

EIGHTEENTH DAY - FEBRUARY 4, 2019**LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION****EIGHTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, February 4, 2019

PRAYER

The prayer was offered by Reverend Bud Heckman, Tri-Faith Ministries, Omaha.

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 Morfeld and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventeenth day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR Committee

LR16 Executive Board

Grauerholz, Richard - State Emergency Response Commission -
Government, Military and Veterans Affairs

Hoch, Harry - Nebraska Liquor Control Commission - General Affairs

Hofbauer, Tim - State Emergency Response Commission - Government,
Military and Veterans Affairs

Kleinow, Trent D. - State Emergency Response Commission - Government,
Military and Veterans Affairs

Probyn, Dwayne B. - Board of Educational Lands and Funds - Education

Smith, Dannette R. - Chief Executive Officer - Department of Health and
Human Services - Health and Human Services

(Signed) Mike Hilgers, Chairperson
Executive Board

NOTICE OF COMMITTEE HEARING(S)

Education

Room 1525

Monday, February 11, 2019 1:30 p.m.

LB147
LB515
LB495

(Signed) Mike Groene, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 61. Placed on Select File with amendment.

ER8

- 1 1. On page 1, line 1, strike "71-4402, "; and in line 2 after the
- 2 first comma insert "71-4403,".
- 3 2. On page 7, line 8, strike "71-4402," and after "71-4402.03,"
- 4 insert "71-4403, "; and in line 10 strike "sections" and insert "section".

(Signed) Julie Slama, Chairperson

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LR17 was adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR17.

GENERAL FILE**LEGISLATIVE BILL 33A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

SELECT FILE**LEGISLATIVE BILL 117.** Advanced to Enrollment and Review for Engrossment.**LEGISLATIVE BILL 79.** Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 82. ER4, found on page 374, was adopted.

Senator Friesen offered his amendment, AM122, found on page 401.

The Friesen amendment was adopted with 43 ayes, 0 nays, 5 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 190. ER5, found on page 374, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 33. ER7, found on page 374, was adopted.

Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 66. Committee AM56, found on page 366 and considered on page 400, was renewed.

Senator M. Hansen offered the following amendment to the committee amendment:

AM151

(Amendments to Standing Committee amendments, AM56)

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

2 insert the following new sections:

3 Section 1. Section 14-403.01, Reissue Revised Statutes of Nebraska,

4 is amended to read:

5 14-403.01 (1) When a city of the metropolitan class adopts a new
6 comprehensive plan or a full update to an existing comprehensive plan on
7 or after July 15, 2010, but not later than January 1, 2015, such plan or
8 update shall include, but not be limited to, an energy element which:
9 Assesses energy infrastructure and energy use by sector, including
10 residential, commercial, and industrial sectors; evaluates utilization of
11 renewable energy sources; and promotes energy conservation measures that
12 benefit the community.

13 (2) When a city of the metropolitan class adopts a new comprehensive
14 plan or a full update to an existing comprehensive plan on or after the
15 effective date of this act, such plan or update shall include an early
16 childhood education element.

17 Sec. 2. Section 15-1102, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 15-1102 (1) The general plan for the improvement and development of
20 the city of the primary class shall be known as the comprehensive plan.

