

FORTY-SIXTH DAY - JULY 22, 2020**LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION****FORTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, July 22, 2020

PRAYER

The prayer was offered by Senator Williams.

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 Cavanaugh, Hilkemann, Hunt, Morfeld, Moser, and Pansing Brooks who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1016, line 25, strike "AM2887" and insert "AM2877".

Page 1017, lines 4 and 5, strike "Beasley, Stephanie - Division of Children and Family Services - Dept. of Health and Human Services - Health and Human Services" and insert "Bakenhus, Shelby - State Racing Commission - General Affairs".

Page 1023, line 26, strike "following".

The Journal for the forty-fourth day was approved as corrected.

The Journal for the forty-fifth day was approved.

GENERAL FILE

LEGISLATIVE BILL 1106. Title read. Considered.

Committee [AM2870](#), found on page 973, was offered.

Senator DeBoer offered the following motion:

[MO186](#)

Bracket until August 13, 2020.

SPEAKER SCHEER PRESIDING**PRESIDENT FOLEY PRESIDING**

Pending.

ANNOUNCEMENT

The Chair announced the birthday of Senator Morfeld.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 461. Placed on Final Reading.**ST54**

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E&R amendments, ER183:
 - a. On page 19, line 27, "75-304.02," has been struck; and
 - b. On page 20, lines 4 and 5, "an operative date; and to repeal the original sections" has been struck and "operative dates; to repeal the original sections; and to outright repeal section 75-304.02, Reissue Revised Statutes of Nebraska" inserted.

LEGISLATIVE BILL 774. Placed on Final Reading.**ST63**

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Standing Committee amendments, AM2558:
 - a. On page 11, line 26, "pursuant to section 44-416.09" has been inserted after "director"; and
 - b. On page 29, line 18, "(i)" has been struck and "(a)" inserted; and in line 21, "(ii)" has been struck and "(b)" inserted.

LEGISLATIVE BILL 780. Placed on Final Reading.

LEGISLATIVE BILL 780A. Placed on Final Reading.

LEGISLATIVE BILL 840. Placed on Final Reading.

LEGISLATIVE BILL 931. Placed on Final Reading.

LEGISLATIVE BILL 1003. Placed on Final Reading.

LEGISLATIVE BILL 1042. Placed on Final Reading.

LEGISLATIVE BILL 1042A. Placed on Final Reading.

LEGISLATIVE BILL 1055. Placed on Final Reading.

LEGISLATIVE BILL 1148. Placed on Final Reading.

LEGISLATIVE BILL 1152. Placed on Final Reading.

(Signed) Julie Slama, Chairperson

RESOLUTION(S)**LEGISLATIVE RESOLUTION 353.** Introduced by Quick, 35.

WHEREAS, Nebraska pioneering men and women, known as cowboys, helped establish America's frontiers; and

WHEREAS, the cowboy archetype transcends gender, generations, ethnicity, geographic boundaries, and political affiliations; and

WHEREAS, the cowboy embodies honesty, integrity, courage, compassion, and determination; and

WHEREAS, the cowboy Vaquero spirit exemplifies patriotism and strength of character; and

WHEREAS, the cowboy is an excellent steward of the land and its creatures; and

WHEREAS, the core values expressed within the Cowboy Code of Conduct continue to inspire the pursuit of the highest caliber of personal integrity; and

WHEREAS, cowboy and ranching traditions have been part of the American landscape and culture since 1523, and today's cowboys and cowgirls continue to strive to preserve and perpetuate this unique element of America's heritage; and

WHEREAS, annual attendance at rodeos exceeds thirty million fans worldwide; and

WHEREAS, membership and participation in the National Day of the Cowboy Organization and other organizations that encompass the livelihood of the cowboy, continue to expand both nationally and internationally; and

WHEREAS, the cowboy and his horse are a central figure in literature, art, film, poetry, photography, and music; and

WHEREAS, the cowboy is a true American icon occupying a central place in the public's imagination.

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

1. That the Legislature expresses support for the designation of the 4th Saturday in July as the National Day of the Cowboy.
2. That the Legislature encourages the people of Nebraska to observe National Day of the Cowboy with appropriate ceremonies and activities.

Laid over.

RECESS

At 11:50 a.m., on a motion by Senator Gragert, 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, Morfeld, and Pansing Brooks who were excused until they arrive.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 354. Introduced by Williams, 36.

PURPOSE: The purpose of this resolution is to study whether the Real Property Appraiser Act should be updated. In order to carry out the purpose of this resolution, the study committee should seek the assistance of the Real Property Appraiser Board and should consider the input of interested persons as the study committee deems necessary and appropriate.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 355. Introduced by Williams, 36.

PURPOSE: The purpose of this resolution is to review the credentialing requirements in the Real Property Appraiser Act in furtherance of the purposes of the Occupational Board Reform Act.

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

1. That the Banking, Commerce and Insurance 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.

GENERAL FILE

LEGISLATIVE BILL 1106. Senator DeBoer renewed her motion, [MO186](#), found in this day's Journal, to bracket until August 13, 2020.

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 356. Introduced by Hansen, M., 26.

PURPOSE: The purpose of this interim study is to examine any issues within the jurisdiction of the Business and Labor Committee of the Legislature that may arise during the interim.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 357. Introduced by Hansen, M., 26.

PURPOSE: The purpose of this interim study is to review occupational regulations for locksmiths. The study shall be conducted to meet the requirements of sections 84-948 and the Occupational Board Reform Act. The study shall include an examination of the requirements in sections 28-1402 to 28-1405 for each locksmith to register with the county clerk in the county in which the locksmith's business is located.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 358. Introduced by Hansen, M., 26.

PURPOSE: The purpose of this interim study is to review the Nebraska Workers' Compensation Act.

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

- (1) The workings of the Nebraska Workers' Compensation Act in general;
- (2) The effects of court decisions on interpretations of current statutes within the Nebraska Workers' Compensation Act and whether any such court decisions require additional action by the Legislature; and

(3) The effects of the COVID-19 pandemic on both workers and employers in regard to workers' compensation.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 359. Introduced by Hansen, M., 26.

PURPOSE: The purpose of this interim study is to review the Employment Security Law and the effects of the COVID-19 pandemic on the efficacy of the law. The review should include an examination of the successes and challenges found during the unemployment crisis caused by the pandemic.

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

(1) The response to and the lessons learned from the unprecedented number of applications submitted during the initial phase of the pandemic;

(2) Best practices and examples of how to improve adjudication times in order to prevent long delays for persons receiving benefits;

(3) How Nebraska and federal law worked together and where improvements can be made in order to effectuate the federal response to the pandemic;

(4) General lessons learned on how to best serve Nebraska beneficiaries and examine ways to provide communication about benefits and requirements to those struggling with unemployment; and

(5) Any other issues or concerns about the Employment Security Law that were brought to light due to the pandemic.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 360. Introduced by Lowe, 37.

WHEREAS, Hot Meals U.S.A., founded by Dick Cochran two years ago, served over 120,000 free meals in Kearney during the coronavirus pandemic; and

WHEREAS, Dick takes pride in the food he serves and was quoted as saying, "They get one heck of a meal."; and

WHEREAS, for eleven weeks Dick, his family, and volunteers prepared, served, and delivered 2,000 meals, six days a week, to ensure their neighbors were fed; and

WHEREAS, Dick and the volunteers began serving meals on March 16th at the Kearney Jubilee Center, then moved distribution to the Church of Christ, and finally settled in the parking lot of the Museum of Nebraska Arts in cooperation with the City of Kearney; and

WHEREAS, Dick Cochran's efforts in Kearney expanded to Lexington with the help of John McCoy, owner of Orthman Manufacturing, Inc., where over 40 volunteers served about 1,000 meals a day in Lexington; and

WHEREAS, the community helped each other, raising over \$40,000 to serve hot meals to neighbors in need in Kearney and Lexington.

