matt Hansen, Chairperson

ANNOUNCEMENT(S)

Priority designation(s) received:

Albrecht - LB1186
 Bostelman - LB1002
 Health and Human Services - LB1053
 Howard - LB1144
 Arch - LB1158
 Linehan - LB1202

AMENDMENT(S) - Print in Journal

Senator Gragert filed the following amendment to LB770:

[AM2443](#)

1 1. Strike the original sections and insert the following new
 2 sections:

3 Section 1. Section 37-438, Reissue Revised Statutes of Nebraska, as
 4 amended by section 10, Legislative Bill 287, One Hundred Sixth

5 Legislature, Second Session, 2020, is amended to read:

6 37-438 (1) The commission shall devise annual, permits in two forms:

7 Annual and temporary, and disabled veteran permits.

8 (2) The annual permit may be purchased by any person and shall be
9 valid through December 31 in the year for which the permit is issued. The
10 fee for the annual permit for a resident motor vehicle shall be not more
11 than thirty-five dollars per permit. The fee for the annual permit for a
12 nonresident motor vehicle shall not be less than the fee for a resident
13 motor vehicle and not more than ~~sixty-five~~ fifty-five dollars. The
14 commission shall establish such fees by the adoption and promulgation of
15 rules and regulations.

16 (3) A temporary permit may be purchased by any person and shall be
17 valid until noon of the day following the date of issue. The fee for the
18 temporary permit for a resident motor vehicle shall be not more than
19 seven dollars. The fee for the temporary permit for a nonresident motor
20 vehicle shall be not more than ~~twelve~~ ten dollars. The commission shall
21 establish such fees by the adoption and promulgation of rules and
22 regulations. The commission may issue temporary permits which are either
23 valid for any area or valid for a single area.

24 (4)(a) A veteran who is a resident of Nebraska shall, upon
25 application and without payment of any fee, be issued one disabled
26 veteran permit for a resident motor vehicle if the veteran:

27 (i) Was discharged or separated with a characterization of honorable
1 or general (under honorable conditions); and

2 (ii)(A) Is rated by the United States Department of Veterans Affairs
3 as fifty percent or more disabled as a result of service in the armed
4 forces of the United States; or

5 (B) Is receiving a pension from the United States Department of
6 Veterans Affairs as a result of total and permanent disability, which
7 disability was not incurred in the line of duty in the military service.

8 (b) All disabled veteran permits issued pursuant to this subsection
9 shall be perpetual and shall become void only upon termination of
10 eligibility as provided in this subsection.

11 (c) The commission may adopt and promulgate rules and regulations
12 necessary to carry out this subsection.

13 (5) (4) The commission may offer permits or combinations of permits
14 at temporarily reduced rates for specific events or during specified
15 timeframes.

16 Sec. 2. Original section 37-438, Reissue Revised Statutes of
17 Nebraska, as amended by section 10, Legislative Bill 287, One Hundred
18 Sixth Legislature, Second Session, 2020, is repealed.

GENERAL FILE

LEGISLATIVE BILL 858. Title read. Considered.

Committee [AM2346](#), found on page 612, was adopted with 33 ayes, 0 nays,
14 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 6 present
and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 790. Title read. Considered.

Senator Slama offered her amendment, [AM2436](#), found on page 642.

SPEAKER SCHEER PRESIDING

SENATOR HUGHES PRESIDING

Pending.

ANNOUNCEMENT(S)

Priority designation(s) received:

Appropriations - LB1198 and LB780

AMENDMENT(S) - Print in Journal

Senator Lindstrom filed the following amendment to LB1014:

AM2449

1 1. Strike section 8 and insert the following new section:
 2 Sec. 8. A multiple employer welfare arrangement that provides
 3 health care coverage to self-employed individuals shall comply with the
 4 Patient Protection and Affordable Care Act, Public Law 111-148, as
 5 amended by the Health Care and Education Reconciliation Act of 2010,
 6 Public Law 111-152, as such acts existed on January 1, 2020, and the
 7 following protections for covered individuals that would otherwise be
 8 required under the Employee Retirement Income Security Act of 1974:
 9 (a) Fiduciary duties in section 404 of the Employee Retirement
 10 Income Security Act of 1974, 29 U.S.C. 1104;
 11 (b) Claims and appeal procedures in section 503 of the Employee
 12 Retirement Income Security Act of 1974, 29 U.S.C. 1133;
 13 (c) The Paul Wellstone and Pete Domenici Mental Health Parity and
 14 Addiction Equity Act of 2008, 29 U.S.C. 1185a;
 15 (d) The Newborns' and Mothers' Health Protection Act of 1996, 29
 16 U.S.C. 1185; and
 17 (e) The Genetic Information Nondiscrimination Act of 2008, 29 U.S.C.
 18 1182.
 19 (2) A multiple employer welfare arrangement that provides health
 20 care coverage to covered individuals who are self-employed individuals
 21 shall establish and maintain a surplus in the trust established pursuant
 22 to section 44-7607 in an amount equal to at least seven hundred fifty
 23 thousand dollars. The director may increase the amount required to be
 24 deposited in the trust based on the director's determination that such an
 25 increase is necessary after considering the level of aggregate and
 26 specific stop-loss insurance provided with respect to such multiple
 27 employer welfare arrangement and other factors related to solvency risk,
 1 such as the multiple employer welfare arrangement's projected levels of
 2 participation or claims, the nature of the multiple employer welfare
 3 arrangement's liabilities, and the types of assets available to assure
 4 that such liabilities are met.

Senator M. Hansen filed the following amendment to LB962:

AM2541

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. Sections 1 to 9 of this act shall be known and may be
 4 cited as the Nebraska Fair Pay to Play Act.
 5 Sec. 2. For purposes of the Nebraska Fair Pay to Play Act:
 6 (1) Athletic grant-in-aid means the money given to a student-athlete
 7 by a postsecondary institution for tuition, fees, room, board, and

8 textbooks as consideration for the student-athlete's participation in an
9 intercollegiate sport for such postsecondary institution and does not
10 include compensation for the use of the student-athlete's name, image, or
11 likeness rights or athletic reputation;

12 (2) Collegiate athletic association means any athletic association,
13 conference, or other group or organization with authority over
14 intercollegiate sports;

15 (3) Compensation for the use of a student-athlete's name, image, or
16 likeness rights or athletic reputation includes, but is not limited to,
17 consideration received pursuant to an endorsement contract as defined in
18 section 48-2602;

19 (4) Intercollegiate sport has the same meaning as in section
20 48-2602;

21 (5) Postsecondary institution has the same meaning as in section
22 85-2403;

23 (6) Professional representation includes, but is not limited to,
24 representation provided by an athlete agent holding a certificate of
25 registration under the Nebraska Uniform Athlete Agents Act, a financial
26 advisor registered under the Securities Act of Nebraska, or an attorney
27 admitted to the bar by order of the Supreme Court of this state;

1 (7) Sponsor means an individual or organization that pays money or
2 provides goods or services in exchange for advertising rights;

3 (8) Student-athlete has the same meaning as in section 48-2602; and

4 (9) Team contract means a contract between a postsecondary
5 institution or a postsecondary institution's athletic department and a
6 sponsor.

7 Sec. 3. (1) No postsecondary institution shall uphold any rule,
8 requirement, standard, or limitation that prevents a student-athlete from
9 fully participating in an intercollegiate sport for such postsecondary
10 institution because such student-athlete earns compensation for the use
11 of such student-athlete's name, image, or likeness rights or athletic
12 reputation.

13 (2) No collegiate athletic association shall penalize a student-
14 athlete or prevent a student-athlete from fully participating in an
15 intercollegiate sport because such student-athlete earns compensation for
16 the use of such student-athlete's name, image, or likeness rights or
17 athletic reputation.

18 (3) No collegiate athletic association shall penalize a
19 postsecondary institution or prevent a postsecondary institution from
20 fully participating in an intercollegiate sport because a student-athlete
21 participating in an intercollegiate sport for such postsecondary
22 institution earns compensation for the use of such student-athlete's
23 name, image, or likeness rights or athletic reputation.

24 (4) No postsecondary institution shall allow compensation earned by
25 a student-athlete for the use of such student-athlete's name, image, or
26 likeness rights or athletic reputation to affect the duration, amount, or
27 eligibility for or renewal of any athletic grant-in-aid or other
28 institutional scholarship, except that compensation earned by a student-
29 athlete for the use of such student-athlete's name, image, or likeness
30 rights or athletic reputation may be used for the calculation of income
31 for determining eligibility for a need-based scholarship.

