

THIRTY-FIFTH DAY - MARCH 5, 2020**LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION****THIRTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, March 5, 2020

PRAYER

The prayer was offered by Pastor Joseph Gastineau, Revival Tabernacle Church, Bellevue.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Bolz, Cavanaugh, B. Hansen, M. Hansen, Morfeld, Pansing Brooks, Vargas, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-fourth day was approved.

ANNOUNCEMENT

The Chair announced the birthday of Senator Blood.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 461. Placed on Select File with amendment.
[ER183](#) is available in the Bill Room.

LEGISLATIVE BILL 1042. Placed on Select File with amendment.
[ER184](#) is available in the Bill Room.

LEGISLATIVE BILL 1042A. Placed on Select File.

LEGISLATIVE BILL 803. Placed on Select File with amendment.

[ER186](#)

- 1 1. On page 1, line 5, strike the comma and insert "and"; and in line
- 2 6 strike the comma.
- 3 2. On page 2, line 8, after the third comma insert "or" and strike
- 4 the last comma.
- 5 3. On page 5, line 22, strike "to".
- 6 4. On page 8, lines 4 and 5, strike "Pulse Crop Development,
- 7 Utilization, and Marketing Board" and insert "board".

LEGISLATIVE BILL 803A. Placed on Select File.

LEGISLATIVE BILL 43. Placed on Select File with amendment.

[ER185](#)

- 1 1. On page 1, line 1, after the semicolon insert "to amend section
- 2 29-1926, Reissue Revised Statutes of Nebraska, and sections 29-119 and
- 3 29-1917, Revised Statutes Supplement, 2019;" and in line 2 after "Act"
- 4 insert "; to redefine a term and change rules of criminal procedure
- 5 relating to plea agreements and depositions; and to repeal the original
- 6 sections".

(Signed) Julie Slama, Chairperson

AMENDMENT(S) - Print in Journal

Senator Chambers filed the following amendment to [LB43](#):
[AM2748](#) is available in the Bill Room.

MOTION(S) - Confirmation Report(s)

Senator Groene moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 739:

Technical Advisory Committee for Statewide Assessment
Chad W. Buckendahl

Voting in the affirmative, 39:

Albrecht	Clements	Groene	La Grone	Quick
Arch	Crawford	Halloran	Lathrop	Scheer
Blood	DeBoer	Hilgers	Lindstrom	Slama
Bostelman	Dorn	Hilkemann	Linehan	Stinner
Brandt	Erdman	Howard	Lowe	Walz
Brewer	Friesen	Hughes	McDonnell	Williams
Briese	Geist	Kolowski	Moser	Wishart
Chambers	Gragert	Kolterman	Murman	

Voting in the negative, 0.

Present and not voting, 2:

Hunt McCollister

Excused and not voting, 8:

Bolz	Hansen, B.	Morfeld	Vargas
Cavanaugh	Hansen, M.	Pansing Brooks	Wayne

The appointment was confirmed with 39 ayes, 0 nays, 2 present and not voting, and 8 excused and not voting.

Senator Groene moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 739:

Technical Advisory Committee for Statewide Assessment
Cindy Gray

Voting in the affirmative, 39:

Albrecht	Clements	Halloran	La Grone	Quick
Arch	Crawford	Hilgers	Lathrop	Scheer
Blood	Dorn	Hilkemann	Lindstrom	Slama
Bostelman	Erdman	Howard	Linehan	Stinner
Brandt	Friesen	Hughes	Lowe	Walz
Brewer	Geist	Hunt	McDonnell	Williams
Briese	Gragert	Kolowski	Moser	Wishart
Chambers	Groene	Kolterman	Murman	

Voting in the negative, 0.

Present and not voting, 2:

DeBoer McCollister

Excused and not voting, 8:

Bolz	Hansen, B.	Morfeld	Vargas
Cavanaugh	Hansen, M.	Pansing Brooks	Wayne

The appointment was confirmed with 39 ayes, 0 nays, 2 present and not voting, and 8 excused and not voting.

Senator Groene moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 739:

Coordinating Commission for Postsecondary Education
Timothy Daniels

Voting in the affirmative, 38:

Albrecht	Clements	Halloran	Lathrop	Scheer
Arch	Crawford	Hilgers	Lindstrom	Slama
Blood	Dorn	Howard	Linehan	Stinner
Bostelman	Erdman	Hughes	Lowe	Walz
Brandt	Friesen	Hunt	McCollister	Williams
Brewer	Geist	Kolowski	McDonnell	Wishart
Briese	Gragert	Kolterman	Moser	
Chambers	Groene	La Grone	Quick	

Voting in the negative, 0.

Present and not voting, 3:

DeBoer	Hilkemann	Murman
--------	-----------	--------

Excused and not voting, 8:

Bolz	Hansen, B.	Morfeld	Vargas
Cavanaugh	Hansen, M.	Pansing Brooks	Wayne

The appointment was confirmed with 38 ayes, 0 nays, 3 present and not voting, and 8 excused and not voting.

Senator Groene moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 739:

Coordinating Commission for Postsecondary Education
Charles Garman

Voting in the affirmative, 39:

Albrecht	Chambers	Groene	Lathrop	Quick
Arch	Clements	Halloran	Lindstrom	Scheer
Blood	Crawford	Hilkemann	Linehan	Slama
Bostelman	Dorn	Howard	Lowe	Stinner
Brandt	Erdman	Hughes	McCollister	Walz
Brewer	Friesen	Hunt	McDonnell	Williams
Briese	Geist	Kolowski	Moser	Wishart
Cavanaugh	Gragert	La Grone	Murman	

Voting in the negative, 0.

Present and not voting, 3:

DeBoer	Hilgers	Kolterman
--------	---------	-----------

Excused and not voting, 7:

Bolz Hansen, M. Pansing Brooks Wayne
 Hansen, B. Morfeld Vargas

The appointment was confirmed with 39 ayes, 0 nays, 3 present and not voting, and 7 excused and not voting.

Senator Lathrop moved the adoption of the Judiciary Committee report for the confirmation of the following appointment(s) found on page 779:

Board of Parole
 Mark T. Langan

Voting in the affirmative, 40:

Albrecht	Cavanaugh	Groene	La Grone	Murman
Arch	Clements	Halloran	Lathrop	Quick
Blood	Crawford	Hilgers	Lindstrom	Scheer
Bolz	Dorn	Hilkemann	Linehan	Slama
Bostelman	Erdman	Howard	Lowe	Stinner
Brandt	Friesen	Hughes	McCollister	Walz
Brewer	Geist	Kolowski	McDonnell	Williams
Briese	Gragert	Kolterman	Moser	Wishart

Voting in the negative, 0.

Present and not voting, 3:

Chambers DeBoer Hunt

Excused and not voting, 6:

Hansen, B. Morfeld Vargas
 Hansen, M. Pansing Brooks Wayne

The appointment was confirmed with 40 ayes, 0 nays, 3 present and not voting, and 6 excused and not voting.

Senator Lathrop moved the adoption of the Judiciary Committee report for the confirmation of the following appointment(s) found on page 779:

Crime Victim's Reparations Committee
 Anne C. Boatright

Voting in the affirmative, 37:

Albrecht	Cavanaugh	Hilgers	Linehan	Slama
Arch	Chambers	Hilkemann	Lowe	Stinner
Blood	Clements	Howard	McCollister	Walz
Bolz	Crawford	Hughes	McDonnell	Williams
Bostelman	Erdman	Kolowski	Moser	Wishart
Brandt	Geist	Kolterman	Murman	
Brewer	Gragert	La Grone	Quick	
Briese	Halloran	Lathrop	Scheer	

Voting in the negative, 0.

Present and not voting, 5:

DeBoer	Friesen	Groene	Hunt	Lindstrom
--------	---------	--------	------	-----------

Excused and not voting, 7:

Dorn	Hansen, M.	Pansing Brooks	Wayne
Hansen, B.	Morfeld	Vargas	

The appointment was confirmed with 37 ayes, 0 nays, 5 present and not voting, and 7 excused and not voting.