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

1. That the Legislature recognizes Dick Cochran and Hot Meals U.S.A. for providing meals in Kearney and Lexington.

2. That a copy of this resolution be sent to Dick Cochran.

Laid over.

SELECT FILE

LEGISLATIVE BILL 720. Senator Erdman withdrew his motion, [MO92](#), found on page 1561, First Session, 2019, to bracket until June 6, 2019 .

Senator Erdman withdrew his motion, [MO157](#), found on page 685, to bracket until April 23, 2020.

Senator Erdman offered his motion, [MO178](#), found on page 1018, to bracket until August 13, 2020.

SENATOR HILGERS PRESIDING

PRESIDENT FOLEY PRESIDING

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 43. Placed on Final Reading.**ST55**

The following changes, required to be reported for publication in the Journal, have been made:

1. In lieu of the Bolz amendment, FA117, in the Bolz amendment, AM2864, on page 3, lines 15 and 16, "or other organizations with similar expertise on sexual assault forensic examinations" has been struck.

2. On page 1, line 2, "Survivors" has been struck and "Victims" inserted.

LEGISLATIVE BILL 755. Placed on Final Reading.**ST56**

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Blood amendment, AM2991, section 47 has been renumbered as section 46.

2. In the Hilkemann amendment, AM2829:

a. On page 1, line 1, "and all amendments thereto" has been inserted after "15"; and

b. On page 2, line 6, "30" has been struck and "31" inserted.

3. In the E&R amendments, ER193, on page 1 line 19, "to provide a duty for the Department of Health and Human Services and the Department of Veterans' Affairs;" has been inserted after the first semicolon.

LEGISLATIVE BILL 899. Placed on Final Reading.

(Signed) Julie Slama, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1052. Committee [AM2645](#), found on page 834 and considered on page 1069, was renewed.

The committee amendment 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 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 1124. Title read. Considered.

Senator Howard offered her amendment, [AM3127](#), found on page 1069.

The Howard amendment was adopted with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

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

LEGISLATIVE BILL 781. Title read. Considered.

Committee [AM2445](#), found on page 719, was offered.

Senator Brewer offered his amendment, [AM2693](#), found on page 1070, to

the committee amendment.

The Brewer amendment was adopted with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

The committee amendment, as amended, was adopted with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 43 ayes, 1 nay, 3 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 923. Title read. Considered.

Senator Lindstrom offered the following amendment:

[AM3150](#)

1 1. On page 6, line 3, strike "July" and insert "October".

The Lindstrom amendment was adopted with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 632. Title read. Considered.

Committee [AM2766](#), found on page 858, was offered.

Senator Hunt requested a division of the question on the committee amendment.

The Chair sustained the division of the question.

The first committee amendment is as follows:

[AM2866](#)

1 1. Strike the original sections and insert the following new
2 sections:
3 Sec. 2. Section 13-2001, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 13-2001 Sections 13-2001 to 13-2043 and section 4 of this act shall
6 be known and may be cited as the Integrated Solid Waste Management Act.
7 Sec. 3. Section 13-2003, Reissue Revised Statutes of Nebraska, is
8 amended to read:
9 13-2003 For purposes of the Integrated Solid Waste Management Act,
10 the definitions found in sections 13-2004 to 13-2016.01 and section 4 of
11 this act shall be used.
12 Sec. 4. Container means a bag, cup, can, pouch, package, container,
13 bottle, or other packaging that is (1) designed to be reusable,
14 recyclable, or single-use, (2) made of cloth, paper, plastic, including
15 foamed or expanded plastic, cardboard, corrugated material, aluminum,
16 glass, or postconsumer recycled or similar material or substrates,
17 including coated, laminated, or multilayer substrates, and (3) designed
18 for consuming, protecting, or transporting merchandise, food, or
19 beverages from or at a food service or retail facility.

20 Sec. 5. Section 13-2017, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 13-2017 It is the policy of this state:

23 (1) To encourage the development of integrated solid waste

24 management programs, including waste volume reduction and recycling
25 programs and education, at the local governmental level through

26 incentives, technical assistance, grants, and other practical measures;

27 (2) To support and encourage the development of new uses and markets
1 for recycled goods, placing emphasis on the development in Nebraska of

2 businesses relating to waste reduction and recycling;

3 (3) To provide education concerning the components of integrated
4 solid waste management, at the elementary level through the high school

5 level and through community organizations, to enhance the success of

6 local programs requiring public involvement; ~~and~~

7 (4) To support and encourage manufacturing methods which are

8 environmentally sustainable, technologically safe, and ecologically sound

9 and which enhance waste reduction by creating products which have longer

10 usage life and which are adaptable to secondary uses through processes

11 such as pyrolysis or biomass, require less input material, and decrease

12 resource consumption; ~~and~~ -

13 (5) To encourage uniform regulation of containers in order to avoid

14 the burden on retailers of having to comply with varying regulatory

15 policies in multiple jurisdictions.

16 Sec. 6. Section 13-2023, Reissue Revised Statutes of Nebraska, is

17 amended to read:

18 13-2023 (1) A county, municipality, or agency may, by ordinance or

19 resolution, adopt regulations governing collection, source separation,

20 storage, transportation, transfer, processing, treatment, and disposal of

21 solid waste within its solid waste jurisdiction area as necessary to

22 protect the public health and welfare and the environment. Regulations

23 authorized by this section shall be equal to or more stringent than the

24 provisions of the Integrated Solid Waste Management Act and rules and

25 regulations adopted and promulgated by the council as authorized by the

26 act. Any person who violates any such regulation shall be subject to a

27 noncompliance fee not to exceed five hundred dollars.

28 (2) A county, municipality, or agency shall not adopt, enforce, or

29 otherwise administer an ordinance or resolution that prohibits the use of

30 or that sets standards, fees, prohibitions, or requirements regarding the

31 sale, use, or marketing of containers. This subsection shall not apply to

1 county, municipality, or agency recycling or solid waste collection

2 programs, except that in no event shall such programs prohibit or have

3 the effect of prohibiting the sale, use, or marketing of any containers.

4 Sec. 14. Original sections 13-2001, 13-2003, 13-2017, 13-2023,

5 70-1605, and 70-1606, Reissue Revised Statutes of Nebraska, and section

6 2-1504, Revised Statutes Cumulative Supplement, 2018, are repealed.

The second committee amendment is as follows:

[AM2865](#)

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

2 sections:

3 Section 1. Section 2-1504, Revised Statutes Cumulative Supplement,

4 2018, is amended to read:

5 2-1504 (1) The Nebraska Natural Resources Commission is established.

6 The commission shall advise the department as requested by the director

7 and shall perform such other functions as are specifically conferred on

8 the commission by law. The commission shall have no jurisdiction over

9 matters pertaining to water rights.

