

THIRTY-FOURTH DAY - MARCH 4, 2020**LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION****THIRTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 4, 2020

PRAYER

The prayer was offered by Senator Blood.

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 Brewer, Morfeld, and Slama who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-third day was approved.

GENERAL FILE

LEGISLATIVE BILL 899. Senator Wayne renewed his motion, [MO160](#), found on page 806, to recommit to Natural Resources Committee.

Senator Wayne withdrew his motion to recommit to committee.

Senator Wayne moved for a call of the house. The motion prevailed with 18 ayes, 3 nays, and 28 not voting.

Senator Wayne requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 44:

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

Voting in the negative, 1:

Wayne

Absent and not voting, 1:

Hilgers

Excused and not voting, 3:

Lowe Morfeld Slama

Advanced to Enrollment and Review Initial with 44 ayes, 1 nay, 1 absent and not voting, and 3 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 1155. Title read. Considered.

Committee [AM2482](#), found on page 714, was offered.

Senator Lindstrom offered his amendment, [AM2691](#), found on page 804, to the committee amendment.

Senator Erdman requested a ruling of the Chair on whether the Lindstrom amendment is germane to the committee amendment.

The Chair ruled the Lindstrom amendment is not germane to the committee amendment.

Senator Lindstrom challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Senator Lindstrom withdrew his motion to overrule the Chair.

SENATOR M. HANSEN PRESIDING

Pending.

COMMITTEE REPORT(S)
Health and Human Services

LEGISLATIVE BILL 977. Placed on General File with amendment.

[AM2603](#)

1 1. On page 3, line 15, strike "staff"; in line 16 strike "of the"
2 and show as stricken; and strike lines 29 and 30 and insert the following
3 new subsection:
4 "(4) Each condition of subsection (3) of this section shall be met
5 prior to the assumption of service provision by such lead agency under
6 this section. Nothing in this section shall prohibit the department from
7 phasing the transition of case management services to such lead agency
8 over a period of time."

LEGISLATIVE BILL 1183. Placed on General File with amendment.

[AM2607](#) is available in the Bill Room.

(Signed) Sara Howard, Chairperson

AMENDMENT(S) - Print in Journal

Senator Crawford filed the following amendment to [LB1061](#):

[AM2744](#)

1 1. Strike original section 4 and all amendments thereto and insert
2 the following new section:
3 Sec. 4. Section 28-712.01, Revised Statutes Cumulative Supplement,
4 2018, is amended to read:
5 28-712.01 (1)(a) The department may assign a report for alternative
6 response consistent with the Child Protection and Family Safety Act (~~1~~)
7 ~~This section applies to alternative response demonstration projects~~
8 ~~designated under section 28-712.~~
9 (b) No report involving any of the following shall be assigned to
10 alternative response but shall be immediately forwarded to law
11 enforcement or the county attorney:
12 (i) Murder in the first or second degree as defined in section
13 28-303 or 28-304 or manslaughter as defined in section 28-305;
14 (ii) Assault in the first, second, or third degree or assault by
15 strangulation or suffocation as defined in section 28-308, 28-309,
16 28-310, or 28-310.01;
17 (iii) Sexual abuse, including acts prohibited by section 28-319,
18 28-319.01, 28-320, 28-320.01, 28-320.02, 28-322.01, 28-322.02, 28-322.03,
19 28-322.04, 28-322.05, 28-703, or 28-707;
20 (iv) Labor trafficking of a minor or sex trafficking of a minor as
21 defined in section 28-830;
22 (v) Neglect of a minor child that results in serious bodily injury
23 as defined in section 28-109, requires hospitalization of the child, or
24 results in an injury to the child that requires ongoing medical care,
25 behavioral health care, or physical or occupational therapy, including a
26 growth delay, which may be referred to as failure to thrive, that has
27 been diagnosed by a physician and is due to parental neglect;
1 (vi) Physical abuse to the head or torso of a child or physical
2 abuse that results in bodily injury;
3 (vii) An allegation that requires a forensic interview at a child
4 advocacy center or coordination with the child abuse and neglect
5 investigation team pursuant to section 28-728;
6 (viii) Out-of-home child abuse or neglect;
7 (ix) An allegation being investigated by a law enforcement agency at