1 Sec. 4. Any student-athlete who enters into a contract that
2 provides compensation for the use of such student-athlete's name, image,
3 or likeness rights or athletic reputation shall disclose such contract to
4 an official of the postsecondary institution for which such student-
5 athlete participates in an intercollegiate sport. The official to which
6 such contract shall be disclosed shall be designated by each
7 postsecondary institution, and the designation shall be communicated in
8 writing to each student-athlete participating in an intercollegiate sport
9 for such postsecondary institution. Each postsecondary institution shall

10 be prohibited from disclosing any terms of such contract that the
11 student-athlete or the student-athlete's professional representation
12 deems to be a trade secret or otherwise nondisclosable.
13 Sec. 5. (1) No student-athlete shall enter into a contract with a
14 sponsor that provides compensation to the student-athlete for use of the
15 student-athlete's name, image, and likeness rights or athletic reputation
16 if (a) such contract requires such student-athlete to display such
17 sponsor's apparel or to otherwise advertise for the sponsor during
18 official team activities and (b) compliance with such contract
19 requirement would conflict with a team contract. Any postsecondary
20 institution asserting such conflict shall disclose to the student-athlete
21 and the student-athlete's professional representation, if applicable, the
22 full team contract that is asserted to be in conflict. The student-
23 athlete and the student-athlete's professional representation, if
24 applicable, shall be prohibited from disclosing any terms of a team
25 contract that the postsecondary institution deems to be a trade secret or
26 otherwise nondisclosable.
27 (2) No team contract shall prevent a student-athlete from receiving
28 compensation for the use of such student-athlete's name, image, and
29 likeness rights or athletic reputation when the student-athlete is not
30 engaged in official team activities.
31 Sec. 6. (1) No postsecondary institution or collegiate athletic
1 association shall penalize a student-athlete or prevent a student-athlete
2 from fully participating in an intercollegiate sport because such
3 student-athlete obtains professional representation in relation to a
4 contract or legal matter.
5 (2) No collegiate athletic association shall penalize a
6 postsecondary institution or prevent a postsecondary institution from
7 fully participating in an intercollegiate sport because a student-athlete
8 participating in an intercollegiate sport for such postsecondary
9 institution obtains professional representation in relation to a contract
10 or legal matter.
11 Sec. 7. (1) The Nebraska Fair Pay to Play Act shall not be applied
12 in a manner that violates any contract in effect prior to the date
13 determined by a postsecondary institution pursuant to section 9 of this
14 act with regard to such postsecondary institution or any student-athlete
15 who participates in an intercollegiate sport for such postsecondary
16 institution for as long as such contract remains in effect without
17 modification.
18 (2) On and after the date determined by a postsecondary institution
19 pursuant to section 9 of this act, such postsecondary institution shall
20 not enter into, modify, or renew any contract in a manner that conflicts
21 with the Nebraska Fair Pay to Play Act.
22 Sec. 8. (1) A student-athlete or a postsecondary institution
23 aggrieved by a violation of the Nebraska Fair Pay to Play Act may bring a
24 civil action against the postsecondary institution or collegiate athletic
25 association committing such violation.
26 (2) A plaintiff who prevails in an action under the Nebraska Fair
27 Pay to Play Act shall be entitled to:
28 (a) Actual damages;
29 (b) Such preliminary and other equitable or declaratory relief as
30 may be appropriate; and
31 (c) Reasonable attorney's fees and other litigation costs reasonably
1 incurred.
2 (3) A public postsecondary institution may be sued upon claims
3 arising under the Nebraska Fair Pay to Play Act in the same manner as
4 provided for suits against a private postsecondary institution.
5 Sec. 9. Each postsecondary institution shall determine a date on or
6 before July 1, 2023, upon which the Nebraska Fair Pay to Play Act shall
7 begin to apply to such postsecondary institution and the student-athletes

8 who participate in an intercollegiate sport for such postsecondary
 9 institution and to any collegiate athletic association or professional
 10 representation in interactions with such postsecondary institution or
 11 student-athlete.

12 Sec. 10. Section 48-2610, Reissue Revised Statutes of Nebraska, is
 13 amended to read:

14 48-2610 (1) An agency contract must be in a record, signed or
 15 otherwise authenticated by the parties.