10 (2) Each member of the commission shall be a resident of the State

11 of Nebraska and shall have attained the age of majority. The voting

12 members of the commission, ~~all of whom shall have attained the age of~~

majority, shall be:

- (a) One resident of each of the following river basins, with delineations being those on the Nebraska river basin map officially adopted by the commission and on file with the department: (i) The Niobrara River, White River, and Hat Creek basin, (ii) the North Platte River basin, (iii) the South Platte River basin, (iv) the middle Platte River basin, (v) the lower Platte River basin, (vi) the Loup River basin, (vii) the Elkhorn River basin, (viii) the Missouri tributaries basin, (ix) the Republican River basin, (x) the Little Blue River basin, (xi) the Big Blue River basin, and (xii) the Nemaha River basin;
- (b) One additional resident of each river basin which encompasses one or more cities of the metropolitan class; and
- (c) Fourteen members appointed by the Governor, subject to confirmation by the Legislature. Of the members appointed by the Governor, one shall represent each of the following categories:
- 1 Agribusiness interests; agricultural interests; ground water irrigators;
 - 2 irrigation districts; manufacturing interests; metropolitan utilities
 - 3 districts; municipal users of water from a city of the primary class;
 - 4 municipal users of water from a city of the first or second class or a
 - 5 village; outdoor recreation users; public power districts; public power
 - 6 and irrigation districts; range livestock owners; surface water
 - 7 irrigators; and wildlife conservation interests.
- (3) Members of the commission described in subdivision (2)(a) of this section shall be selected for four-year terms at individual caucuses of the natural resources district directors residing in the river basin from which the member is selected. Such caucuses shall be held for each basin within ten days following the first Thursday after the first Tuesday of the year the term of office of the member from that basin expires. The dates and locations for such caucuses shall be established by the commission, and the commission shall provide notice to the public by issuing press releases for publication in a newspaper of general circulation in each county that comprises the river basin for which a caucus election will be held. Terms of office of such members shall follow the sequence originally determined by the river basin representatives to the commission at their first meeting on the third Thursday after the first Tuesday in January 1975. All river basin members shall take office on the third Thursday after the first Tuesday in January following their selection and any vacancy shall be filled for the unexpired term by a caucus held within thirty days following the date such vacancy is created. Each member of the commission representing a river basin shall qualify by filing with the other members of the commission an acceptance in writing of his or her selection.
- (4) Members of the commission described in subdivision (2)(b) of this section shall be residents of natural resources districts which encompass one or more cities of the metropolitan class and shall be selected in the same manner, at the same time, and for a four-year term having the same term sequence as provided for the other members from such basin under subsection (3) of this section.
- (5) For members of the commission described in subdivision (2)(c) of this section:
- (a) The Governor shall appoint the eleven additional members added by Laws 2014, LB1098, within thirty days after April 17, 2014. The eleven additional appointments shall be for staggered four-year terms, as determined by the Governor. The Governor shall also set the terms of the current members of the commission appointed under such subdivision and serving on April 17, 2014, to staggered four-year terms. Future appointments shall be for four-year terms. Members whose terms have expired shall continue to serve until their successors have been appointed. In the case of a vacancy, the Governor shall appoint a successor for the unexpired term. Members may be removed for cause.

15 Initial appointees shall begin serving immediately following notice of
 16 appointment, except that the member appointed representing municipal
 17 users of water from the class of city or a village that is being
 18 represented by the current member representing municipal users of water
 19 and the members representing surface water irrigators and ground water
 20 irrigators shall not begin serving until the term of the current member
 21 representative of the category expires or such member resigns or is
 22 otherwise removed; and

23 (b) In appointing such members, the Governor shall:

24 (i) Create a broad-based commission which has knowledge of, has
 25 experience with, and is representative of Nebraska's water use and
 26 economy;

27 (ii) Give recognition to the importance of both water quantity and
 28 water quality; and

29 (iii) Appoint members who represent diverse geographic regions of
 30 the state, including urban and rural areas, and represent, to the extent
 31 possible, the racial and ethnic diversity of the state.

1 (6) After the members have been appointed as required under this
 2 section, the commission shall revise or adopt and promulgate rules and
 3 regulations as necessary to administer the Water Sustainability Fund
 4 pursuant to sections 2-1506 to 2-1513.

5 Sec. 7. Section 70-1605, Reissue Revised Statutes of Nebraska, is
 6 amended to read:

7 70-1605 No public or private utility company, other than a municipal
 8 utility owned and operated by a village, furnishing water, natural gas,
 9 or electricity at retail in this state shall discontinue service to any
 10 domestic subscriber for nonpayment of any past-due account unless the
 11 utility company first gives notice to any subscriber whose service is
 12 proposed to be terminated. Such notice shall be given in person, by
 13 first-class mail, or by electronic delivery, except that electronic
 14 delivery shall only be used if the subscriber has specifically elected to
 15 receive such notices by electronic delivery. If notice is given by first-
 16 class mail or electronic delivery, such notice shall be conspicuously
 17 marked as to its importance. Service shall not be discontinued for at
 18 least seven days after notice is sent or given. Holidays and weekends
 19 shall be excluded from the seven days. A public or private utility
 20 company shall not charge a fee for the discontinuance or reconnection of
 21 utility service that exceeds the reasonable costs of providing such
 22 service.

23 Sec. 8. Section 70-1606, Reissue Revised Statutes of Nebraska, is
 24 amended to read:

25 70-1606 (1) The notice required by section 70-1605 shall contain
 26 the following information:

27 (a) ~~(1)~~ The reason for the proposed disconnection;

28 (b) ~~(2)~~ A statement of intention to disconnect unless the domestic
 29 subscriber either pays the bill or reaches an agreement with the utility
 30 regarding payment of the bill;

31 (c) ~~(3)~~ The date upon which service will be disconnected if the
 1 domestic subscriber does not take appropriate action;

2 (d) ~~(4)~~ The name, address, and telephone number of the utility's
 3 employee or department to whom the domestic subscriber may address any
 4 inquiry or complaint;

5 (e) ~~(5)~~ The domestic subscriber's right, prior to the disconnection
 6 date, to request a conference regarding any dispute over such proposed
 7 disconnection;

8 (f) ~~(6)~~ A statement that the utility may not disconnect service
 9 pending the conclusion of the conference;

10 (g) ~~(7)~~ A statement to the effect that disconnection shall may be
 11 postponed or prevented upon presentation of a duly licensed physician's,
 12 physician assistant's, or advanced practice registered nurse's

13 certificate, which shall certify that a domestic subscriber or resident
 14 within such subscriber's household has an existing illness or handicap
 15 which would cause such subscriber or resident to suffer an immediate and
 16 serious health hazard by the disconnection of the utility's service to
 17 that household. Such certificate shall be filed with the utility within
 18 five days of receiving notice under this section, excluding holidays and
 19 weekends, and will prevent the disconnection of the utility's service for
 20 a period of at least thirty days from such filing. Only one postponement
 21 of disconnection shall be required allowed under this subdivision for
 22 each incidence of nonpayment of any past-due account;

23 ~~(h) (8)~~ The cost that will be borne by the domestic subscriber for
 24 restoration of service;

25 ~~(i) (9)~~ A statement that the domestic subscriber may arrange with
 26 the utility for an installment payment plan;

27 ~~(j) (10)~~ A statement to the effect that those domestic subscribers
 28 who are welfare recipients may qualify for assistance in payment of their
 29 utility bill and that they should contact their caseworker in that
 30 regard; and

31 ~~(k) (11)~~ Any additional information not inconsistent with this
 1 section which has received prior approval from the board of directors or
 2 administrative board of any utility.

3 ~~(2)~~ A public or private utility company, other than a municipal
 4 utility owned and operated by a village, shall make the service
 5 termination information required under subdivisions (d), (e), (f), (g),
 6 (i), (j), and (k) of subsection (1) of this section readily accessible to
 7 the public on the web site of the utility company and available by mail
 8 upon request.

9 Sec. 9. The Legislature finds and declares that the State of
 10 Nebraska experienced a historic flood event in 2019. This flood event
 11 significantly impacted numerous communities and individual Nebraskans.
 12 Coordination and communication between state and local entities
 13 implementing flood mitigation strategies is essential to maximize federal
 14 funds for flood mitigation efforts.