Senator Howard moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 788:

Commission for the Deaf and Hard of Hearing
 Candice Arteaga
 Robert J. Feit
 Jonathan Scherling

Voting in the affirmative, 39:

Albrecht	Cavanaugh	Halloran	Lathrop	Quick
Arch	Chambers	Hilgers	Lindstrom	Scheer
Blood	Clements	Hilkemann	McCollister	Slama
Bolz	Crawford	Howard	McDonnell	Stinner
Bostelman	Erdman	Hughes	Morfeld	Walz
Brandt	Geist	Kolowski	Moser	Williams
Brewer	Gragert	Kolterman	Murman	Wishart
Briese	Groene	La Grone	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 5:

DeBoer	Friesen	Hunt	Linehan	Lowe
--------	---------	------	---------	------

Excused and not voting, 5:

Dorn Hansen, B. Hansen, M. Vargas Wayne

The appointments were confirmed with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

Senator Howard moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 788:

Nebraska Rural Health Advisory Commission
Michael Allen Christopher Greene

Voting in the affirmative, 37:

Albrecht	Chambers	Halloran	Linehan	Quick
Arch	Clements	Hilgers	Lowe	Scheer
Blood	Crawford	Hilkemann	McCollister	Slama
Bostelman	Dorn	Howard	McDonnell	Walz
Brandt	Erdman	Hughes	Morfeld	Wishart
Brewer	Geist	Hunt	Moser	
Briese	Gragert	Kolowski	Murman	
Cavanaugh	Groene	Lindstrom	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 8:

Bolz	Friesen	La Grone	Stinner
DeBoer	Kolterman	Lathrop	Williams

Excused and not voting, 4:

Hansen, B. Hansen, M. Vargas Wayne

The appointment was confirmed with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

Senator Howard moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 813:

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

Voting in the affirmative, 39:

Arch	Clements	Hansen, M.	Lindstrom	Pansing Brooks
Blood	Crawford	Hilkemann	Linehan	Quick
Bostelman	Dorn	Howard	Lowe	Scheer
Brandt	Erdman	Hughes	McCollister	Slama
Brewer	Geist	Hunt	McDonnell	Walz
Briese	Gragert	Kolowski	Morfeld	Williams
Cavanaugh	Groene	Kolterman	Moser	Wishart
Chambers	Halloran	La Grone	Murman	

Voting in the negative, 0.

Present and not voting, 7:

Albrecht	DeBoer	Hilgers	Stinner
Bolz	Friesen	Lathrop	

Excused and not voting, 3:

Hansen, B.	Vargas	Wayne
------------	--------	-------

The appointments were confirmed with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

Senator Howard moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 813:

State Board of Health
John L. Kuehn

Senator Linehan moved the previous question. The question is, "Shall the debate now close?"

Senator Linehan moved for a call of the house. The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Senator Linehan requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 29:

Albrecht	Clements	Groene	Hughes	Moser
Arch	Dorn	Halloran	La Grone	Murman
Bostelman	Erdman	Hansen, B.	Lindstrom	Quick
Brandt	Friesen	Hilgers	Linehan	Scheer
Brewer	Geist	Hilkemann	Lowe	Slama
Briese	Gragert	Howard	McDonnell	

Voting in the negative, 6:

Cavanaugh	Hansen, M.	Kolowski
Chambers	Hunt	Morfeld

Present and not voting, 9:

Blood	Crawford	Lathrop	Pansing Brooks	Wishart
Bolz	DeBoer	McCollister	Wayne	

Excused and not voting, 5:

Kolterman	Stinner	Vargas	Walz	Williams
-----------	---------	--------	------	----------

The motion to cease debate prevailed with 29 ayes, 6 nays, 9 present and not voting, and 5 excused and not voting.

Voting in the affirmative, 32:

Albrecht	Crawford	Groene	Hughes	Murman
Arch	DeBoer	Halloran	La Grone	Quick
Bostelman	Dorn	Hansen, B.	Lindstrom	Scheer
Brandt	Erdman	Hansen, M.	Linehan	Slama
Brewer	Friesen	Hilgers	Lowe	
Briese	Geist	Hilkemann	McDonnell	
Clements	Gragert	Howard	Moser	

Voting in the negative, 3:

Chambers	Hunt	Morfeld
----------	------	---------

Present and not voting, 9:

Blood	Cavanaugh	Lathrop	Pansing Brooks	Wishart
Bolz	Kolowski	McCollister	Wayne	

Excused and not voting, 5:

Kolterman	Stinner	Vargas	Walz	Williams
-----------	---------	--------	------	----------

The appointment was confirmed with 32 ayes, 3 nays, 9 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

NOTICE OF COMMITTEE HEARING(S)
Transportation and Telecommunications
Room 1113

Friday, March 20, 2020 1:00 p.m.

John F. Krager III - Board of Public Roads Classifications and Standards
Roger Figard - Board of Public Roads Classifications and Standards
Lisa Kramer - Board of Public Roads Classifications and Standards
Steven D. Rames - Board of Public Roads Classifications and Standards
Darold E. Tagge - Board of Public Roads Classifications and Standards
Timothy W. Weander - Board of Public Roads Classifications and Standards

(Signed) Curt Friesen, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 334. Introduced by Brewer, 43; Albrecht, 17; Gragert, 40; Pansing Brooks, 28.

WHEREAS, Charles "Chuck" Trimble was born and raised on the Pine Ridge Indian Reservation and was an enrolled member of the Oglala Sioux Tribe; and

WHEREAS, Chuck enlisted in the United States Army in 1957 and served honorably as an Infantry Operations Intelligence Specialist in Germany; and

WHEREAS, Chuck was accomplished in his professional career, working in the Atlas Missile program, advancing solar research at the Harvard College Observatory, and contributing to the Apollo Telescope Mount project; and

WHEREAS, despite his professional success, Chuck Trimble always remembered his roots and the challenges facing American Indians; and

WHEREAS, Chuck's deep concern for the welfare of native peoples motivated his involvement in the White Buffalo Council of American Indians, the Denver urban Indian organization, the Denver Indian Times, the National Congress of American Indians, the American Indian National Bank, and the founding of the American Indian Press Association; and

WHEREAS, Chuck always maintained his native cultural identity as central to his life, as exemplified by his beautiful command of the Lakota language; and

WHEREAS, his generosity in bestowing his time and wisdom to the people of the State of Nebraska was unwavering, with his contributions as a board member for the Nebraska State Historical Society Foundation, his instruction at the University of Nebraska-Omaha, his summer workshops for high school students, and his work as a member of the Nebraska Commission on Indian Affairs; and

WHEREAS, Chuck Trimble passed away on March 2, 2020, and is survived by his wife, Anne, and his daughter, Kaiti.

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

1. That the Legislature recognizes Charles "Chuck" Trimble for his lifetime of service to native peoples, to the State of Nebraska, and to the United States of America.

2. That the Legislature offers its deepest condolences to the family and friends of Charles Trimble during this time of loss.

3. That a copy of this resolution be sent to Charles Trimble's family.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Halloran filed the following amendment to LB344:
AM2705

(Amendments to Standing Committee amendments, AM2486)

- 1 1. On page 9, line 23, strike "infected by a dangerous disease
- 2 shall" and insert "may be required by the department to"; and strike
- 3 beginning with "as" in line 24 through "department" in line 25.
- 4 2. On page 10, line 31, strike "landowner or land" and insert "owner
- 5 or".
- 6 3. On page 11, line 5, strike "a landowner" and insert "an owner";
- 7 in line 6 strike "land" and insert "a"; and in line 21 after "plan"
- 8 insert "or otherwise allowed by the State Veterinarian".
- 9 4. On page 12, lines 1 and 3, strike "an approved"; in line 2 after
- 10 "establishment" insert "or other hauler approved by the State
- 11 Veterinarian"; in line 12 strike "or" and after the semicolon insert
- 12 paragraphing and the following new subdivision:
- 13 "(iv) To any facility which lawfully disposes of dead animals; or";
- 14 and in line 13 strike "(iv)" and insert "(v)".
- 15 5. On page 13, line 26, strike "federally".
- 16 6. On page 16, line 16, strike "infected" and insert "affected"; in
- 17 line 19 strike "nonaffected anthrax"; and in line 20 after "flocks"
- 18 insert "not affected due to anthrax".