21 This plan for governmental policies and action shall include the pattern

22 and intensity of land use, the provision of public facilities including
 23 transportation and other governmental services, the effective development
 24 and utilization of human and natural resources, the identification and
 25 evaluation of area needs including housing, employment, education,
 26 including early childhood education, and health and the formulation of
 1 programs to meet such needs, surveys of structures and sites determined
 2 to be of historic, cultural, archaeological, or architectural
 3 significance or value, long-range physical and fiscal plans for
 4 governmental policies and action, and coordination of all related plans
 5 and activities of the state and local governments and agencies concerned.
 6 The comprehensive plan, with the accompanying maps, plats, charts, and
 7 descriptive and explanatory materials, shall show the recommendations
 8 concerning the physical development pattern of such city and of any land
 9 outside its boundaries related thereto, taking into account the
 10 availability of and need for conserving land and other irreplaceable
 11 natural resources, the preservation of sites of historic, cultural,
 12 archaeological, and architectural significance or value, the projected
 13 changes in size, movement, and composition of population, the necessity
 14 for expanding housing and employment opportunities, and the need for
 15 methods of achieving modernization, simplification, and improvements in
 16 governmental structures, systems, and procedures related to growth
 17 objectives. The comprehensive plan shall, among other things, show:
 18 (a) ~~(1)~~ The general location, character, and extent of existing and
 19 proposed streets and highways and railroad, air, and other transportation
 20 routes and terminals;
 21 (b) ~~(2)~~ Existing and proposed public ways, parks, grounds, and open
 22 spaces;
 23 (c) ~~(3)~~ The general location, character, and extent of schools,
 24 school grounds, and other educational facilities and properties,
 25 including educational facilities and properties used for early childhood
 26 education programs;
 27 (d) ~~(4)~~ The general location and extent of existing and proposed
 28 public utility installations;
 29 (e) ~~(5)~~ The general location and extent of community development and
 30 housing activities;
 31 (f) ~~(6)~~ The general location of existing and proposed public
 1 buildings, structures, and facilities; and
 2 (g) ~~(7)~~ When a new comprehensive plan or a full update to an
 3 existing comprehensive plan is developed on or after July 15, 2010, but
 4 not later than January 1, 2015, an energy element which: Assesses energy
 5 infrastructure and energy use by sector, including residential,
 6 commercial, and industrial sectors; evaluates utilization of renewable
 7 energy sources; and promotes energy conservation measures that benefit
 8 the community.
 9 (2) The comprehensive plan shall include a land-use plan showing the
 10 proposed general distribution and general location of business and
 11 industry, residential areas, utilities, and recreational, educational,
 12 and other categories of public and private land uses. For purposes of
 13 this subsection, educational land uses includes land used for early

14 childhood education programs. The land-use plan shall also show the
15 recommended standards of population density based upon population
16 estimates and providing for activities for which space should be supplied
17 within the area covered by the plan. The comprehensive plan shall include
18 and show proposals for acquisition, extension, widening, narrowing,
19 removal, vacation, abandonment, sale, and other actions affecting public
20 improvements.

21 Sec. 3. Section 19-903, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 19-903 (1) The regulations and restrictions authorized by sections
24 19-901 to 19-915 shall be in accordance with a comprehensive development
25 plan which shall consist of both graphic and textual material and shall
26 be designed to accommodate anticipated long-range future growth which
27 shall be based upon documented population and economic projections. The
28 comprehensive development plan shall, among other possible elements,
29 include:

30 (a) ~~(1)~~ A land-use element which designates the proposed general
31 distributions, general location, and extent of the uses of land for
1 agriculture, housing, commerce, industry, recreation, education, public
2 buildings and lands, and other categories of public and private use of
3 land. For purposes of this subdivision, use of land for education
4 includes land used for early childhood education programs;

5 (b) ~~(2)~~ The general location, character, and extent of existing and
6 proposed major roads, streets, and highways, and air and other
7 transportation routes and facilities;

8 (c) ~~(3)~~ The general location, type, capacity, and area served of
9 present and projected or needed community facilities including recreation
10 facilities, schools, early childhood education facilities, libraries,
11 other public buildings, and public utilities and services;

12 (d) ~~(4)~~ When a new comprehensive plan or a full update to an
13 existing comprehensive plan is developed on or after July 15, 2010, but
14 not later than January 1, 2015, an energy element which: Assesses energy
15 infrastructure and energy use by sector, including residential,
16 commercial, and industrial sectors; evaluates utilization of renewable
17 energy sources; and promotes energy conservation measures that benefit
18 the community. This subdivision shall not apply to villages; and

19 (e)(i) ~~(5)(a)~~ When next amended after January 1, 1995, an
20 identification of sanitary and improvement districts, subdivisions,
21 industrial tracts, commercial tracts, and other discrete developed areas
22 which are or in the future may be appropriate subjects for annexation and
23 (ii) ~~(b)~~ a general review of the standards and qualifications that should
24 be met to enable the municipality to undertake annexation of such areas.
25 Failure of the plan to identify subjects for annexation or to set out
26 standards or qualifications for annexation shall not serve as the basis
27 for any challenge to the validity of an annexation ordinance.