15 Sec. 10. The Department of Natural Resources shall develop a state
 16 flood mitigation plan as a stand-alone document to be annexed into the
 17 state hazard mitigation plan maintained by the Nebraska Emergency
 18 Management Agency. Such plan shall be structured in accordance with
 19 Federal Emergency Management Agency guidelines, and shall be
 20 comprehensive, collaborative, and statewide in scope with opportunities
 21 for input from diverse stakeholders.

22 Sec. 11. The Department of Natural Resources shall convene a plan
 23 development group which shall be housed and staffed for administrative
 24 purposes within such department. The Department of Natural Resources
 25 shall engage with federal, state, and local agency and community
 26 stakeholders in the development of the state flood mitigation plan,
 27 including, but not limited to, the Department of Transportation, the
 28 Department of Environment and Energy, the Department of Economic
 29 Development, the Department of Agriculture, the Nebraska Emergency
 30 Management Agency, natural resources districts, the United States
 31 Department of Agriculture, the United States Army Corps of Engineers, the
 1 United States Geological Survey, the Federal Emergency Management Agency,
 2 the University of Nebraska, representatives of counties, municipalities,
 3 and other political subdivisions, and the Natural Resources Committee of
 4 the Legislature. The Department of Natural Resources may engage other
 5 sources to provide technical expertise as needed.

6 Sec. 12. The Department of Natural Resources shall:

7 (1) Evaluate the flood issues that occurred in 2019, and identify
 8 cost-effective flood mitigation strategies that should be adopted to
 9 reduce the disruption of lives and livelihoods and prioritize making
 10 Nebraska communities more resilient;

11 (2) Identify opportunities to implement flood hazard mitigation
 12 strategies with the intent to reduce the impact of flood events;
 13 (3) Work to improve knowledge and understanding of available
 14 recovery resources while identifying potential gaps in current disaster
 15 program delivery;
 16 (4) Identify potential available funding sources that can be
 17 accessed to improve the resilience of the state through flood mitigation
 18 and post-flood disaster recovery. The funding sources shall include, but
 19 not be limited to, assistance from (a) the Federal Emergency Management
 20 Agency's Flood Mitigation Assistance Grant Program, Building Resilient
 21 Infrastructure and Communities Grant Program, Hazard Mitigation Grant
 22 Program, Public Assistance Program, and Individual Assistance Program,
 23 (b) the United States Department of Housing and Urban Development's
 24 Community Development Block Grant Program and Community Development Block
 25 Grant Disaster Recovery Program, and (c) programs of the United States
 26 Department of Agriculture's Natural Resources Conservation Service.
 27 Identification of such funding sources shall be in addition to grants and
 28 cost-sharing programs available through other agencies that support flood
 29 hazard mitigation planning in communities;
 30 (5) Compile a centralized list of critical infrastructure and state-
 31 owned facilities and identify those with the highest risk of flooding. In
 1 compiling such list, the Department of Natural Resources shall consult
 2 and collaborate with other state and local agencies that have information
 3 that identifies vulnerable facilities;
 4 (6) Evaluate state laws, rules, regulations, policies, and programs
 5 related to flood hazard mitigation and development in flood hazard-prone
 6 areas to support the state's administration of the Federal Emergency
 7 Management Agency's National Flood Insurance Program, Community Rating
 8 System, and Risk Mapping, Assessment, and Planning Program;
 9 (7) Examine existing law and, if necessary, recommend statutory or
 10 administrative changes to help ensure collaboration and coordination
 11 between state and local entities in statewide flood mitigation planning;
 12 and
 13 (8) Hold two public hearings, one prior to the first state flood
 14 mitigation plan development meeting and one prior to the completion of
 15 such plan. Notice of each hearing shall be published at least thirty days
 16 prior to the hearing date.
 17 Sec. 13. The state flood mitigation plan shall be completed and
 18 reported to the Governor and electronically to the Legislature on or
 19 before December 31, 2021.

The first committee amendment, [AM2866](#), found in this day's Journal, was offered.

The first committee amendment was adopted with 28 ayes, 10 nays, 9 present and not voting, and 2 excused and not voting.

The second committee [AM2865](#), found in this day's Journal, was offered.

The second committee amendment 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 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 1056. Committee [AM2595](#), found on page 791 and considered on page 857, was renewed.

Senator Lowe withdrew his amendment, [AM2795](#), found on page 851 and considered on page 857.

Senator Briese offered the following amendment to the committee amendment:

[AM3001](#)

(Amendments to Standing Committee amendments, AM2595)

1 1. Strike the original sections and all amendments thereto and

2 insert the following new sections:

3 Section 1. Section 9-426, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 9-426 (1) A licensed organization may obtain from the department a

6 special permit to conduct one raffle and one lottery. The cost of the

7 special permit shall be ten dollars. The special permit shall exempt the

8 licensed organization from subsections (2) and (3) of section 9-427 and

9 from section 9-430. The organization shall comply with all other

10 requirements of the Nebraska Lottery and Raffle Act.

11 (2) The special permit shall be valid for ~~one year three calendar~~

12 ~~months~~ and shall be issued by the department upon the proper application

13 by the licensed organization. The special permit shall become invalid

14 upon termination, revocation, or cancellation of the organization's

15 license to conduct a lottery or raffle. The application shall be in such

16 form and contain such information as the department may prescribe. ~~No~~

17 ~~licensed organization may obtain more than one special permit for each~~

18 ~~twelve-month period commencing October 1 of each year or such other date~~

19 ~~as the department may prescribe by rule and regulation.~~

20 (3) No licensed organization conducting a raffle or lottery pursuant

21 to a special permit shall pay persons selling tickets or stubs for the

22 raffle or lottery, except that nothing in this subsection shall prohibit

23 the awarding of prizes to such persons based on ticket or stub sales.

24 Sec. 2. Section 9-429, Reissue Revised Statutes of Nebraska, is

25 amended to read:

26 9-429 Any licensed organization or any other organization or person

1 conducting a lottery or raffle activity required to be licensed pursuant

2 to the Nebraska Lottery and Raffle Act shall pay to the department a tax

3 of two percent of the gross proceeds of each lottery having gross

4 proceeds of more than one thousand dollars or raffle having gross

5 proceeds of more than five thousand dollars. Such tax shall be remitted

6 ~~annually by September 30 each year quarterly, within thirty days of the~~

7 ~~end of the quarter~~, on forms approved and provided by the department. The

8 department shall remit the tax to the State Treasurer for credit to the

9 Charitable Gaming Operations Fund. All deficiencies of the tax imposed by

10 this section shall accrue interest and be subject to a penalty as

11 provided for sales and use taxes in the Nebraska Revenue Act of 1967.

12 Sec. 3. Section 9-431, Reissue Revised Statutes of Nebraska, is

13 amended to read:

14 9-431 Each licensed organization conducting a lottery or raffle

15 conducted pursuant to the Nebraska Lottery and Raffle Act shall have its

16 name and identification number clearly printed on each lottery or raffle

17 ticket or stub used in such lottery or raffle. No such ticket or stub

18 shall be sold unless such name and identification number is so printed

19 thereon. In addition, all lottery or raffle tickets or stubs shall bear a

20 number, which numbers shall be in sequence and clearly printed on the

21 ticket or stub.