GENERAL FILE

LEGISLATIVE BILL 1055. Title read. Considered.

Committee AM2573, found on page 738, was offered.

Senator La Grone offered his amendment, AM2703, found on page 820, to the committee amendment.

SPEAKER SCHEER PRESIDING

SENATOR LINDSTROM PRESIDING

The La Grone amendment was adopted with 39 ayes, 0 nays, and 10 present and not voting.

The committee amendment, as amended, was adopted with 42 ayes, 0 nays, and 7 present and not voting.

SENATOR HILGERS PRESIDING

Advanced to Enrollment and Review Initial with 45 ayes, 0 nays, and 4 present and not voting.

COMMITTEE REPORT(S)

Health and Human Services

LEGISLATIVE BILL 1052. Placed on General File with amendment. [AM2645](#) is available in the Bill Room.

LEGISLATIVE BILL 1140. Placed on General File with amendment. [AM2663](#)

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. (1) Youth rehabilitation and treatment centers shall be
 4 operated to provide programming and services to rehabilitate and treat
 5 juveniles committed under the Nebraska Juvenile Code. Each youth
 6 rehabilitation and treatment center shall be considered a separate
 7 placement. Each youth rehabilitation and treatment center shall provide:
 8 (a) Safe and sanitary space for sleeping, hygiene, education,
 9 programming, treatment, recreation, and visitation for each juvenile;
 10 (b) Health care and medical services;
 11 (c) Appropriate physical separation and segregation of juveniles
 12 based on gender;
 13 (d) Sufficient staffing to comply with state and federal law and
 14 protect the safety and security of each juvenile;
 15 (e) Training that is specific to the population being served at the
 16 youth rehabilitation and treatment center;
 17 (f) A facility administrator for each youth rehabilitation and
 18 treatment center who has the sole responsibility for administration of a
 19 single youth rehabilitation and treatment center;
 20 (g) An evaluation process for the development of an individualized
 21 treatment plan within fourteen days after admission to the youth
 22 rehabilitation and treatment center;
 23 (h) An age-appropriate and developmentally appropriate education
 24 program for each juvenile that can award relevant and necessary credits
 25 toward high school graduation that will be accepted by the juvenile's
 26 home school district;
 27 (i) A case management and coordination process, designed to assure
 1 appropriate reintegration of the juvenile with his or her family, school,
 2 and community;
 3 (j) Compliance with the requirements stated in Title XIX and Title
 4 IV-E of the federal Social Security Act, as such act existed on January
 5 1, 2020, the Special Education Act, or other funding guidelines as
 6 appropriate;
 7 (k) Research-based or evidence-based programming for all juveniles
 8 that includes a strong academic program and classes in health education,
 9 living skills, vocational training, behavior management and modification,
 10 money management, family and parent responsibilities, substance use
 11 awareness, physical education, job skills training, and job placement
 12 assistance; and
 13 (l) Research-based or evidence-based treatment service for
 14 behavioral impairment, severe emotional disturbance, sex offender

15 behavior, other mental health or psychiatric disorder, drug and alcohol
16 addiction, physical or sexual abuse, and any other treatment indicated by
17 a juvenile's individualized treatment plan.
18 (2) Each youth rehabilitation and treatment center shall
19 electronically submit a report of its activities for the preceding fiscal
20 year to the Clerk of the Legislature on or before July 15 of each year.
21 The annual report shall include, but not be limited to, the following
22 information:
23 (a) Data on the population served, including, but not be limited to,
24 admissions, average daily census, average length of stay, race, and
25 ethnicity;
26 (b) An overview of programming and services; and
27 (c) An overview of any facility issues or facility improvements.
28 Sec. 2. (1) The Department of Health and Human Services shall
29 develop a five-year operations plan for the youth rehabilitation and
30 treatment centers and submit such operations plans electronically to the
31 Health and Human Services Committee of the Legislature on or before
1 November 15, 2020.
2 (2) The operations plan shall be developed with input from key
3 stakeholders and shall include, but not be limited to:
4 (a) A description of the population served at each youth
5 rehabilitation and treatment center;
6 (b) An organizational chart of supervisors and operations staff. The
7 operations plan shall not allow for administrative staff to have
8 oversight over more than one youth rehabilitation and treatment center
9 and shall not allow for clinical staff to have responsibility over more
10 than one youth rehabilitation and treatment center;
11 (c) Staff who shall be centralized offsite or managed onsite,
12 including facility and maintenance staff;
13 (d) A facility plan that considers taxpayer investments already made
14 in the facility and the community support and acceptance of the juveniles
15 in the community surrounding the youth rehabilitation and treatment
16 center;
17 (e) A description of each rehabilitation program offered at the
18 youth rehabilitation and treatment center;
19 (f) A description of each mental health treatment plan offered at
20 the youth rehabilitation and treatment center;
21 (g) A description of reentry and discharge planning;
22 (h) A staffing plan that ensures adequate staffing;
23 (i) An education plan developed in collaboration with the State
24 Department of Education;
25 (j) A capital improvements budget;
26 (k) An operating budget;
27 (l) A disaster recovery plan;
28 (m) A plan to segregate the juveniles by gender on separate
29 campuses;
30 (n) A parenting plan for juveniles placed in a youth rehabilitation
31 and treatment center who are parenting;
1 (o) A statement of the rights of juveniles placed at the youth
2 rehabilitation and treatment centers, including a right to privacy, and
3 the rights of parents or guardians;
4 (p) Quality and outcome measurements for tracking outcomes for
5 juveniles when they are discharged from the youth rehabilitation and
6 treatment center, including an exit survey of such juveniles;
7 (q) Key performance indicators to be included in the annual report
8 required under this section;
9 (r) A requirement for trauma-informed training provided to staff;
10 (s) Methods and procedures for investigations at the youth
11 rehabilitation and treatment center; and
12 (t) A grievance process for juveniles placed at the youth

13 rehabilitation and treatment centers.

14 (3) The department shall submit a report electronically to the Clerk
15 of the Legislature on or before December 15, 2021, and each December 15
16 thereafter regarding such operations plan and key performance indicators.

17 Sec. 3. Section 43-251.01, Revised Statutes Cumulative Supplement,
18 2018, is amended to read:

19 43-251.01 All placements and commitments of juveniles for
20 evaluations or as temporary or final dispositions are subject to the
21 following:

22 (1) No juvenile shall be confined in an adult correctional facility
23 as a disposition of the court;

24 (2) A juvenile who is found to be a juvenile as described in
25 subdivision (3) of section 43-247 shall not be placed in an adult
26 correctional facility, the secure youth confinement facility operated by
27 the Department of Correctional Services, or a youth rehabilitation and
28 treatment center or committed to the Office of Juvenile Services;

29 (3) A juvenile who is found to be a juvenile as described in
30 subdivision (1), (2), or (4) of section 43-247 shall not be assigned or
31 transferred to an adult correctional facility or the secure youth
1 confinement facility operated by the Department of Correctional Services;

2 (4) A juvenile under the age of fourteen years shall not be placed
3 with or committed to a youth rehabilitation and treatment center;

4 (5)(a) Before July 1, 2019, a juvenile shall not be detained in
5 secure detention or placed at a youth rehabilitation and treatment center
6 unless detention or placement of such juvenile is a matter of immediate
7 and urgent necessity for the protection of such juvenile or the person or
8 property of another or if it appears that such juvenile is likely to flee
9 the jurisdiction of the court; and

10 (b) On and after July 1, 2019:

11 (i) A juvenile shall not be detained unless the physical safety of
12 persons in the community would be seriously threatened or detention is
13 necessary to secure the presence of the juvenile at the next hearing, is
14 evidenced by a demonstrable record of willful failure to appear at a
15 scheduled court hearing within the last twelve months;

16 (ii) A child twelve years of age or younger shall not be placed in
17 detention under any circumstances; and

18 (iii) A juvenile shall not be placed into detention:

19 (A) To allow a parent or guardian to avoid his or her legal
20 responsibility;

21 (B) To punish, treat, or rehabilitate such juvenile;

22 (C) To permit more convenient administrative access to such
23 juvenile;

24 (D) To facilitate further interrogation or investigation; or

25 (E) Due to a lack of more appropriate facilities except in case of
26 an emergency as provided in section 8 of this act;

27 (6) A juvenile alleged to be a juvenile as described in subdivision
28 (3) of section 43-247 shall not be placed in a juvenile detention
29 facility, including a wing labeled as staff secure at such facility,
30 unless the designated staff secure portion of the facility fully complies
31 with subdivision (5) of section 83-4,125 and the ingress and egress to
1 the facility are restricted solely through staff supervision; and

2 (7) A juvenile alleged to be a juvenile as described in subdivision
3 (1), (2), (3)(b), or (4) of section 43-247 shall not be placed out of his
4 or her home as a dispositional order of the court unless:

5 (a) All available community-based resources have been exhausted to
6 assist the juvenile and his or her family; and

7 (b) Maintaining the juvenile in the home presents a significant risk
8 of harm to the juvenile or community.

9 Sec. 4. Section 43-401, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 43-401 Sections 43-401 to 43-424 and sections 2, 6 to 8, and 10 of
12 this act shall be known and may be cited as the Health and Human
13 Services, Office of Juvenile Services Act.
14 Sec. 5. Section 43-403, Reissue Revised Statutes of Nebraska, is
15 amended to read:
16 43-403 For purposes of the Health and Human Services, Office of
17 Juvenile Services Act:
18 (1) Aftercare means the control, supervision, and care exercised
19 over juveniles who have been paroled;
20 (2) Committed means an order by a court committing a juvenile to the
21 care and custody of the Office of Juvenile Services for treatment;
22 (3) Community supervision means the control, supervision, and care
23 exercised over juveniles committed to the Office of Juvenile Services
24 when a commitment to the level of treatment of a youth rehabilitation and
25 treatment center has not been ordered by the court;
26 (4) Emergency means a situation, including fire, flood, tornado,
27 natural disaster, or damage to a youth rehabilitation and treatment
28 center, that renders the youth rehabilitation and treatment center
29 uninhabitable. Emergency does not include inadequate staffing;
30 (5) (4) Evaluation means assessment of the juvenile's social,
31 physical, psychological, and educational development and needs, including
1 a recommendation as to an appropriate treatment plan;
2 (6) (5) Parole means a conditional release of a juvenile from a
3 youth rehabilitation and treatment center to aftercare or transferred to
4 Nebraska for parole supervision by way of interstate compact;
5 (7) (6) Placed for evaluation means a placement with the Office of
6 Juvenile Services or the Department of Health and Human Services for
7 purposes of an evaluation of the juvenile; and
8 (8) (7) Treatment means type of supervision, care, confinement, and
9 rehabilitative services for the juvenile.
10 Sec. 6. (1) The Department of Health and Human Services shall
11 develop an emergency plan for the Youth Rehabilitation and Treatment
12 Center-Geneva, the Youth Rehabilitation and Treatment Center-Kearney, and
13 any other facility being used as a youth rehabilitation and treatment
14 center and operating under state law.
15 (2) Each emergency plan shall:
16 (a) Identify and designate temporary placement facilities for the
17 placement of juveniles in the event a youth rehabilitation and treatment
18 center must be evacuated due to an emergency as defined in section
19 43-403. The administrator of a proposed temporary placement facility
20 shall consent to be designated as a temporary placement facility in the
21 emergency plan. A criminal detention facility or a juvenile detention
22 facility shall only be designated as a temporary placement facility
23 pursuant to section 8 of this act;
24 (b) Identify barriers to implementation of an effective emergency
25 plan, including necessary administrative or legislative changes;
26 (c) Include procedures for the Office of Juvenile Services to
27 provide reliable, effective, and timely notification that an emergency
28 plan is to be implemented to:
29 (i) Staff at the youth rehabilitation and treatment center where the
30 emergency plan is implemented and the administrator and staff at the
31 temporary placement facility;
1 (ii) Juveniles placed at the youth rehabilitation and treatment
2 center;
3 (iii) Families and legal guardians of juveniles placed at the youth
4 rehabilitation and treatment center;
5 (iv) The State Court Administrator, in a form and manner prescribed
6 by the State Court Administrator;
7 (v) The committing court of each juvenile placed at the youth
8 rehabilitation and treatment center;

9 (vi) The chairperson of the Health and Human Services Committee of
10 the Legislature; and
11 (vii) The office of Public Counsel and the office of Inspector
12 General of Nebraska Child Welfare;
13 (d) Detail the plan for transportation of juveniles to a temporary
14 placement facility; and
15 (e) Include methods and schedules for implementing the emergency
16 plan.
17 (3) Each emergency plan shall be developed on or before October 15,
18 2020.
19 Sec. 7. (1) The Department of Health and Human Services shall
20 ensure that the administrator of each temporary placement facility
21 described in an emergency plan required under section 6 of this act
22 consents to the temporary placement of juveniles placed in such facility
23 pursuant to the emergency plan. Prior to inclusion in an emergency plan
24 as a temporary placement facility, the department and the administrator
25 of the temporary placement facility shall agree on a cost-reimbursement
26 plan for the temporary placement of juveniles at such facility.
27 (2) If an emergency plan required under section 6 of this act is
28 implemented, the Office of Juvenile Services shall, at least twenty-four
29 hours prior to implementation, if practical, and otherwise within twenty-
30 four hours after implementation of such emergency plan, notify the
31 persons and entities listed in subdivision (2)(c) of section 6 of this
1 act.
2 Sec. 8. In the event of an emergency and only after all other
3 temporary placement options have been exhausted, the Office of Juvenile
4 Services may provide for the placement of a juvenile for a period not to
5 exceed seven days at a criminal detention facility, if allowed by law, or
6 a juvenile detention facility, as such terms are defined in section
7 83-4,125.
8 Sec. 9. (1) The Department of Health and Human Services shall
9 contract for the completion of a needs assessment and cost analysis for
10 the establishment of an inpatient adolescent psychiatric unit housed
11 within the Lincoln Regional Center. The department shall contract with an
12 outside consultant with expertise in needs assessment and cost analysis
13 of health care facilities within sixty days after the operative date of
14 this section for the purpose of conducting such assessment and analysis.
15 (2) The department shall submit a report electronically to the
16 Health and Human Service Committee of the Legislature and the Clerk of
17 the Legislature on or before October 15, 2020. Such report shall contain
18 the following information:
19 (a) A needs assessment, including the number of adolescents expected
20 to use such inpatient adolescent psychiatric unit;
21 (b) The cost of opening an existing facility at the Lincoln Regional
22 Center for use as an inpatient adolescent psychiatric unit;
23 (c) The cost of reopening the facility at the Lincoln Regional
24 Center, including the costs for necessary construction, upgrades, or
25 repairs;
26 (d) Annual operating costs of such unit, including, but not limited
27 to, any federal funds available to operate the unit in addition to
28 General Fund appropriations; and
29 (e) Cost savings realized by moving adolescents from out-of-state
30 institutions back to Nebraska for treatment at such unit.
31 (3) For purposes of this section, adolescent means a person under
1 the jurisdiction of the juvenile court.
2 Sec. 10. Policies and procedures of the Department of Health and
3 Human Services regarding the transportation of juveniles placed at the
4 youth rehabilitation and treatment centers shall apply to any private
5 contractor utilized by the Office of Juvenile Services to transport
6 juveniles placed at the youth rehabilitation and treatment centers.