8 the time of the assignment;

9 (x) A history of termination of parental rights;

10 (xi) Absence of a caretaker without having given an alternate

11 caregiver authority to make decisions and grant consents for necessary

12 care, treatment, and education of a child or without having made

13 provision to be contacted to make such decisions or grant such consents;

14 (xii) Domestic violence involving a caretaker in situations in which

15 the alleged perpetrator has access to the child or caretaker;

16 (xiii) A household member illegally manufactures methamphetamine or

17 opioids;

18 (xiv) A child has had contact with methamphetamine or other

19 nonprescribed opioids, including a positive drug screening or test; or

20 (xv) For a report involving an infant, a household member tests

21 positive for methamphetamine or nonprescribed opioids at the birth of

22 such infant.

23 (c) The department may adopt and promulgate rules and regulations to

24 (i) provide additional ineligibility criteria for assignment to

25 alternative response and (ii) establish additional criteria requiring

26 review by the Review, Evaluate, and Decide Team.

27 (d) A report that includes any of the following may be eligible for

28 alternative response but shall first be reviewed by the Review, Evaluate,

29 and Decide Team prior to assignment to alternative response:

30 (i) Domestic assault as defined in section 28-323 or domestic

31 violence in the family home;

1 (ii) Use of alcohol or controlled substances as defined in section

2 28-401 or 28-405 by a caregiver that impairs the caregiver's ability to

3 care and provide safety for the child; or

4 (iii) A family member residing in the home or a caregiver that has

5 been the subject of a report accepted for traditional response or

6 assigned to alternative response in the past six months.

7 (2) The Review, Evaluate, and Decide Team shall convene to review

8 reports ~~intakes~~ pursuant to the department's rules, regulations, and

9 policies, to evaluate the information, and to determine assignment for

10 alternative response or traditional response. The team shall utilize

11 consistent criteria to review the severity of the allegation of child

12 abuse or neglect, access to the perpetrator, vulnerability of the child,

13 family history including previous reports, parental cooperation, parental

14 or caretaker protective factors, and other information as deemed

15 necessary. At the conclusion of the review, the ~~report intake~~ shall be

16 assigned to either traditional response or alternative response.

17 Decisions of the team shall be made by consensus. If the team cannot come

18 to consensus, the ~~report intake~~ shall be assigned for a traditional

19 response.

20 (3) In the case of an alternative response, the department shall

21 complete a comprehensive assessment. The department shall transfer the

22 case being given alternative response to traditional response if the

23 department determines that a child is unsafe or if the concern for the

24 safety of the child is due to a temporary living arrangement. Upon

25 completion of the comprehensive assessment, if it is determined that the

26 child is safe, participation in services offered to the family receiving

27 an alternative response is voluntary, the case shall not be transferred

28 to traditional response based upon the family's failure to enroll or

29 participate in such services, and the subject of the report shall not be

30 entered into the central registry of child protection cases maintained

31 pursuant to section 28-718.

1 (4) The department shall, by the next working day after receipt of a

2 report of child abuse or neglect, enter into the tracking system of

3 child protection cases maintained pursuant to section 28-715 all reports

4 of child abuse or neglect received under this section that are opened for

5 alternative response and any action taken.