28 (2) Regulations shall be designed to lessen congestion in the
29 streets; to secure safety from fire, panic, and other dangers; to promote
30 health and the general welfare; to provide adequate light and air; to
31 prevent the overcrowding of land; to secure safety from flood; to avoid

1 undue concentration of population; to facilitate the adequate provision
 2 of transportation, water, sewerage, schools, early childhood education,
 3 parks and other public requirements; to protect property against blight
 4 and depreciation; to protect the tax base; to secure economy in
 5 governmental expenditures; and to preserve, protect, and enhance historic
 6 buildings, places, and districts.
 7 (3) Such regulations shall be made with reasonable consideration,
 8 among other things, for the character of the district and its peculiar
 9 suitability for particular uses and with a view to conserving the value
 10 of buildings and encouraging the most appropriate use of land throughout
 11 such municipality.
 12 Sec. 4. Original sections 14-403.01, 15-1102, and 19-903, Reissue
 13 Revised Statutes of Nebraska, are repealed.

Senator M. Hansen moved for a call of the house. The motion prevailed with 30 ayes, 2 nays, and 17 not voting.

Senator M. Hansen requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 19:

Blood	Crawford	Hunt	McDonnell	Vargas
Bolz	DeBoer	Kolowski	Morfeld	Walz
Cavanaugh	Hansen, M.	Lathrop	Pansing Brooks	Wishart
Chambers	Howard	McCollister	Quick	

Voting in the negative, 16:

Albrecht	Clements	Gragert	Lowe
Bostelman	Erdman	Groene	Moser
Brewer	Friesen	Hughes	Murman
Briese	Geist	Linehan	Slama

Present and not voting, 13:

Arch	Halloran	Hilkemann	Lindstrom	Williams
Brandt	Hansen, B.	Kolterman	Scheer	
Dorn	Hilgers	La Grone	Stinner	

Excused and not voting, 1:

Wayne

The M. Hansen amendment lost with 19 ayes, 16 nays, 13 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Chambers moved for a call of the house. The motion prevailed with 24 ayes, 3 nays, and 22 not voting.

Senator Chambers requested a roll call vote on the committee amendment.

Voting in the affirmative, 19:

Blood	Crawford	Hunt	McDonnell	Vargas
Bolz	DeBoer	Kolowski	Morfeld	Walz
Cavanaugh	Hansen, M.	Lathrop	Pansing Brooks	Wishart
Chambers	Howard	McCollister	Quick	

Voting in the negative, 10:

Albrecht	Briese	Erdman	Geist	Groene
Brewer	Clements	Friesen	Gragert	Linehan

Present and not voting, 19:

Arch	Halloran	Hughes	Lowe	Slama
Bostelman	Hansen, B.	Kolterman	Moser	Stinner
Brandt	Hilgers	La Grone	Murman	Williams
Dorn	Hilkemann	Lindstrom	Scheer	

Excused and not voting, 1:

Wayne

The committee amendment lost with 19 ayes, 10 nays, 19 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator M. Hansen moved for a call of the house. The motion prevailed with 27 ayes, 3 nays, and 19 not voting.