7 Sec. 11. The Revisor of Statutes shall assign sections 1 and 9 of
 8 this act to Chapter 83, article 1.
 9 Sec. 12. Sections 1, 2, and 10 of this act become operative three
 10 calendar months after the adjournment of this legislative session. The
 11 other sections of this act become operative on their effective date.
 12 Sec. 13. Original sections 43-401 and 43-403, Reissue Revised
 13 Statutes of Nebraska, and section 43-251.01, Revised Statutes Cumulative
 14 Supplement, 2018, are repealed.
 15 Sec. 14. Since an emergency exists, this act takes effect when
 16 passed and approved according to law.

LEGISLATIVE BILL 1150. Placed on General File with amendment.

[AM2742](#)

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. Section 83-107.01, Revised Statutes Cumulative
 4 Supplement, 2018, is amended to read:
 5 83-107.01 (1) The official names of the state institutions under
 6 the supervision of the Department of Health and Human Services shall be
 7 as follows: (a) ~~(4)~~ Beatrice State Developmental Center, (b) ~~(2)~~ Lincoln
 8 Regional Center, (c) ~~(3)~~ Norfolk Regional Center, (d) ~~(4)~~ Hastings
 9 Regional Center, (e) ~~(5)~~ Youth Rehabilitation and Treatment Center-
 10 Kearney, and (f) ~~(6)~~ Youth Rehabilitation and Treatment Center-Geneva.
 11 (2)(a) This subsection applies beginning July 1, 2021.
 12 (b) Except as provided in subdivision (2)(e) of this section, so
 13 long as the department operates the Youth Rehabilitation and Treatment
 14 Center-Kearney, such institution shall be used for the treatment of boys
 15 only.
 16 (c) Except as provided in subdivision (2)(e) of this section, so
 17 long as the department operates the Youth Rehabilitation and Treatment
 18 Center-Geneva, such institution shall be used for the treatment of girls
 19 only.
 20 (d) For any other facility operated and utilized as a youth
 21 rehabilitation and treatment center under state law, the department shall
 22 ensure safe and appropriate gender separation.
 23 (e) In the event of an emergency, the department may use either the
 24 Youth Rehabilitation and Treatment Center-Kearney or the Youth
 25 Rehabilitation and Treatment Center-Geneva for the treatment of juveniles
 26 of both genders for up to seven days. During any such use the department
 27 shall ensure safe and appropriate gender separation.
 1 (f) For purposes of this section, emergency means a situation
 2 including fire, flood, tornado, natural disaster, or damage to the
 3 institution that renders an institution uninhabitable. Emergency does not
 4 include inadequate staffing.
 5 Sec. 2. Original section 83-107.01, Revised Statutes Cumulative
 6 Supplement, 2018, is repealed.

LEGISLATIVE BILL 1188. Placed on General File with amendment.

[AM2736](#) is available in the Bill Room.

(Signed) Sara Howard, Chairperson

VISITOR(S)

Visitors to the Chamber were a group from the Lincoln Council for International Visitors from Chile, Kosovo, Libya, Moldova, Nepal, Taiwan, and Turkey; Teta Moehs; students and teachers from Madison High School;

a group from the Cheyenne County Chamber from Sidney; students from St. John Lutheran School, Battle Creek; and students from Southwest High School, Bartley.

RECESS

At 11:47 a.m., on a motion by Senator McDonnell, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Foley presiding.

ROLL CALL

The roll was called and all members were present except Senators Bolz, Brandt, Chambers, B. Hansen, Howard, and Morfeld who were excused until they arrive.

AMENDMENT(S) - Print in Journal

Senator Quick filed the following amendment to LB840:
[AM2770](#)

(Amendments to E&R amendments, ER180)

- 1 1. Strike sections 4 and 5 and insert the following new sections:
- 2 Sec. 4. Electronic smoking device means an electronic nicotine
- 3 delivery system as defined in section 28-1418.01. The term includes any
- 4 such device regardless of whether it is manufactured, distributed,
- 5 marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape
- 6 pen or under any other product name or descriptor. The term also includes
- 7 any substance that can be used in an electronic smoking device. The term
- 8 does not include a diffuser, humidifier, or prescription inhaler.
- 9 Sec. 5. Electronic smoking device retail outlet means a store that:
- 10 (1) Is licensed as provided under sections 28-1421 and 28-1422;
- 11 (2) Sells electronic smoking devices and products directly related
- 12 to electronic smoking devices;
- 13 (3) Does not sell alcohol, groceries, or gasoline; and
- 14 (4) Does not allow a person under the age of twenty-one years to
- 15 enter such store.

GENERAL FILE

LEGISLATIVE BILL 808. Title read. Considered.

Committee [AM2559](#), found on page 750, was offered.

Senator Lindstrom withdrew his amendment, [AM2675](#), found on page 779.

The committee amendment was adopted with 35 ayes, 0 nays, 6 present and not voting, and 8 excused and not voting.

Senator Lindstrom offered his amendment, [AM2750](#), found on page 820.

The Lindstrom amendment was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

AMENDMENT(S) - Print in Journal

Senator Hilgers filed the following amendment to [LB996](#):
[AM2783](#)

1 1. Insert the following new section:

2 Section 1. Section 49-14,101.03, Reissue Revised Statutes of

3 Nebraska, is amended to read:

4 49-14,101.03 (1) Any use of public resources by a public official or
5 public employee which is incidental or de minimis shall not constitute a
6 violation of section 49-14,101.01 or 49-14,101.02.

7 (2) For purposes of sections 49-14,101.01 and 49-14,101.02, a
8 resource of government, including a vehicle, shall not be considered a
9 public resource and personal use shall not be prohibited if (a) the use
10 of the resource for personal purposes is part of the public official's or
11 public employee's compensation provided in an employment contract or a
12 written policy approved by a government body and (b) the personal use of
13 the resource as compensation is reported in accordance with the Internal
14 Revenue Code of 1986, as amended, and taxes, if any, are paid. If
15 authorized by the contract or policy, the resource may be used whether or
16 not the public official or public employee is engaged in the duties of
17 his or her public office or public employment.

18 (3) Use of a government vehicle by a public official or public
19 employee to travel to a designated location or the home of the public
20 official or public employee is permissible when the primary purpose of
21 the travel serves a government purpose and the use is pursuant to a
22 written policy approved by a government body.

23 (4) Use of a government Internet network by a member of the
24 Legislature for essential personal business is permissible when the
25 member is serving in the member's official capacity and such use is
26 pursuant to a written policy approved by the Executive Board of the
27 Legislative Council.

1 (5) (4) Pursuant to a collective-bargaining agreement, a public
2 facility may be used by a bargaining unit to meet regarding activities of
3 the union or bargaining unit. This section shall not authorize the use of
4 public resources for the purpose of campaigning for or against the
5 nomination or election of a candidate or the qualification, passage, or
6 defeat of a ballot question.

7 (6) (5) Nothing in the Nebraska Political Accountability and
8 Disclosure Act prohibits a public official or public employee from using
9 his or her personal cellular telephone, electronic handheld device, or
10 computer to access a wireless network to which access is provided to the
11 public by a government body.