22 Each ticket or stub shall have an equal chance of being chosen in

23 the drawing. Each ticket or stub shall be constructed of the same
24 material, shall have the same surface, and shall be substantially the
25 same shape, size, form and weight.
26 Each licensed organization conducting a lottery or raffle shall keep
27 a record of all locations where its tickets or stubs are sold. In
28 addition to other authorized sales, a licensed organization conducting a
29 raffle conducted pursuant to the Nebraska Lottery and Raffle Act may also
30 sell tickets or stubs for such raffles on its web site and at events, and
31 such tickets or stubs may be purchased using a debit card online on the
1 web site and at events in addition to other authorized methods of
2 payment.
3 Sec. 4. Section 53-123.11, Revised Statutes Supplement, 2019, is
4 amended to read:
5 53-123.11 (1) A farm winery license shall entitle the holder to:
6 (a) Sell wines produced at the farm winery onsite at wholesale and
7 retail and to sell wines produced at the farm winery at off-premises
8 sites holding the appropriate retail license;
9 (b) Sell wines produced at the farm winery at retail for consumption
10 on the premises as designated pursuant to section 53-123.12;
11 (c) Permit a customer to remove one unsealed bottle of wine for
12 consumption off the premises. The licensee or his or her agent shall (i)
13 securely reseal such bottle and place the bottle in a bag designed so
14 that it is visibly apparent that the resealed bottle of wine has not been
15 opened or tampered with and (ii) provide a dated receipt to the customer
16 and attach to such bag a copy of the dated receipt for the resealed
17 bottle of wine. If the resealed bottle of wine is transported in a motor
18 vehicle, it must be placed in the trunk of the motor vehicle or the area
19 behind the last upright seat of such motor vehicle if the area is not
20 normally occupied by the driver or a passenger and the motor vehicle is
21 not equipped with a trunk;
22 (d) Ship wines produced at the farm winery by common carrier and
23 sold at retail to recipients in and outside the State of Nebraska, if the
24 output of such farm winery for each calendar year as reported to the
25 commission by December 31 of each year does not exceed thirty thousand
26 gallons. In the event such amount exceeds thirty thousand gallons, the
27 farm winery shall be required to use a licensed wholesaler to distribute
28 its wines for the following calendar year, except that this requirement
29 shall not apply to wines produced and sold onsite at the farm winery
30 pursuant to subdivision (1)(a) of this section;
31 (e) Allow sampling and sale of the wine at the farm winery and at
1 four branch outlets in the state in reasonable amounts;
2 (f) Sell wines produced at the farm winery to other Nebraska farm
3 winery licensees, in bulk, bottled, labeled, or unlabeled, in accordance
4 with 27 C.F.R. 24.308, 27 C.F.R. 24.309, and 27 C.F.R. 24.314, as such
5 regulations existed on January 1, 2008;
6 (g) Purchase distilled spirits from licensed microdistilleries in
7 Nebraska, in bulk or bottled, made entirely from Nebraska-licensed farm
8 winery wine to be used in the production of fortified wine at the
9 purchasing licensed farm winery; and
10 (h) Store and warehouse products produced at the farm winery in a
11 designated, secure, offsite storage facility if the holder of the farm
12 winery license notifies the commission of the location of the facility
13 and maintains, at the farm winery and at the facility, a separate
14 perpetual inventory of the product stored at the facility. Consumption of
15 alcoholic liquor at the facility is strictly prohibited.
16 (2) No farm winery shall manufacture wine in excess of fifty
17 thousand gallons per year.
18 (3) A farm winery may manufacture and sell hard cider on its
19 licensed premises. A farm winery shall not otherwise distribute the hard
20 cider it manufactures except by sale to a wholesaler licensed under the

21 Nebraska Liquor Control Act.

22 (4) A holder of a farm winery license may obtain a special
23 designated license pursuant to section 53-124.11.

24 (5) A holder of a farm winery license may obtain an annual catering
25 license pursuant to section 53-124.12.

26 Sec. 5. Section 53-123.12, Revised Statutes Cumulative Supplement,
27 2018, is amended to read:

28 53-123.12 (1) Any person desiring to obtain a new license to operate
29 a farm winery shall:

30 (a) File an application with the commission in triplicate original
31 upon such forms as the commission from time to time prescribes;

1 (b) Pay the license fee to the commission under sections 53-124 and
2 53-124.01, which fee shall be returned to the applicant if the
3 application is denied; and

4 (c) Pay the nonrefundable application fee to the commission in the
5 sum of four hundred dollars.

6 (2) To renew a farm winery license, a farm winery licensee shall
7 file an application with the commission, pay the license fee under
8 sections 53-124 and 53-124.01, and pay the renewal fee of forty-five
9 dollars.

10 (3) License fees, application fees, and renewal fees may be paid to
11 the commission by certified or cashier's check of a bank within this
12 state, personal or business check, United States post office money order,
13 or cash in the full amount of such fees.

14 (4) For a new license, the commission shall then notify the
15 municipal clerk of the city or incorporated village where such license is
16 sought or, if the license is not sought within a city or incorporated
17 village, the county clerk of the county where such license is sought of
18 the receipt of the application and shall include with such notice one
19 copy of the application. No such license shall then be issued by the
20 commission until the expiration of at least forty-five days from the date
21 of receipt by mail or electronic delivery of such application from the
22 commission. Within thirty-five days from the date of receipt of such
23 application from the commission, the local governing bodies of nearby
24 cities or villages or the county may make and submit to the commission
25 recommendations relative to the granting of or refusal to grant such
26 license to the applicant.

27 (5)(a) A farm winery licensee may apply to the local governing body
28 for a temporary expansion of the licensed premises to an immediately
29 adjacent area owned or leased by the licensee or to an immediately
30 adjacent street, parking lot, or alley, not to exceed fifteen days per
31 calendar year. The temporary area shall comply with the Nebraska Liquor
1 Control Act for consumption on the premises and shall be subject to the
2 following conditions: (i) The temporary area shall be enclosed during the
3 temporary expansion by a temporary fence or other means approved by the
4 county, city, or village; (ii) the temporary area shall have easily
5 identifiable entrances and exits; and (iii) the licensee shall ensure
6 that the area meets all sanitation requirements for a licensed premises.
7 The local governing body shall electronically notify the commission
8 within five days after the authorization of any temporary expansion
9 pursuant to this subsection.

10 (b) The licensee shall file an application with the local governing
11 body which shall contain (i) the name of the applicant, (ii) the premises
12 for which a temporary expansion is requested, identified by street and
13 number if practicable and, if not, by some other appropriate description
14 which definitely locates the premises, (iii) the name of the owner or
15 lessee of the premises for which the temporary expansion is requested,
16 (iv) sufficient evidence that the licensee will carry on the activities
17 and business authorized by the license for himself, herself, or itself
18 and not as the agent of any other person, group, organization, or

19 corporation, for profit or not for profit, (v) a statement of the type of
 20 activity to be carried on during the time period for which a temporary
 21 expansion is requested, and (vi) sufficient evidence that the temporary
 22 expansion will be supervised by persons or managers who are agents of and
 23 directly responsible to the licensee.

24 (c) No temporary expansion provided for by this subsection shall be
 25 granted without the approval of the local governing body. The local
 26 governing body may establish criteria for approving or denying a
 27 temporary expansion. The local governing body may designate an agent to
 28 determine whether a temporary expansion is to be approved or denied. Such
 29 agent shall follow criteria established by the local governing body in
 30 making the determination. The determination of the agent shall be
 31 considered the determination of the local governing body unless otherwise
 1 provided by the local governing body.

2 (d) For purposes of this section, the local governing body shall be
 3 that of the city or village within which the premises for which the
 4 temporary expansion is requested are located or, if such premises are not
 5 within the corporate limits of a city or village, then the local
 6 governing body shall be that of the county within which the premises for
 7 which the temporary expansion is requested are located.

8 (e) The decision of the local governing body shall be final. If the
 9 applicant does not qualify for a temporary expansion, the temporary
 10 expansion shall be denied by the local governing body.

11 (f) The city, village, or county clerk shall deliver confirmation of
 12 the temporary expansion to the licensee upon receipt of any fee or tax
 13 imposed by such city, village, or county.