6 (5) The department shall make available to the appropriate
 7 investigating law enforcement agency, child advocacy center, and county
 8 attorney a copy of all reports relative to a case of suspected child
 9 abuse or neglect. Aggregate, nonidentifying data regarding reports of
 10 child abuse or neglect receiving an alternative response shall be made
 11 available quarterly to requesting agencies outside the department. Such
 12 alternative response data shall include, but not be limited to, the
 13 nature of the initial child abuse or neglect report, the age of the child
 14 or children, the nature of services offered, the location of the cases,
 15 the number of cases per month, and the number of alternative response
 16 cases that were transferred to traditional response. ~~Other than No other~~
 17 ~~agency or individual except~~ the office of Inspector General of Nebraska
 18 Child Welfare, the Public Counsel, law enforcement agency personnel,
 19 child advocacy center employees, and county attorneys, no other agency or
 20 individual shall be provided specific, identifying reports of child abuse
 21 or neglect being given alternative response. The office of Inspector
 22 General of Nebraska Child Welfare shall have access to all reports
 23 relative to cases of suspected child abuse or neglect subject to
 24 traditional response and those subject to alternative response. The
 25 department and the office shall develop procedures allowing for the
 26 Inspector General's review of cases subject to alternative response. The
 27 Inspector General shall include in the report pursuant to section 43-4331
 28 a summary of all cases reviewed pursuant to this subsection.

Senator Clements filed the following amendment to LB870:

AM2613

1 1. Insert the following new section:

2 Sec. 3. Since an emergency exists, this act takes effect when passed

3 and approved according to law.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 332. Introduced by Crawford, 45; Blood,
 3.

WHEREAS, Garrett Grice, a sophomore of Bellevue East High School,
 won the 2020 Class A State Wrestling Championship in the 120-pound
 division; and

WHEREAS, this is the second Class A state title for Garrett Grice; and

WHEREAS, Garrett finished his wrestling season with an impressive
 record of 44-1; and

WHEREAS, Garrett competed against senior Emilio Haynes of Omaha
 Central High School in the championship match and secured his win with a
 take down with 40 seconds left in the match and earned three near-fall
 points for a 6-1 win; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic
 achievements of the youth of our state.

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

1. That the Legislature congratulates Garrett Grice on his state wrestling
 championship.

2. That a copy of this resolution be sent to Garrett Grice.

Laid over.

VISITOR(S)

Visitors to the Chamber were Todd and Kayrson Morehead from Papillion; students from Holy Name School, Omaha; members of Catholics at the Capitol from across the state; students and teachers from Minden High School; and students from Anderson Grove Elementary, Bellevue.

RECESS

At 11:48 a.m., on a motion by Senator Bostelman, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Hughes presiding.

ROLL CALL

The roll was called and all members were present except Senators DeBoer, Hilgers, Howard, Linehan, Morfeld, Quick, Wayne, and Wishart who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 1155. Committee [AM2482](#), found on page 714 and considered in this day's Journal, was renewed.

Senator Vargas offered the following amendment to the committee amendment:

[AM2754](#)

(Amendments to Standing Committee amendments, AM2482)

- 1 1. Insert the following new amendment:
- 2 4. On page 6, strike beginning with "In" in line 4 through the
- 3 period in line 6.

SPEAKER SCHEER PRESIDING

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 1131. Placed on Select File with amendment. [ER182](#) is available in the Bill Room.

LEGISLATIVE BILL 931. Placed on Select File.

(Signed) Julie Slama, Chairperson

COMMITTEE REPORT(S)
Health and Human Services

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Michael Bailey - Board of Emergency Medical Services
Todd Hovey - Board of Emergency Medical Services
Dion J. Neumiller - Board of Emergency Medical Services
Michael Sheridan - Board of Emergency Medical Services

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

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

John L. Kuehn - State Board of Health

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

(Signed) Sara Howard, Chairperson

GENERAL FILE

LEGISLATIVE BILL 848. Title read. Considered.

Committee [AM2578](#), found on page 720, was offered.