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

Senator Blood filed the following amendment to LB790:

AM2768

(Amendments to E & R amendments, ER178)

- 1 1. Insert the following new section:
- 2 Sec. 6. The Department of Health and Human Services and Department
- 3 of Veterans' Affairs shall work jointly to encourage service providers in
- 4 their respective departments and in other state and local agencies and
- 5 departments to ask the question "Have you or a family member ever served
- 6 in the military?". The question should be included in intake forms and
- 7 interviews where appropriate, including, but not limited to, at
- 8 hospitals, mental health care centers, senior centers, employment
- 9 offices, courts, and schools and in encounters with law enforcement.
- 10 2. Renumber the remaining section accordingly.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 335. Introduced by Hilkekmann, 4; Albrecht, 17; Arch, 14; Blood, 3; Bolz, 29; Bostelman, 23; Brandt, 32; Brewer, 43; Briese, 41; Cavanaugh, 6; Chambers, 11; Clements, 2; Crawford, 45; DeBoer, 10; Dorn, 30; Erdman, 47; Friesen, 34; Geist, 25; Gragert, 40; Groene, 42; Halloran, 33; Hansen, B., 16; Hansen, M., 26; Hilgers, 21; Howard, 9; Hughes, 44; Hunt, 8; Kolowski, 31; Kolterman, 24; La Grone, 49; Lathrop, 12; Lindstrom, 18; Linehan, 39; Lowe, 37; McCollister, 20; McDonnell, 5; Morfeld, 46; Moser, 22; Murman, 38; Pansing Brooks, 28; Quick, 35; Scheer, 19; Slama, 1; Stinner, 48; Vargas, 7; Walz, 15; Wayne, 13; Williams, 36; Wishart, 27.

WHEREAS, The Very Reverend Craig Loya was elected the Tenth Bishop of Minnesota during the 162nd convention of the Episcopal Church in Minnesota on January 25, 2020; and

WHEREAS, Loya was born and grew up in North Platte, Nebraska; and

WHEREAS, Loya is a graduate of Hastings College with a Bachelor of Arts degree, magna cum laude, in English and Religion; and

WHEREAS, Loya received his Master of Divinity from Yale University and a diploma in Anglican Studies from the Berkeley Divinity School at Yale; and

WHEREAS, Loya is married to Melissa Tubbs Loya and the couple has two children, Mari and Asa; and

WHEREAS, Loya has served as the Dean and Rector of Trinity Episcopal Cathedral since 2013, overseeing a period of significant growth and expanded engagement with the poor and marginalized, children and families, the downtown neighborhood, and the city of Omaha; and

WHEREAS, Loya also serves as the Chaplain of Brownell Talbot school, working with children and youth at this educational institution with historic ties to the Episcopal Church; and

WHEREAS, Loya is a founder and the board president of Magdalene Omaha, a residential program for women surviving sex trafficking, and a board member of Inclusive Communities, an organization providing education and advocacy related to topics of diversity and inclusion; and

WHEREAS, Loya has served the Episcopal Diocese of Nebraska as a member of the executive committee, standing committee, and bishop and trustees committee; and

WHEREAS, Loya has demonstrated leadership in the wider Episcopal Church as a General Convention Deputy, Co-Convener of the General Convention Task Force for Re-Imagining the Episcopal Church, Co-Convener of the North American Conference of Cathedral Deans, and a member of the General Convention Task Force on Women, Truth, and Reconciliation; and

WHEREAS, Loya has served on the faculty of the Bishop Kemper School for Ministry, providing education and spiritual formation for students in the Episcopal Dioceses of Nebraska, Kansas, Western Kansas, and West Missouri.

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

1. That the Legislature congratulates The Very Reverend Craig Loya on his election as the Tenth Bishop of the Episcopal Church in Minnesota and thanks him for his ministry in the State of Nebraska.

2. That a copy of this resolution be sent to The Very Reverend Craig Loya and Trinity Episcopal Cathedral.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 1186. Title read. Considered.

Committee [AM2554](#), found on page 733, was adopted with 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 45 ayes, 0 nays, 3 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 881. Title read. Considered.

Committee [AM2628](#), found on page 785, was offered.

Senator Lathrop offered his amendment, [AM2763](#), found on page 820, to the committee amendment.

The Lathrop amendment was adopted with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

SPEAKER SCHEER PRESIDING

The committee amendment, as amended, was adopted with 33 ayes, 0 nays, and 16 present and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, and 18 present and not voting.

AMENDMENT(S) - Print in Journal

Senator McDonnell filed the following amendment to [LB963](#):
[AM2776](#)

(Amendments to Standing Committee amendments, AM2523)

- 1 1. On page 2, line 20, strike "A" and insert "Until January 1, 2027,
- 2 a"; and in line 24 after "examination" insert "by a mental health
- 3 professional".
- 4 2. On page 4, line 19, strike "a" and insert "an independent"; and
- 5 after line 28 insert the following new subsection:
- 6 "(9) All other provisions of the Nebraska Workers' Compensation Act
- 7 apply to this section."

Senator McDonnell filed the following amendment to [LB963](#):
[AM2734](#)

(Amendments to Standing Committee amendments, AM2523)

- 1 1. Insert the following new section:
- 2 Sec. 2. Section 48-122, Revised Statutes Supplement, 2019, is
- 3 amended to read:
- 4 48-122 (1) If death results from injuries and the deceased employee
- 5 leaves one or more dependents dependent upon his or her earnings for
- 6 support at the time of injury, the compensation, subject to section
- 7 48-123, shall be not more than the maximum weekly income benefit
- 8 specified in section 48-121.01 nor less than the minimum weekly income
- 9 benefit specified in section 48-121.01, except that if at the time of
- 10 injury the employee receives wages of less than the minimum weekly income
- 11 benefit specified in section 48-121.01, then the compensation shall be
- 12 the full amount of such wages per week, payable in the amount and to the
- 13 persons enumerated in section 48-122.01 subject to the maximum limits
- 14 specified in this section and section 48-122.03.
- 15 (2) When death results from injuries suffered in employment, if
- 16 immediately prior to the accident the rate of wages was fixed by the day
- 17 or hour, or by the output of the employee, the weekly wages shall be
- 18 taken to be computed upon the basis of a workweek of a minimum of five
- 19 days, if the wages are paid by the day, or upon the basis of a workweek
- 20 of a minimum of forty hours, if the wages are paid by the hour, or upon
- 21 the basis of a workweek of a minimum of five days or forty hours,
- 22 whichever results in the higher weekly wage, if the wages are based on
- 23 the output of the employee.
- 24 (3) Upon the death of an employee, resulting through personal
- 25 injuries as defined in section 48-151, whether or not there are
- 26 dependents entitled to compensation, the reasonable expenses of burial,
- 1 not exceeding ~~eleven~~ ~~ten~~ thousand dollars, without deduction of any
- 2 amount previously paid or to be paid for compensation or for medical
- 3 expenses, shall be paid to his or her dependents, or if there are no
- 4 dependents, then to his or her personal representative. Beginning in
- 5 2023, the Nebraska Workers' Compensation Court shall annually adjust the
- 6 dollar limitation in this subsection. The adjusted limitation shall be
- 7 equal to the then current limitation adjusted by the greater of one
- 8 percent or the percentage change, for the preceding year, in the Consumer
- 9 Price Index for All Urban Consumers, as prepared by the United States
- 10 Department of Labor, Bureau of Labor Statistics. Any adjustment shall be
- 11 effective on July 1. The adjustment shall not exceed two and three-
- 12 quarters percent per annum. If the amount so adjusted is not a multiple
- 13 of one hundred dollars, the amount shall be rounded to the nearest

14 multiple of one hundred dollars.