14 Sec. 6. Section 53-129, Revised Statutes Cumulative Supplement,
 15 2018, is amended to read:

16 53-129 (1) Except as otherwise provided in subsection (3) of this
 17 section, ~~retail~~ Retail, bottle club, craft brewery, and microdistillery
 18 licenses issued under the Nebraska Liquor Control Act apply only to that
 19 part of the premises described in the application approved by the
 20 commission and in the license issued on the application. For retail,
 21 bottle club, and microdistillery licenses, only one location shall be
 22 described in each license. For craft brewery licenses, up to five
 23 separate physical locations may be described in each license.

24 (2) After such license has been granted for the particular premises,
 25 the commission, with the approval of the local governing body and upon
 26 proper showing, may endorse upon the license permission to add to, delete
 27 from, or abandon the premises described in such license and, if
 28 applicable, to move from the premises to other premises approved by the
 29 local governing body. In ~~it~~, but in order to obtain such approval, the
 30 retail, bottle club, craft brewery, or microdistillery licensee shall
 31 file with the local governing body a request in writing and a statement
 1 under oath which shows that the premises, as added to or deleted from or
 2 to which such move is to be made, comply in all respects with the
 3 requirements of the act. No such addition, deletion, or move shall be
 4 made by any such licensee until the license has been endorsed to that
 5 effect in writing by the local governing body and by the commission and
 6 the licensee furnishes proof of payment of the renewal fee prescribed in
 7 subsection (4) of section 53-131.

8 (3)(a) A retail, bottle club, craft brewery, or microdistillery
 9 licensee may apply to the local governing body for a temporary expansion
 10 of its licensed premises to an immediately adjacent area owned or leased
 11 by the licensee or to an immediately adjacent street, parking lot, or
 12 alley, not to exceed fifteen days per calendar year. The temporary area
 13 shall otherwise comply with all requirements of the Nebraska Liquor
 14 Control Act.

15 (b) The licensee shall file an application with the local governing
 16 body which shall contain (i) the name of the applicant, (ii) the premises

17 for which a temporary expansion is requested, identified by street and
18 number if practicable and, if not, by some other appropriate description
19 which definitely locates the premises, (iii) the name of the owner or
20 lessee of the premises for which the temporary expansion is requested,
21 (iv) sufficient evidence that the licensee will carry on the activities
22 and business authorized by the license for himself, herself, or itself
23 and not as the agent of any other person, group, organization, or
24 corporation, for profit or not for profit, (v) a statement of the type of
25 activity to be carried on during the time period for which a temporary
26 expansion is requested, and (vi) sufficient evidence that the temporary
27 expansion will be supervised by persons or managers who are agents of and
28 directly responsible to the licensee.

29 (c) No temporary expansion provided for by this subsection shall be
30 granted without the approval of the local governing body. The local
31 governing body may establish criteria for approving or denying a
1 temporary expansion. The local governing body may designate an agent to
2 determine whether a temporary expansion is to be approved or denied. Such
3 agent shall follow criteria established by the local governing body in
4 making the determination. The determination of the agent shall be
5 considered the determination of the local governing body unless otherwise
6 provided by the local governing body.

7 (d) For purposes of this section, the local governing body shall be
8 that of the city or village within which the premises for which the
9 temporary expansion is requested are located or, if such premises are not
10 within the corporate limits of a city or village, then the local
11 governing body shall be that of the county within which the premises for
12 which the temporary expansion is requested are located.

13 (e) The decision of the local governing body shall be final. If the
14 applicant does not qualify for a temporary expansion, the temporary
15 expansion shall be denied by the local governing body.

16 (f) The city, village, or county clerk shall deliver confirmation of
17 the temporary expansion to the licensee upon receipt of any fee or tax
18 imposed by such city, village, or county.

19 Sec. 7. Section 53-134, Revised Statutes Cumulative Supplement,
20 2018, is amended to read:

21 53-134 The local governing body of any city or village with respect
22 to licenses within its corporate limits and the local governing body of
23 any county with respect to licenses not within the corporate limits of
24 any city or village but within the county shall have the following
25 powers, functions, and duties with respect to retail, bottle club, craft
26 brewery, microdistillery, and entertainment district licenses:

27 (1) To cancel or revoke for cause retail, craft brewery,
28 microdistillery, or entertainment district licenses to sell or dispense
29 alcoholic liquor or bottle club licenses, issued to persons for premises
30 within its jurisdiction, subject to the right of appeal to the
31 commission;

1 (2) To enter or to authorize any law enforcement officer to enter at
2 any time upon any premises licensed under the Nebraska Liquor Control Act
3 to determine whether any provision of the act, any rule or regulation
4 adopted and promulgated pursuant to the act, or any ordinance,
5 resolution, rule, or regulation adopted by the local governing body has
6 been or is being violated and at such time examine the premises of such
7 licensee in connection with such determination. Any law enforcement
8 officer who determines that any provision of the act, any rule or
9 regulation adopted and promulgated pursuant to the act, or any ordinance,
10 resolution, rule, or regulation adopted by the local governing body has
11 been or is being violated shall report such violation in writing to the
12 executive director of the commission (a) within thirty days after
13 determining that such violation has occurred, (b) within thirty days
14 after the conclusion of an ongoing police investigation, or (c) within

15 thirty days after the verdict in a prosecution related to such an ongoing
16 police investigation if the prosecuting attorney determines that
17 reporting such violation prior to the verdict would jeopardize such
18 prosecution, whichever is later;

19 (3) To receive a signed complaint from any citizen within its
20 jurisdiction that any provision of the act, any rule or regulation
21 adopted and promulgated pursuant to the act, or any ordinance,
22 resolution, rule, or regulation relating to alcoholic liquor has been or
23 is being violated and to act upon such complaints in the manner provided
24 in the act;

25 (4) To receive retail license fees, bottle club license fees, craft
26 brewery license fees, and microdistillery license fees as provided in
27 sections 53-124 and 53-124.01 and entertainment district license fees as
28 provided in section 53-123.17 and pay the same, after the license has
29 been delivered to the applicant, to the city, village, or county
30 treasurer;

31 (5) To examine or cause to be examined any applicant or any retail
1 licensee, bottle club licensee, craft brewery licensee, microdistillery
2 licensee, or entertainment district licensee upon whom notice of
3 cancellation or revocation has been served as provided in the act, to
4 examine or cause to be examined the books and records of any applicant or
5 licensee except as otherwise provided for bottle club licensees in
6 section 53-123.08, and to hear testimony and to take proof for its
7 information in the performance of its duties. For purposes of obtaining
8 any of the information desired, the local governing body may authorize
9 its agent or attorney to act on its behalf;

10 (6) To cancel or revoke on its own motion any license if, upon the
11 same notice and hearing as provided in section 53-134.04, it determines
12 that the licensee has violated any of the provisions of the act or any
13 valid and subsisting ordinance, resolution, rule, or regulation duly
14 enacted, adopted, and promulgated relating to alcoholic liquor. Such
15 order of cancellation or revocation may be appealed to the commission
16 within thirty days after the date of the order by filing a notice of
17 appeal with the commission. The commission shall handle the appeal in the
18 manner provided for hearing on an application in section 53-133; ~~and~~

19 (7) Upon receipt from the commission of the notice and copy of
20 application as provided in section 53-131, to fix a time and place for a
21 hearing at which the local governing body shall receive evidence, either
22 orally or by affidavit from the applicant and any other person, bearing
23 upon the propriety of the issuance of a license. Notice of the time and
24 place of such hearing shall be published in a legal newspaper in or of
25 general circulation in such city, village, or county one time not less
26 than seven and not more than fourteen days before the time of the
27 hearing. Such notice shall include, but not be limited to, a statement
28 that all persons desiring to give evidence before the local governing
29 body in support of or in protest against the issuance of such license may
30 do so at the time of the hearing. Such hearing shall be held not more
31 than forty-five days after the date of receipt of the notice from the
1 commission, and after such hearing the local governing body shall cause
2 to be recorded in the minute record of their proceedings a resolution
3 recommending either issuance or refusal of such license. The clerk of
4 such city, village, or county shall mail to the commission by first-class
5 mail, postage prepaid, a copy of the resolution which shall state the
6 cost of the published notice, except that failure to comply with this
7 provision shall not void any license issued by the commission. If the
8 commission refuses to issue such a license, the cost of publication of
9 notice shall be paid by the commission from the security for costs; ~~and -~~