Senator Brewer offered the following amendment to the committee amendment:

[AM2723](#)

(Amendments to Standing Committee amendments, AM2578)

1 1. Insert the following new sections:
2 Sec. 3. Section 43-4502, Reissue Revised Statutes of Nebraska, is
3 amended to read:
4 43-4502 The purpose of the Young Adult Bridge to Independence Act is
5 to support former state or tribal wards in transitioning to adulthood,
6 becoming self-sufficient, and creating permanent relationships. The
7 bridge to independence program shall at all times recognize and respect
8 the autonomy of the young adult. Nothing in the Young Adult Bridge to
9 Independence Act shall be construed to abrogate any other rights that a
10 person who has attained eighteen or nineteen years of age may have as an
11 adult under state or tribal law.

12 Sec. 4. Section 43-4503, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 43-4503 For purposes of the Young Adult Bridge to Independence Act:

15 (1) Age of eligibility means:

16 (a) Nineteen years or age; or

17 (b) Eighteen years of age if the young adult has attained the age of

18 majority under tribal law;

19 (2) ~~(1)~~ Bridge to independence program means the extended services

20 and support available to a young adult under the Young Adult Bridge to

21 Independence Act other than extended guardianship assistance described in

22 section 43-4511 and extended adoption assistance described in section

23 43-4512;

24 (3) ~~(2)~~ Child means an individual who has not attained twenty-one

25 years of age;

26 (4) ~~(3)~~ Department means the Department of Health and Human

27 Services;

28 (5) ~~(4)~~ Supervised independent living setting means an independent

29 supervised setting, consistent with 42 U.S.C. 672(c). Supervised

30 independent living settings shall include, but not be limited to, single

31 or shared apartments, houses, host homes, college dormitories, or other

32 postsecondary educational or vocational housing;

33 (6) ~~(5)~~ Voluntary services and support agreement means a voluntary

34 placement agreement as defined in 42 U.S.C. 672(f) between the department

35 and a young adult as his or her own guardian; and

36 (7) ~~(6)~~ Young adult means an individual who has attained the age of

37 eligibility ~~nineteen years of age~~ but who has not attained twenty-one

38 years of age.

39 Sec. 5. Section 43-4504, Revised Statutes Supplement, 2019, is

40 amended to read:

41 43-4504 The bridge to independence program is available, on a

42 voluntary basis, to a young adult:

43 (1) Who has attained the age of eligibility at least nineteen years

44 of age;

45 (2) Who was adjudicated to be a juvenile described in subdivision

46 (3)(a) of section 43-247 or the equivalent under tribal law or who was

47 adjudicated to be a juvenile described in subdivision (8) of section

48 43-247 or the equivalent under tribal law if the young adult's

49 guardianship or state-funded adoption assistance agreement was disrupted

50 or terminated after he or she had attained the age of sixteen years and

51 who (a) who, upon attaining the age of eligibility ~~nineteen years of age,~~

52 was in an out-of-home placement or had been discharged to independent

53 living or (b) with respect to whom a kinship guardianship assistance

54 agreement or an adoption assistance agreement was in effect pursuant to

55 42 U.S.C. 673 if the young adult had attained sixteen years of age before

56 the agreement became effective or with respect to whom a state-funded

57 guardianship assistance agreement or a state-funded adoption assistance

58 agreement was in effect if the young adult had attained sixteen years of

59 age before the agreement became effective;

60 (3) Who is:

61 (a) Completing secondary education or an educational program leading

62 to an equivalent credential;

63 (b) Enrolled in an institution which provides postsecondary or

64 vocational education;

65 (c) Employed for at least eighty hours per month;

66 (d) Participating in a program or activity designed to promote

67 employment or remove barriers to employment; or

68 (e) Incapable of doing any of the activities described in

69 subdivisions (3)(a) through (d) of this section due to a medical

70 condition, which incapacity is supported by regularly updated information

71 in the case plan of the young adult;

15 (4) Who is a Nebraska resident, except that this requirement shall
16 not disqualify a young adult who was a Nebraska resident but was placed
17 outside Nebraska pursuant to the Interstate Compact for the Placement of
18 Children; and

19 (5) Who does not meet the level of care for a nursing facility as
20 defined in section 71-424, for a skilled nursing facility as defined in
21 section 71-429, or for an intermediate care facility for persons with
22 developmental disabilities as defined in section 71-421.