15 (4) Compensation under the Nebraska Workers' Compensation Act to
 16 alien dependents who are not residents of the United States shall be the
 17 same in amount as is provided in each case for residents, except that at
 18 any time within one year after the death of the injured employee the
 19 employer may at his or her option commute all future installments of
 20 compensation to be paid to such alien dependents. The amount of the
 21 commuted payment shall be determined as provided in section 48-138.
 22 (5)(a)(i) Except as provided in subdivision (5)(a)(ii) of this
 23 section, the consular officer of the nation of which the employee, whose
 24 injury results in death, is a citizen shall be regarded as the sole legal
 25 representative of any alien dependents of the employee residing outside
 26 of the United States and representing the nationality of the employee.
 27 (ii) At any time prior to the final settlement, a nonresident alien
 28 dependent may file with the Nebraska Workers' Compensation Court a power
 29 of attorney designating any suitable person residing in this state to act
 30 as attorney in fact in proceedings under the Nebraska Workers'
 31 Compensation Act. If the compensation court determines that the interests
 1 of the nonresident alien dependent will be better served by such person
 2 than by the consular officer, the compensation court shall appoint such
 3 person to act as attorney in fact in such proceedings. In making such
 4 determination the court shall consider, among other things, whether a
 5 consular officer's jurisdiction includes Nebraska and the responsiveness
 6 of the consular officer to attempts made by an attorney representing the
 7 employee to engage such consular officer in the proceedings.
 8 (b) Such consular officer or appointed person shall have in behalf
 9 of such nonresident alien dependents the exclusive right to institute
 10 proceedings for, adjust, and settle all claims for compensation provided
 11 by the Nebraska Workers' Compensation Act and to receive the distribution
 12 to such nonresident alien dependents of all compensation arising
 13 thereunder.
 14 (c) A person appointed under subdivision (5)(a)(ii) of this section
 15 shall furnish a bond satisfactory to the compensation court conditioned
 16 upon the proper application of any money received as compensation under
 17 the Nebraska Workers' Compensation Act. Before the bond is discharged,
 18 such appointed person shall file with the compensation court a verified
 19 account of receipts and disbursements of such money.
 20 (d) For purposes of this section, consular officer means a consul
 21 general, vice consul general, or vice consul or the representative of any
 22 such official residing within the State of Nebraska.
 23 (6) The changes made to this section by Laws 2019, LB418, apply to
 24 cases under the Nebraska Workers' Compensation Act that are pending on
 25 September 1, 2019, and to cases filed on or after such date.
 26 2. Renumber the remaining sections and correct the repealer
 27 accordingly.

GENERAL FILE

LEGISLATIVE BILL 850. Title read. Considered.

Committee [AM2226](#), found on page 514, was adopted with 35 ayes, 0 nays,
 12 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 11 present
 and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 751. Title read. Considered.

SENATOR HUGHES PRESIDING

Senator Blood moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Senator Blood requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Absent and not voting, 1:

Wayne

Excused and not voting, 2:

Friesen La Grone

Advanced to Enrollment and Review Initial with 46 ayes, 0 nays, 1 absent and not voting, and 2 excused and not voting.

The Chair declared the call raised.

AMENDMENT(S) - Print in Journal

Senator Quick filed the following amendment to LB911:

AM2735

1 1. Insert the following new section:

2 Sec. 5. Since an emergency exists, this act takes effect when

3 passed and approved according to law.

4 2. On page 2, line 7, strike the new matter and strike "a facility

5 in Sarpy County" and show as stricken; in line 21 strike "three" and show

6 as stricken; and strike lines 25 through 31 and insert the following new

7 subdivision:

8 "(b) The Director of Veterans' Affairs shall accept from the city of

9 Grand Island, at no cost, title to the former Nebraska Veterans' Memorial

10 Cemetery in the city of Grand Island and land adjacent to the cemetery.

11 as identified in the required program statement, owned by the city of
 12 Grand Island, in order to establish a state cemetery for veterans and
 13 qualify for funding assistance from the National Cemetery Administration.
 14 Upon the effective date of this act, the city of Grand Island shall
 15 provide to the Nebraska Department of Veterans' Affairs an unconditional
 16 and exclusive option for the transfer of title to the real estate
 17 described in this subdivision at no cost to the State of Nebraska. The
 18 Director of Veterans' Affairs shall prepare an initial program statement
 19 and make a request to the Legislature for funding as required by section
 20 81-1108.41. The expenses of the initial program statement shall be paid
 21 from the Nebraska Veteran Cemetery System Operation Fund."
 22 3. On page 3, strike lines 1 through 3; and in line 30 after the
 23 period insert "The fund may be used for the expenses of the initial
 24 program statement under subdivision (1)(b) of this section."

Senator Hilgers filed the following amendment to [LB889](#):
[AM2690](#)

1 1. On page 2, line 12, after the period insert "A party of record
 2 for district court proceedings for review shall include any person who
 3 appeared either personally or through an attorney, who was a participant
 4 in the agency's contested hearing, and who was treated as a party by the
 5 agency's hearing officer."

Senator Hilgers filed the following amendment to [LB790](#):
[AM2758](#)

(Amendments to E & R amendments, ER178)

1 1. Insert the following new section:
 2 Section 1. Section 13-2903, Reissue Revised Statutes of Nebraska, is
 3 amended to read:
 4 13-2903 For purposes of the Political Subdivisions Construction
 5 Alternatives Act:
 6 (1) Construction management at risk contract means a contract by
 7 which a construction manager (a) assumes the legal responsibility to
 8 deliver a construction project within a contracted price to the political
 9 subdivision, (b) acts as a construction consultant to the political
 10 subdivision during the design development phase of the project when the
 11 political subdivision's architect or engineer designs the project, and
 12 (c) is the builder during the construction phase of the project;
 13 (2) Construction manager means the legal entity which proposes to
 14 enter into a construction management at risk contract pursuant to the
 15 act;
 16 (3) Design-build contract means a contract which is subject to
 17 qualification-based selection between a political subdivision and a
 18 design-builder to furnish (a) architectural, engineering, and related
 19 design services for a project pursuant to the act and (b) labor,
 20 materials, supplies, equipment, and construction services for a project
 21 pursuant to the act;
 22 (4) Design-builder means the legal entity which proposes to enter
 23 into a design-build contract which is subject to qualification-based
 24 selection pursuant to the act;
 25 (5) Letter of interest means a statement indicating interest to
 26 enter into a design-build contract or a construction management at risk
 1 contract for a project pursuant to the act;
 2 (6) Performance-criteria developer means any person licensed or any
 3 organization issued a certificate of authorization to practice
 4 architecture or engineering pursuant to the Engineers and Architects
 5 Regulation Act who is selected by a political subdivision to assist the
 6 political subdivision in the development of project performance criteria,
 7 requests for proposals, evaluation of proposals, evaluation of the

8 construction under a design-build contract to determine adherence to the
 9 performance criteria, and any additional services requested by the
 10 political subdivision to represent its interests in relation to a
 11 project;
 12 (7) Political subdivision means a city, village, county, natural
 13 resources district, school district, community college, or state college;
 14 (8) Project performance criteria means the performance requirements
 15 of the project suitable to allow the design-builder to make a proposal.
 16 Performance requirements include the following, if required by the
 17 project: Capacity, durability, standards, ingress and egress
 18 requirements, description of the site, surveys, soil and environmental
 19 information concerning the site, interior space requirements, material
 20 quality standards, design and construction schedules, site development
 21 requirements, provisions for utilities, storm water retention and
 22 disposal, parking requirements, applicable governmental code
 23 requirements, and other criteria for the intended use of the project;
 24 (9) Proposal means an offer in response to a request for proposals
 25 (a) by a design-builder to enter into a design-build contract for a
 26 project pursuant to the Political Subdivisions Construction Alternatives
 27 Act or (b) by a construction manager to enter into a construction
 28 management at risk contract for a project pursuant to the act;
 29 (10) Qualification-based selection process means a process of
 30 selecting a design-builder based first on the qualifications of the
 31 design-builder and then on the design-builder's proposed approach to the
 1 design and construction of the project;
 2 (11) Request for letters of interest means the documentation or
 3 publication by which a political subdivision solicits letters of
 4 interest;
 5 (12) Request for proposals means the documentation by which a
 6 political subdivision solicits proposals; and
 7 (13) School district means any school district classified under
 8 section 79-102.
 9 2. On page 1, line 16, strike "The" and insert "For a project
 10 authorized under subsection (3) of section 13-2914, the".
 11 3. On page 5, line 22, after "sections" insert "13-2903,".
 12 4. Renumber the remaining sections accordingly.