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

Voting in the affirmative, 19:

Blood	Crawford	Hunt	McDonnell	Vargas
Bolz	DeBoer	Kolowski	Morfeld	Walz
Cavanaugh	Hansen, M.	Lathrop	Pansing Brooks	Wishart
Chambers	Howard	McCollister	Quick	

Voting in the negative, 23:

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

Present and not voting, 6:

Brandt	Hilkemann	Stinner
Hilgers	Kolterman	Williams

Excused and not voting, 1:

Wayne

Failed to advance to Enrollment and Review Initial with 19 ayes, 23 nays, 6 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 63. Title read. Considered.

Committee AM77, found on page 366, was offered.

Senator Chambers requested a roll call vote on the committee amendment.

The committee amendment was adopted with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

Senator Chambers offered the following motion:

MO5

Reconsider the vote taken on AM77.

Senator Chambers moved for a call of the house. The motion prevailed with 16 ayes, 3 nays, and 30 not voting.

Senator Chambers requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 3:

Chambers	Kolowski	Wayne
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Voting in the negative, 42:

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

Present and not voting, 3:

Bolz Crawford Lathrop

Excused and not voting, 1:

Howard

The Chambers motion to reconsider failed with 3 ayes, 42 nays, 3 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 49. Placed on Final Reading.

LEGISLATIVE BILL 67. Placed on Final Reading.

LEGISLATIVE BILL 77. Placed on Final Reading.

ST1

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

1. On page 1, line 3, "and" has been stricken and "76-3203, 76-3203.01, 76-3204, and 76-3216," inserted after the last comma.
2. On page 14, line 15, "the" has been inserted after "of".

(Signed) Julie Slama, Chairperson

NOTICE OF COMMITTEE HEARING(S)

Government, Military and Veterans Affairs

Room 1507

Wednesday, February 13, 2019 1:30 p.m.

LB415

LB375
LB385
LB447

Thursday, February 14, 2019 1:30 p.m.

LB381
LB411
LB511
LB109

(Signed) Tom Brewer, Chairperson

General Affairs

Room 1510

Monday, February 11, 2019 1:30 p.m.

Todd Zohner - Nebraska Commission on Problem Gambling
LB635
LB538
LB584

(Signed) Tom Briese, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 33A. Placed on Select File.

(Signed) Julie Slama, Chairperson

COMMITTEE REPORT(S)
Transportation and Telecommunications

LEGISLATIVE BILL 111. Placed on General File.

LEGISLATIVE BILL 192. Placed on General File.

LEGISLATIVE BILL 80. Placed on General File with amendment.
AM72

1 1. On page 4, lines 2 and 3, strike "a photograph or digital image"
2 and insert "one or more photographs or digital images".

LEGISLATIVE BILL 81. Placed on General File with amendment.
AM73

1 1. On page 3, line 1, strike "or" and show as stricken; and in line
2 3 after "crossing" insert "₂"
3 (e) A stop sign is erected at such crossing; or

4 (f) A passive warning device is located at or in advance of such
5 crossing and an approaching railroad train or on-track equipment is
6 audible as described in subdivision (c) of this subsection or plainly
7 visible and in hazardous proximity to such crossing. For purposes of this
8 subdivision, passive warning device means the type of traffic control
9 device, including a sign, marking, or other device, located at or in
10 advance of a railroad grade crossing to indicate the presence of such
11 crossing but which does not change aspect upon the approach or presence
12 of a railroad train or on-track equipment".

(Signed) Curt Friesen, Chairperson

AMENDMENT(S) - Print in Journal

Senator Chambers filed the following amendment to LB63:

FA1

Page 5, line 21, strike "at least" and insert "no more than."

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Crawford name added to LB15.

Senator Albrecht name added to LB41.

Senator Hunt name added to LB283.

Senator Erdman name added to LB445.

Senator Quick name added to LB477.

Senator Kolterman name added to LB604.

Senator Kolterman name added to LB605.

ADJOURNMENT

At 11:56 a.m., on a motion by Senator Hughes, the Legislature adjourned until 9:00 a.m., Tuesday, February 5, 2019.

Patrick J. O'Donnell
Clerk of the Legislature