23 The changes made to subdivision (2)(b) of this section by Laws 2015,
24 LB243, become operative on July 1, 2015.

25 Sec. 6. Section 43-4510, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 43-4510 (1) If desired by the young adult, the young adult shall be
28 provided a court-appointed attorney who has received training appropriate
29 to the role. The attorney's representation of the young adult shall be
30 client-directed. The attorney shall protect the young adult's legal
31 rights and vigorously advocate for the young adult's wishes and goals,
1 including assisting the young adult as necessary to ensure that the
2 bridge to independence program is providing the young adult with the
3 services and support required under the Young Adult Bridge to
4 Independence Act. For young adults who were appointed a guardian ad litem
5 before the young adult attained ~~the age of eligibility nineteen years of~~
6 ~~age~~, the guardian ad litem's appointment may be continued, with consent
7 from the young adult, but under a client-directed model of
8 representation. Before entering into a voluntary services and support
9 agreement and at least sixty days prior to each permanency and case
10 review, the independence coordinator shall notify the young adult of his
11 or her right to request a client-directed attorney if the young adult
12 would like an attorney to be appointed and shall provide the young adult
13 with a clear and developmentally appropriate written notice regarding the
14 young adult's right to request a client-directed attorney, the benefits
15 and role of such attorney, and the specific steps to take to request that
16 an attorney be appointed if the young adult would like an attorney
17 appointed.

18 (2) The court has discretion to appoint a court appointed special
19 advocate volunteer or continue the appointment of a previously appointed
20 court appointed special advocate volunteer with the consent of the young
21 adult.

22 Sec. 7. Section 43-4511, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 43-4511 (1) The department shall provide extended guardianship
25 assistance and medical care under the medical assistance program for a
26 young adult who ~~has attained the age of eligibility is at least nineteen~~
27 ~~years of age~~ but ~~is~~ less than twenty-one years of age and with respect to
28 whom a kinship guardianship assistance agreement was in effect pursuant
29 to 42 U.S.C. 673 if the young adult had attained sixteen years of age
30 before the agreement became effective or with respect to whom a state-
31 funded guardianship assistance agreement was in effect if the young adult
1 had attained sixteen years of age before the agreement became effective
2 and if the young adult meets at least one of the following conditions for
3 eligibility:

4 (a) The young adult is completing secondary education or an
5 educational program leading to an equivalent credential;

6 (b) The young adult is enrolled in an institution that provides
7 postsecondary or vocational education;

8 (c) The young adult is employed for at least eighty hours per month;

9 (d) The young adult is participating in a program or activity
10 designed to promote employment or remove barriers to employment; or

11 (e) The young adult is incapable of doing any part of the activities
12 in subdivisions (1)(a) through (d) of this section due to a medical