Senator Hilgers filed the following amendment to LB996:

AM2792

1 1. Insert the following new sections:
 2 Section 1. Section 49-14,101.03, Reissue Revised Statutes of
 3 Nebraska, is amended to read:
 4 49-14,101.03 (1) Any use of public resources by a public official or
 5 public employee which is incidental or de minimis shall not constitute a
 6 violation of section 49-14,101.01 or 49-14,101.02.
 7 (2) For purposes of sections 49-14,101.01 and 49-14,101.02, a
 8 resource of government, including a vehicle, shall not be considered a
 9 public resource and personal use shall not be prohibited if (a) the use
 10 of the resource for personal purposes is part of the public official's or
 11 public employee's compensation provided in an employment contract or a
 12 written policy approved by a government body and (b) the personal use of
 13 the resource as compensation is reported in accordance with the Internal
 14 Revenue Code of 1986, as amended, and taxes, if any, are paid. If
 15 authorized by the contract or policy, the resource may be used whether or
 16 not the public official or public employee is engaged in the duties of
 17 his or her public office or public employment.
 18 (3) Use of a government vehicle by a public official or public
 19 employee to travel to a designated location or the home of the public
 20 official or public employee is permissible when the primary purpose of
 21 the travel serves a government purpose and the use is pursuant to a

22 written policy approved by a government body.

23 (4) Use of a government Internet network by a member of the

24 Legislature for essential personal business is permissible when the
25 member is serving in the member's official capacity and such use is
26 pursuant to a written policy approved by the Executive Board of the
27 Legislative Council.

1 (5) (4) Pursuant to a collective-bargaining agreement, a public
2 facility may be used by a bargaining unit to meet regarding activities of
3 the union or bargaining unit. This section shall not authorize the use of
4 public resources for the purpose of campaigning for or against the
5 nomination or election of a candidate or the qualification, passage, or
6 defeat of a ballot question.

7 (6) (5) Nothing in the Nebraska Political Accountability and
8 Disclosure Act prohibits a public official or public employee from using
9 his or her personal cellular telephone, electronic handheld device, or
10 computer to access a wireless network to which access is provided to the
11 public by a government body.

12 Sec. 4. Sections 2, 3, and 6 of this act become operative three
13 calendar months after the adjournment of this legislative session. The
14 other sections of this act become operative on their effective date.

15 Sec. 5. Original section 49-14,101.03, Reissue Revised Statutes of
16 Nebraska, is repealed.

17 Sec. 7. Since an emergency exists, this act takes effect when passed
18 and approved according to law.

19 2. Renumber the remaining sections and correct internal references
20 accordingly.

Senator Brewer filed the following amendment to LB848:

AM2751

(Amendments to Standing Committee amendments, AM2578)

1 1. Insert the following new sections:

2 Sec. 4. Section 72-2201, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 72-2201 Sections 72-2201 to 72-2214 and section 5 of this act shall
5 be known and may be cited as the Nebraska State Capitol Preservation and
6 Restoration Act.

7 Sec. 5. (1)(a) The Clerk of the Legislature shall cause to be
8 displayed within the Warner Legislative Chamber flags representing the
9 four federally recognized tribes with headquarters in Nebraska: the Omaha
10 Tribe of Nebraska, the Ponca Tribe of Nebraska, the Santee Sioux Nation,
11 and the Winnebago Tribe of Nebraska.

12 (b) The Commission on Indian Affairs shall obtain such flags through
13 donations from the tribes and shall be responsible for replacing such
14 flags.

15 (c) The Clerk of the Legislature shall approve placement locations
16 within the Warner Legislative Chamber. The size, proportion, and
17 placement of such flags shall be similar to that of the flag of the
18 United States and the flag of the State of Nebraska.

19 (2)(a) The State Capitol Administrator shall cause to be displayed
20 in the Memorial Chamber on the fourteenth floor of the State Capitol the
21 flags of any Indian tribes with historic and regional connections to
22 Nebraska.

23 (b) The Commission on Indian Affairs shall designate the tribes with
24 historic and regional connections to Nebraska and the flags to be
25 displayed under subdivision (2)(a) of this section. The Commission on
26 Indian Affairs shall obtain such flags through donations from the tribes
1 and shall be responsible for replacing such flags.

2 (c) The Nebraska Capitol Commission shall approve placement
3 locations in the Memorial Chamber.

4 2. Renumber the remaining section and correct the repealer
5 accordingly.

RESOLUTION(S)**LEGISLATIVE RESOLUTION 336.** Introduced by Stinner, 48.

WHEREAS, during the 2020 Nebraska State Wrestling Championships, nineteen boys from Legislative District 48 were scoring wrestlers for their teams; and

WHEREAS, Paul Garcia, Trayton Travnicek, and Mychaia Moss represented Scottsbluff High School in the Class B 2020 Nebraska State Wrestling Championships, with junior Paul Garcia winning his third individual championship, this year at 120 pounds; and

WHEREAS, Quinton Chavez, Jacob Awiszus, Nathaniel Murillo, Tyler Nagel, Nate Rocheleau, Paul Ruff, and Marquel Maldonado represented Gering High School in the Class B 2020 Nebraska State Wrestling Championships, with Quinton Chavez winning the individual championship at 113 pounds, Nate Rocheleau winning the individual championship at 138 pounds, Paul Ruff placing second in the individual championship at 120 pounds, Jacob Awiszus placing third in the individual championship at 160 pounds, and Nate Murillo placing fourth in the individual championship at 132 pounds; and

WHEREAS, Thomas Hughson, Kadin Perez, Nicholas Coley, and Nathan Coley represented Mitchell High School in the Class C 2020 Nebraska State Wrestling Championships; and

WHEREAS, Daniel Kohel and Gabe Kohel represented Morrill High School in the Class D 2020 Nebraska State Wrestling Championships; and

WHEREAS, Ceasar Garduno, Tony Gonzales, and Haydon Olds represented Minatare High School in the Class D 2020 Nebraska State Wrestling Championships; 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 Paul Garcia, Trayton Travnicek, Mychaia Moss, Quinton Chavez, Jacob Awiszus, Nathaniel Murillo, Tyler Nagel, Nate Rocheleau, Paul Ruff, Marquel Maldonado, Thomas Hughson, Kadin Perez, Nicholas Coley, Nathan Coley, Daniel Kohel, Gabe Kohel, Ceasar Garduno, Tony Gonzales, and Haydon Olds on their hard work to compete in the 2020 Nebraska State Wrestling Championship.

2. That a copy of this resolution be sent to Paul Garcia, Trayton Travnicek, Mychaia Moss, Quinton Chavez, Jacob Awiszus, Nathaniel Murillo, Tyler Nagel, Nate Rocheleau, Paul Ruff, Marquel Maldonado, Thomas Hughson, Kadin Perez, Nicholas Coley, Nathan Coley, Daniel Kohel, Gabe Kohel, Ceasar Garduno, Tony Gonzales, and Haydon Olds.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 760. Title read. Considered.

Committee [AM2232](#), found on page 576, was adopted with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 965. Title read. Considered.

Committee [AM2234](#), found on page 528, was adopted with 45 ayes, 0 nays, 2 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 45 ayes, 0 nays, 2 present and not voting, and 2 excused and not voting.

AMENDMENT(S) - Print in Journal

Senator Lowe filed the following amendment to [LB1056](#):
[AM2795](#)

(Amendments to Standing Committee amendments, AM2595)

1 1. On page 2, strike beginning with "sold" in line 27 through
2 "events" in line 28 and insert "purchased using a debit card".

VISITOR(S)

Visitors to the Chamber were Nicki and Ian Behmer from Lincoln; members of the Nebraska State Home Builders Association; Butch, Robert, Amy, and Larry Stanley from Big Springs; Senator Pansing Brooks's cousin, Steve Guenzel, from Lincoln; and students from Centura Elementary, Cairo.

The Doctor of the Day was Dr. Erika Rothgeb from Omaha.

ADJOURNMENT

At 4:46 p.m., on a motion by Senator Howard, the Legislature adjourned until 9:00 a.m., Friday, March 6, 2020.

Patrick J. O'Donnell
Clerk of the Legislature