16 (2) An agency contract must state or contain:

17 (a) The amount and method of calculating the consideration to be
 18 paid by the student-athlete for services to be provided by the athlete
 19 agent under the contract and any other consideration the athlete agent
 20 has received or will receive from any other source for entering into the
 21 contract or for providing the services;

22 (b) The name of any person not listed in the application for
 23 registration or renewal of registration who will be compensated because
 24 the student-athlete signed the agency contract;

25 (c) A description of any expenses that the student-athlete agrees to
 26 reimburse;

27 (d) A description of the services to be provided to the student-
 28 athlete;

29 (e) The duration of the contract; and

30 (f) The date of execution.

31 (3) An agency contract must contain, in close proximity to the
 1 signature of the student-athlete, a conspicuous notice in boldface type
 2 in capital letters stating:

3 WARNING TO STUDENT-ATHLETE

4 IF YOU SIGN THIS CONTRACT:

5 (1) IF YOU ENTER INTO NEGOTIATIONS FOR, OR SIGN, A PROFESSIONAL-
 6 SPORTS-SERVICES CONTRACT, YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A
 7 STUDENT-ATHLETE IN YOUR SPORT;

8 (2) IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72 HOURS AFTER ENTERING
 9 INTO THIS CONTRACT, BOTH YOU AND YOUR ATHLETE AGENT MUST NOTIFY YOUR
 10 ATHLETIC DIRECTOR; AND

11 (3) YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER SIGNING IT.
 12 CANCELLATION OF THIS CONTRACT MAY NOT REINSTATE YOUR ELIGIBILITY.

13 (4) An agency contract that does not conform to this section is
 14 voidable by the student-athlete. If a student-athlete voids an agency
 15 contract, the student-athlete is not required to pay any consideration
 16 under the contract or to return any consideration received from the
 17 athlete agent to induce the student-athlete to enter into the contract.

18 (5) The athlete agent shall give a record of the signed or otherwise
 19 authenticated agency contract to the student-athlete at the time of
 20 execution.

21 Sec. 11. Section 48-2614, Reissue Revised Statutes of Nebraska, is
 22 amended to read:

23 48-2614 (1) An athlete agent, with the intent to induce a student-
 24 athlete to enter into an agency contract, may not:

25 (a) Give any materially false or misleading information or make a
 26 materially false promise or representation;

27 (b) Furnish anything of value to a student-athlete before the
 28 student-athlete enters into the agency contract; or

29 (c) Furnish anything of value to any individual other than the
 30 student-athlete or another registered athlete agent.

31 (2) An athlete agent may not intentionally:

1 (a) Initiate contact with a student-athlete unless registered under
 2 the Nebraska Uniform Athlete Agents Act;

3 (b) Refuse or fail to retain or permit inspection of the records
 4 required to be retained by section 48-2613;

5 (c) Fail to register when required by section 48-2604;

6 (d) Provide materially false or misleading information in an
7 application for registration or renewal of registration;
8 (e) Predate or postdate an agency contract; or
9 (f) Fail to notify a student-athlete before the student-athlete
10 signs or otherwise authenticates an agency contract for a particular
11 sport that entering into negotiations for, or signing, a professional-
12 sports-services contract the signing or authentication may make the
13 student-athlete ineligible to participate as a student-athlete in that
14 sport.
15 Sec. 12. If any section in this act or any part of any section is
16 declared invalid or unconstitutional, the declaration shall not affect
17 the validity or constitutionality of the remaining portions.
18 Sec. 13. Original sections 48-2610 and 48-2614, Reissue Revised
19 Statutes of Nebraska, are repealed.

MOTION(S) - Print in Journal

Senator Erdman filed the following motion to LB720:

[MO157](#)

Bracket until April 23, 2020.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Blood name added to LB997.

Senator Groene name added to LB997.

Senator Hilgers name added to LB997.

Senator M. Hansen name added to LB1015.

VISITOR(S)

Visitors to the Chamber were a group from the Nebraska Health Care Association LEAD class from across the state; and former Senator Tom Baker and members of the Nebraska Petroleum Producers Association.

The Doctor of the Day was Dr. Nathan Krug from Central City.

ADJOURNMENT

At 11:46 a.m., on a motion by Senator Gragert, the Legislature adjourned until 9:00 a.m., Friday, February 21, 2020.

Patrick J. O'Donnell
Clerk of the Legislature