13 condition, which incapacity must be supported by regularly updated
 14 information in the case plan of the young adult.
 15 (2) The guardian shall ensure that any guardianship assistance funds
 16 provided by the department and received by the guardian shall be used for
 17 the benefit of the young adult. The department shall adopt and promulgate
 18 rules and regulations defining services and supports encompassed by such
 19 benefit.
 20 (3) The changes made to this section by Laws 2015, LB243, become
 21 operative on July 1, 2015.
 22 Sec. 8. Section 43-4512, Reissue Revised Statutes of Nebraska, is
 23 amended to read:
 24 43-4512 (1) The department shall provide extended adoption
 25 assistance and medical care under the medical assistance program for a
 26 young adult who ~~has attained the age of eligibility is at least nineteen~~
 27 ~~years of age but is less than twenty-one years of age and with respect to~~
 28 whom an adoption assistance agreement was in effect if the young adult
 29 had attained sixteen years of age before the agreement became effective
 30 and who meets at least one of the following conditions of eligibility:
 31 (a) The young adult is completing secondary education or an
 1 educational program leading to an equivalent credential;
 2 (b) The young adult is enrolled in an institution that provides
 3 postsecondary or vocational education;
 4 (c) The young adult is employed for at least eighty hours per month;
 5 (d) The young adult is participating in a program or activity
 6 designed to promote employment or remove barriers to employment; or
 7 (e) The young adult is incapable of doing any part of the activities
 8 in subdivisions (1)(a) through (d) of this section due to a medical
 9 condition, which incapacity must be supported by regularly updated
 10 information in the case plan of the young adult.
 11 (2) The adoptive parent or parents shall ensure that any adoption
 12 assistance funds provided by the department and received by the adoptive
 13 parent shall be used for the benefit of the young adult. The department
 14 shall adopt and promulgate rules and regulations defining services and
 15 supports encompassed by such benefit.
 16 2. Renumber the remaining sections and correct the repealer
 17 accordingly.

Senator Brewer moved for a call of the house. The motion prevailed with 21
 ayes, 0 nays, and 28 not voting.

The Brewer amendment was adopted with 45 ayes, 0 nays, and 4 excused
 and not voting.

Senator Chambers requested a record vote on the committee amendment, as
 amended.

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Present and not voting, 1:

Groene

Excused and not voting, 4:

Hansen, B. Hilgers La Grone Lowe

The committee amendment, as amended, was adopted with 44 ayes, 0 nays, 1 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Pansing Brooks withdrew her amendment, [AM2263](#), found on page 517.

Senator Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 43:

Albrecht	Chambers	Hilkemann	Linehan	Slama
Arch	Clements	Howard	McCollister	Stinner
Blood	Crawford	Hughes	McDonnell	Vargas
Bolz	DeBoer	Hunt	Morfeld	Walz
Bostelman	Dorn	Kolowski	Moser	Wayne
Brandt	Erdman	Kolterman	Murman	Williams
Brewer	Friesen	La Grone	Pansing Brooks	Wishart
Briese	Geist	Lathrop	Quick	
Cavanaugh	Gragert	Lindstrom	Scheer	

Voting in the negative, 0.

Present and not voting, 1:

Hansen, M.

Excused and not voting, 5:

Groene Halloran Hansen, B. Hilgers Lowe

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, 1 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 247. Title read. Considered.

SENATOR HILGERS PRESIDING

Committee [AM2206](#), found on page 561, was adopted with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 865. Title read. Considered.

Senator Wayne offered the following amendment:

[AM2732](#)

- 1 1. Strike the original sections 2 and 4 to 11.
- 2 2. Renumber the remaining sections and correct the internal 3 reference and the repealer accordingly.

The Wayne amendment was adopted with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 865A. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 797. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 832. Title read. Considered.

Committee [AM2293](#), found on page 557, was adopted with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

COMMITTEE REPORT(S)
Natural Resources

LEGISLATIVE BILL 1201. Placed on General File with amendment.

[AM2753](#)