10 (8) To review and authorize an application by a retail, bottle club,
11 craft brewery, farm winery, or microdistillery licensee for a temporary
12 expansion of its licensed premises within the jurisdiction of the local

13 governing body to an immediately adjacent area owned or leased by the
14 licensee or to an immediately adjacent street, parking lot, or alley, not
15 to exceed fifteen days per calendar year, as provided in sections
16 53-123.12 and 53-129.
17 Sec. 8. Original sections 9-426, 9-429, and 9-431, Reissue Revised
18 Statutes of Nebraska, sections 53-123.12, 53-129, and 53-134, Revised
19 Statutes Cumulative Supplement, 2018, and section 53-123.11, Revised
20 Statutes Supplement, 2019, are repealed.

The Briese amendment was adopted with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 1056A. Title read. Considered.

Senator Lowe offered the following motion:

[MO187](#)

Indefinitely postpone.

The Lowe motion to indefinitely postpone prevailed with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 1160. Title read. Considered.

Committee [AM3084](#), found on page 1061, was adopted with 34 ayes, 3 nays, 10 present and not voting, and 2 excused and not voting.

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

LEGISLATIVE BILL 956. Title read. Considered.

Committee [AM2827](#), found on page 926, was adopted with 42 ayes, 0 nays, 5 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.

COMMITTEE REPORT(S)

Executive Board

LEGISLATIVE BILL 681. Placed on General File with amendment.

[AM3149](#)

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 29-2011.02, Reissue Revised Statutes of Nebraska,

4 is amended to read:

5 29-2011.02 Whenever a witness refuses, on the basis of the privilege
6 against self-incrimination, to testify or to provide other information in
7 a criminal proceeding or investigation before a court, a grand jury, the
8 Auditor of Public Accounts, the Legislative Council, or a standing
9 committee or a special legislative investigative or oversight committee
10 of the Legislature authorized pursuant to section 50-404, the court, on
11 motion of the county attorney, other prosecuting attorney, Auditor of
12 Public Accounts, chairperson of the Executive Board of the Legislative
13 Council, or chairperson of a standing or special committee of the
14 Legislature, may order the witness to testify or to provide other
15 information. The witness may not refuse to comply with such an order of
16 the court on the basis of the privilege against self-incrimination, but
17 no testimony or other information compelled under the court's order or
18 any information directly or indirectly derived from such testimony or
19 other information may be used against the witness in any criminal case
20 except in a prosecution for perjury, giving a false statement, or failing
21 to comply with the order of the court.

22 Sec. 2. Section 29-2011.03, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 29-2011.03 The county attorney, other prosecuting attorney, Auditor
25 of Public Accounts, or chairperson of the Executive Board of the
26 Legislative Council or chairperson of a standing committee or a special
27 legislative investigative or oversight committee of the Legislature
1 authorized pursuant to section 50-404 upon an affirmative vote of a
2 majority of the board or committee, may request an order pursuant to
3 section 29-2011.02 when in such person's his or her judgment:

4 (1) The testimony or other information from such individual may be
5 necessary to the public interest; and
6 (2) Such individual has refused or is likely to refuse to testify or
7 provide other information on the basis of the privilege against self-
8 incrimination.

9 Sec. 3. Section 50-406, Revised Statutes Cumulative Supplement,
10 2018, is amended to read:

11 50-406 (1) It is within the inherent power of the Legislature,
12 including the Legislative Council and any standing committee of the
13 Legislature, to secure needed information in order to legislate, hold
14 hearings, and administer oaths, as the council or committee deems
15 necessary, and to conduct investigations of matters within the subject
16 matter jurisdiction of the council or committee. This power of inquiry is
17 broad and indispensable.

18 (2) ~~The In the discharge of any duty imposed by the Legislative~~
19 ~~Council, by statute, or by a resolution of the Legislature, the council,~~
20 ~~any committee thereof, and any standing or special committee created by~~
21 ~~statute or resolution of the Legislature may hold public hearings and may~~
22 ~~administer oaths, issue subpoenas with when the committee has received~~
23 ~~prior approval, by a majority vote, of the Executive Board of the~~
24 ~~Legislative Council to issue subpoenas in connection with the specific~~
25 ~~inquiry or investigation in question, compel the attendance of witnesses~~
26 ~~and the production of any papers, books, accounts, documents, and~~
27 ~~testimony, and cause the depositions of witnesses to be taken in the~~
28 ~~manner prescribed by law for taking depositions in civil actions in the~~
29 ~~district court.~~

30 (3) A standing committee of the Legislature may hold public
31 hearings, administer oaths, and gather information. After receiving prior
1 approval, by a majority vote, of the Executive Board of the Legislative
2 Council, a standing committee may issue subpoenas to compel the
3 attendance of witnesses and the production of any papers, books,
4 accounts, documents, and testimony and cause the depositions of witnesses
5 to be taken in the manner prescribed by law for taking depositions in

6 civil actions in the district court.

7 (4)(a) A special legislative investigative or oversight committee
 8 may hold public hearings, administer oaths, and gather information
 9 pursuant to a statute or legislative resolution that provides for a
 10 specific legislative inquiry or investigation. In the case of a
 11 resolution, such resolution shall have first been adopted by a majority
 12 of the members of the Legislature during a legislative session or by a
 13 majority of the members of the Executive Board of the Legislative Council
 14 during the interim between legislative sessions.

15 (b) If authorized to issue subpoenas by statute or by a resolution
 16 described in subdivision (4)(a) of this section, a special legislative
 17 investigative or oversight committee may issue subpoenas to compel the
 18 attendance of witnesses and the production of any papers, books,
 19 accounts, documents, and testimony and cause the depositions of witnesses
 20 to be taken in the manner prescribed by law for taking depositions in
 21 civil actions in the district court.

22 (c) A resolution or statute creating a special legislative
 23 investigative or oversight committee may prescribe limitations on the
 24 authority granted by this section.

25 (5) When authorized to issue subpoenas under this section, the ~~The~~
 26 council or a ~~the~~ committee may require any state agency, political
 27 subdivision, or person to provide information relevant to the council's
 28 or committee's work, and the state agency, political subdivision, or
 29 person shall:

30 (a) Appear at a hearing on the date set in the subpoena; and
 31 (b) Provide ~~provide~~ the information requested within thirty days
 1 after the request except as provided for in the a subpoena. ~~The statute~~
 2 ~~or resolution creating a committee may prescribe limitations on the~~
 3 ~~authority granted by this section.~~

4 (6) Litigation to compel or quash compliance with authority
 5 exercised pursuant to this section and section 50-407 shall be advanced
 6 on the trial docket and heard and decided by the court as quickly as
 7 possible. The court shall issue its decision no later than twenty days
 8 after the filing of the application or petition or a motion to quash,
 9 whichever is filed first. Either party may appeal to the Court of Appeals
 10 within ten days after a decision is rendered.

11 (7) The district court of Lancaster County has jurisdiction over all
 12 litigation arising under this section and section 50-407. In all such
 13 litigation, the Executive Board of the Legislative Council ~~executive~~
 14 ~~board~~ shall provide for legal representation for the council or
 15 committee.