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. The Legislature finds and declares that the State of
4 Nebraska experienced a historic flood event in 2019. This flood event
5 significantly impacted numerous communities and individual Nebraskans.
6 Coordination and communication between state and local entities
7 implementing flood mitigation strategies is essential to maximize federal
8 funds for flood mitigation efforts.
9 Sec. 2. The Department of Natural Resources shall develop a state
10 flood mitigation plan as a stand-alone document to be annexed into the
11 state hazard mitigation plan maintained by the Nebraska Emergency
12 Management Agency. Such plan shall be structured in accordance with
13 Federal Emergency Management Agency guidelines, and shall be
14 comprehensive, collaborative, and statewide in scope with opportunities
15 for input from diverse stakeholders.
16 Sec. 3. The Department of Natural Resources shall convene a plan
17 development group which shall be housed and staffed for administrative
18 purposes within such department. The Department of Natural Resources
19 shall engage with federal, state, and local agency and community
20 stakeholders in the development of the state flood mitigation plan,
21 including, but not limited to, the Department of Transportation, the
22 Department of Environment and Energy, the Department of Economic
23 Development, the Department of Agriculture, the Nebraska Emergency
24 Management Agency, natural resources districts, the United States
25 Department of Agriculture, the United States Army Corps of Engineers, the
26 United States Geological Survey, the Federal Emergency Management Agency,
27 the University of Nebraska, representatives of counties, municipalities,
1 and other political subdivisions, and the Natural Resources Committee of
2 the Legislature. The Department of Natural Resources may engage other
3 sources to provide technical expertise as needed.
4 Sec. 4. The Department of Natural Resources shall:
5 (1) Evaluate the flood issues that occurred in 2019, and identify
6 cost-effective flood mitigation strategies that should be adopted to
7 reduce the disruption of lives and livelihoods and prioritize making
8 Nebraska communities more resilient;
9 (2) Identify opportunities to implement flood hazard mitigation
10 strategies with the intent to reduce the impact of flood events;
11 (3) Work to improve knowledge and understanding of available
12 recovery resources while identifying potential gaps in current disaster
13 program delivery;
14 (4) Identify potential available funding sources that can be
15 accessed to improve the resilience of the state through flood mitigation
16 and post-flood disaster recovery. The funding sources shall include, but
17 not be limited to, assistance from (a) the Federal Emergency Management
18 Agency's Flood Mitigation Assistance Grant Program, Building Resilient
19 Infrastructure and Communities Grant Program, Hazard Mitigation Grant
20 Program, Public Assistance Program, and Individual Assistance Program,
21 (b) the United States Department of Housing and Urban Development's
22 Community Development Block Grant Program and Community Development Block
23 Grant Disaster Recovery Program, and (c) programs of the United States
24 Department of Agriculture's Natural Resources Conservation Service.
25 Identification of such funding sources shall be in addition to grants and
26 cost-sharing programs available through other agencies that support flood
27 hazard mitigation planning in communities;

28 (5) Compile a centralized list of critical infrastructure and state-
 29 owned facilities and identify those with the highest risk of flooding. In
 30 compiling such list, the Department of Natural Resources shall consult
 31 and collaborate with other state and local agencies that have information
 1 that identifies vulnerable facilities;
 2 (6) Include an evaluation of state laws, rules, regulations,
 3 policies, and programs related to flood hazard mitigation and development
 4 in flood hazard-prone areas to support the state's administration of the
 5 Federal Emergency Management Agency's National Flood Insurance Program,
 6 Community Rating System, and Risk Mapping, Assessment, and Planning
 7 Program;
 8 (7) Examine existing law and, if necessary, recommend statutory or
 9 administrative changes to help ensure collaboration and coordination
 10 between state and local entities in statewide flood mitigation planning;
 11 and
 12 (8) Hold two public hearings, one prior to the first state flood
 13 mitigation plan development meeting and one prior to the completion of
 14 such plan. Notice of each hearing shall be published at least thirty days
 15 prior to the hearing date.
 16 Sec. 5. The state flood mitigation plan shall be completed and
 17 reported to the Governor and electronically to the Legislature on or
 18 before December 31, 2021.

(Signed) Dan Hughes, Chairperson

AMENDMENT(S) - Print in Journal

Senator La Grone filed the following amendment to [LB1055](#):
[AM2703](#) is available in the Bill Room.

Senator Lindstrom filed the following amendment to [LB808](#):
[AM2750](#) is available in the Bill Room.

GENERAL FILE

LEGISLATIVE BILL 1152. Title read. Considered.

Committee [AM2581](#), found on page 721, was adopted with 36 ayes, 2 nays,
 7 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 2 nays, 6 present
 and not voting, and 4 excused and not voting.

AMENDMENT(S) - Print in Journal

Senator Lathrop filed the following amendment to [LB881](#):
[AM2763](#)

(Amendments to Standing Committee amendments, AM2628)

1 1. On page 15, lines 9, 10, and 12, after "offense" insert "or
 2 offenses"; and in line 13 after "recognizance" insert ", subject to
 3 conditions of release the court may impose after a hearing".
 4 2. On page 17, line 9, strike "only"; and in line 12 after the
 5 period insert "As an alternative to a lump-sum payment or as an
 6 alternative or in conjunction with installment payments, the court or

7 magistrate may, with the consent of the offender, deduct fines from a
8 bond posted by the offender to the extent that such bond is not otherwise
9 encumbered by a valid lien, levy, execution, or assignment to counsel of
10 record or the person who posted the bond."

11 3. On page 20, after line 10 insert the following new subdivision:

12 "(k) Preclude use of the conviction for purposes of section

13 28-1206;" in line 11 strike "(k)" and insert "(l)"; in line 13 strike

14 "(l)" and insert "(m)"; and in line 15 strike "(m)" and insert "(n)".

RESOLUTION(S)

LEGISLATIVE RESOLUTION 333. Introduced by McDonnell, 5.

PURPOSE: The purpose of this interim study is to examine the possibility of placing one or more reservoirs on the Platte River and its tributaries for the purpose of flood control, hydroelectric energy, recreation, economic development, and environmental stewardship.

The study shall be completed in collaboration with the University of Nebraska College of Engineering and affected stakeholders. Stakeholders shall include representatives from the Department of Natural Resources, the Department of Environment and Energy, the Game and Parks Commission, affected municipalities and natural resources districts, local taxing authorities, affected drainage districts, and other interested entities. The study shall consider the impact and placement of one or more reservoirs of sufficient size and scale to provide flood control, a stable and reliable drinking water supply, power generation, extreme weather mitigation, and recreation, and to attract and retain a workforce to foster regional and economic growth.

The issues addressed by this interim study shall include, but not be limited to:

- (1) A history of the Platte River watershed;
- (2) The purpose of and need for such reservoirs on the Platte River;
- (3) A description of a possible reservoir project;
- (4) Project challenges and benefits;
- (5) Next steps;
- (6) Water supply issues, including existing water supplies, future water supply needs, water rights, flood control, hydrology and hydraulics, and methodology;
- (7) Existing flood risk and predicted flood risk with and without a reservoir project;
- (8) Recreation, including existing regional recreation and future regional recreational needs;
- (9) Hydropower, including existing power demands, future power demands, and the integration of hydropower into regional power production;
- (10) Site selection and optimization;
- (11) Conceptual reservoir design;
- (12) Possible project features, including an evaluation of alternatives;
- (13) Potential project costs and benefits;
- (14) Alternative reservoir locations;
- (15) Expansion of existing facilities;

(16) A description of the outcomes if no action is taken;
(17) Screening of alternatives;
(18) Permitting issues and procedures; and
(19) Necessary collaboration with federal agencies such as the Federal Energy Regulatory Commission, the Environmental Protection Agency, the United States Army Corps of Engineers, the Fish and Wildlife Service, and the United States Department of Agriculture for the completion of such potential reservoir project.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Blood name added to LB1155.

VISITOR(S)

Visitors to the Chamber were members of McCook Leadership 2.0; and students from Crete Intermediate School.

The Doctor of the Day was Dr. Kip Anderson from Columbus.

ADJOURNMENT

At 4:59 p.m., on a motion by Senator Lathrop, the Legislature adjourned until 9:00 a.m., Thursday, March 5, 2020.

Patrick J. O'Donnell
Clerk of the Legislature