16 Sec. 4. Section 50-407, Revised Statutes Cumulative Supplement,
 17 2018, is amended to read:

18 50-407 (1) In case of disobedience on the part of any person,
 19 including a representative of a state agency or political subdivision, to
 20 comply with any subpoena issued pursuant to section 50-406 on behalf of
 21 the council or any committee thereof or in case of the refusal of any
 22 witness to testify on any matters regarding which the witness ~~he or she~~
 23 may be lawfully interrogated, the Legislative Council or the standing
 24 committee or special legislative investigative or oversight committee
 25 which issued the subpoena shall, at the hearing at which the person was
 26 subpoenaed to appear, hold a vote to find the person in contempt unless
 27 the council or committee votes to find that the failure to comply or
 28 refusal to testify was not willful.

29 (2) If the council or committee finds a person in contempt as
 30 provided in subsection (1) of this section, the council or committee may,
 31 by application or petition to the district court of Lancaster County,
 1 request the court to ~~or the judge thereof, on application of a member of~~
 2 the council, shall ~~shall~~ compel obedience by proceedings for contempt as in the
 3 case of disobedience of the requirements of a subpoena issued from such

4 court or a refusal to testify therein. The application or petition shall
 5 be filed by the chairperson of the Executive Board of the Legislative
 6 Council, and in the case of a standing or special legislative
 7 investigative or oversight committee, such filing shall be joined by the
 8 chairperson of such committee.

9 (3) If a witness who has been subpoenaed pursuant to section 50-406
 10 refuses to testify before the council or a committee a special committee
 11 of the Legislature authorized pursuant to section 50-404 on the basis of
 12 the privilege against self-incrimination, the chairperson of the
 13 committee may request a court order may be requested pursuant to sections
 14 29-2011.02 and 29-2011.03. In the case of a proceeding before the
 15 Legislative Council, the request shall be filed by the chairperson of the
 16 Executive Board of the Legislative Council. In the case of a proceeding
 17 before a standing committee or special legislative investigative or
 18 oversight committee, the request shall be filed by the chairperson of
 19 such committee.

20 Sec. 5. (1)(a) If a member of the Legislature presents a newly
 21 constituted Legislature with a subpoena issued pursuant to section 50-406
 22 during a previous legislative biennium and such subpoena is still
 23 pending:

24 (i) The Executive Board of the Legislative Council shall vote to
 25 determine whether to renew the subpoena; and
 26 (ii) If the subpoena was issued by a standing committee, such
 27 committee shall also vote to determine whether to renew the subpoena.
 28 (b) The vote or votes required in subdivision (1)(a) of this section
 29 shall be taken no later than ten days after the day the regular session
 30 of the Legislature commences as provided in Article III, section 10, of
 31 the Constitution of Nebraska.

1 (c) If a majority of the members of the Executive Board of the
 2 Legislative Council and, if applicable, of the committee, are in favor of
 3 renewing the subpoena, the subpoena is renewed and relates back to its
 4 previous issuance and such subpoena shall be considered to have been in
 5 full force and effect for such entire period.

6 (2) The Legislature has the constitutional authority to determine
 7 the rules of its proceedings. The question of the referencing of an
 8 investigation or inquiry is not justiciable and cannot be challenged or
 9 invalidated in a judicial proceeding.

10 Sec. 6. Section 50-408, Reissue Revised Statutes of Nebraska, is
 11 amended to read:

12 50-408 Each witness who appears before the Legislative Council, any
 13 standing committee, or any special legislative investigative or oversight
 14 committee council, or any committee thereof, by subpoena of such council
 15 or committee its order, other than a state officer or employee, shall
 16 receive for his or her attendance the fees provided for witnesses in
 17 civil cases in courts of record and mileage as provided in section
 18 81-1176 for state employees, which shall be audited and paid upon the
 19 presentation of proper vouchers sworn to by such witness and approved by
 20 the secretary and chairperson of the council.

21 Sec. 7. Section 50-1205, Revised Statutes Cumulative Supplement,
 22 2018, is amended to read:

23 50-1205 The committee shall:

24 (1) Adopt, by majority vote, procedures consistent with the
 25 Legislative Performance Audit Act to govern the business of the committee
 26 and the conduct of performance audits;

27 (2) Ensure that performance audits done by the committee are not
 28 undertaken based on or influenced by special or partisan interests;

29 (3) Review performance audit requests and select, by majority vote,
 30 agencies or agency programs for performance audit;

31 (4) Review, amend, if necessary, and approve a scope statement and
 1 an audit plan for each performance audit;

2 (5) Respond to inquiries regarding performance audits;
3 (6) Inspect or approve the inspection of the premises, or any parts
4 thereof, of any agency or any property owned, leased, or operated by an
5 agency as frequently as is necessary in the opinion of the committee to
6 carry out a performance audit or preaudit inquiry;
7 (7) Inspect and examine, or approve the inspection and examination
8 of, the records and documents of any agency as a part of a performance
9 audit or preaudit inquiry;
10 (8) Pursuant to section 50-406, administer ~~Administer~~ oaths, issue
11 subpoenas, compel the attendance of witnesses and the production of any
12 papers, books, accounts, documents, and testimony, and cause the
13 depositions of witnesses either residing within or without the state to
14 be taken in the manner prescribed by law for taking depositions in civil
15 actions in the district court;
16 (9) Review completed performance audit reports prepared by the
17 office, together with comments from the evaluated agency, and adopt
18 recommendations and incorporate them into a committee report;
19 (10) Release the committee report to the public and distribute it
20 electronically to the Clerk of the Legislature with or without benefit of
21 a public hearing;
22 (11) Hold a public hearing, at the committee's discretion, for the
23 purpose of receiving testimony prior to issuance of the committee report;
24 (12) Establish a system to ascertain and monitor an agency's
25 implementation of the recommendations contained in the committee report
26 and compliance with any statutory changes resulting from the
27 recommendations;
28 (13) Issue an annual report each September, to be prepared by the
29 Legislative Auditor and approved by the committee, summarizing
30 recommendations made pursuant to reports of performance audits during the
31 previous fiscal year and the status of implementation of those
1 recommendations;
2 (14) Consult with the Legislative Auditor regarding the staffing and
3 budgetary needs of the office and assist in presenting budget requests to
4 the Appropriations Committee of the Legislature;
5 (15) Approve or reject, within the budgetary limits of the office,
6 contracts to retain consultants to assist with performance audits
7 requiring specialized knowledge or expertise. Requests for consultant
8 contracts shall be approved by the Legislative Auditor and presented to
9 the Legislative Performance Audit Committee by the Legislative Auditor. A
10 majority vote shall be required to approve consultant contract requests.
11 For purposes of section 50-1213, subsection (11) of section 77-2711, and
12 subsections (10) through (13) of section 77-27,119, any consultant
13 retained to assist with a performance audit or preaudit inquiry shall be
14 considered an employee of the office during the course of the contract;
15 and
16 (16) At its discretion, and with the agreement of the Auditor of
17 Public Accounts, conduct joint fiscal or performance audits with the
18 Auditor of Public Accounts. The details of any joint audit shall be
19 agreed upon in writing by the committee and the Auditor of Public
20 Accounts.
21 Sec. 8. Original sections 29-2011.02, 29-2011.03, and 50-408,
22 Reissue Revised Statutes of Nebraska, and sections 50-406, 50-407, and
23 50-1205, Revised Statutes Cumulative Supplement, 2018, are repealed.

(Signed) Mike Hilgers, Chairperson

ADJOURNMENT

At 5:31 p.m., on a motion by Senator Groene, the Legislature adjourned until 9:00 a.m., Thursday, July 23, 2020.

Patrick J. O'Donnell
Clerk of the Legislature