

**TWENTY-SIXTH DAY - FEBRUARY 14, 2019**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION**

**TWENTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, February 14, 2019

**PRAYER**

The prayer was offered by Senator Crawford.

**ROLL CALL**

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

The roll was called and all members were present except Senators Lindstrom, Vargas, and Wishart who were excused; and Senators Friesen, Groene, La Grone, McCollister, and Morfeld who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

Page 517, line 9, strike "John" and insert "Joan".  
The Journal for the twenty-fifth day was approved as corrected.

**COMMITTEE REPORT(S)**

Education

**LEGISLATIVE BILL 486.** Placed on General File.

(Signed) Mike Groene, Chairperson

Business and Labor

**LEGISLATIVE BILL 254.** Placed on General File.

(Signed) Matt Hansen, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**

Health and Human Services

Room 1510

Friday, February 22, 2019 1:30 p.m.

Michael Allen Sitorius - Nebraska Rural Health Advisory Commission

(Signed) Sara Howard, Chairperson

Education

Room 1525

Tuesday, February 26, 2019 1:30 p.m.

LB675

LB346

LB165

(Signed) Mike Groene, Chairperson

**ANNOUNCEMENT(S)**

The Economic Development Task Force elected Senator Bolz as Chairperson and Senator Arch as Vice Chairperson.

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of February 13, 2019, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Dozier, James

The National Council for Behavioral Health

Glunz, William

American Airlines

Husch Blackwell Strategies

Turo

Jarecke, Kate Kulesher

Sandoz

Keigher &amp; Associates, LLC

Nebraska Machinery Company

Kelley Plucker, LLC

Coalition of Ignition Interlock Manufacturers

Martin, Stephen  
We Support Agriculture  
Nebraska Strategies  
Tical, LLC  
Nowka & Edwards  
Intoximeters, Inc.  
Winners Marketing, Inc.  
Peetz & Company  
Omaha Steaks  
Radcliffe, Walter H. of Radcliffe and Associates  
American Amusements Co.  
Trocinski, Carol A.  
United Healthcare Services, Inc.  
Weathers, Scott  
The Good Food Institute, Inc.

### REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:  
<http://www.nebraskalegislature.gov/agencies/view.php>

### GENERAL FILE

**LEGISLATIVE BILL 224.** Title read. Considered.

Senator Hunt offered the following amendment:

FA7

Page 5, line 25 strike "creed" insert "religion".

Page 5, line 26 after "gender" insert "sexual orientation".

Senator Hunt withdrew her amendment.

Senator Howard offered the following amendment:

FA8

On page 5, line 25, insert a period after the word "discrimination" and strike the remaining language on lines 25 and 26.

The Howard amendment was adopted with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

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

Voting in the affirmative, 37:

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

Voting in the negative, 0.

Present and not voting, 6:

Brewer	Erdman	La Grone
Clements	Hughes	Lowe

Excused and not voting, 6:

Friesen	Lindstrom	Wayne
Kolterman	Vargas	Wishart

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

### **COMMITTEE REPORT(S)**

#### Natural Resources

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

Bradley B. Bird - Nebraska Ethanol Board

Aye: 8 Albrecht, Bostelman, Geist, Gragert, Halloran, Hughes, Moser, Quick. Nay: 0. Absent: 0. Present and not voting: 0.

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

John Heaston - Nebraska Natural Resources Commission  
Walter Dennis Strauch - Nebraska Natural Resources Commission

Aye: 8 Albrecht, Bostelman, Geist, Gragert, Halloran, Hughes, Moser, Quick. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Dan Hughes, Chairperson

**COMMITTEE REPORT(S)**

Business and Labor

**LEGISLATIVE BILL 361.** Placed on General File with amendment.  
AM289

- 1 1. On page 2, strike lines 2 and 3 and insert "an employee because
- 2 the employee:".
- 3 2. On page 4, strike line 13 and insert "employee because the
- 4 employee:".

(Signed) Matt Hansen, Chairperson

Natural Resources

**LEGISLATIVE BILL 48.** Placed on General File.

**LEGISLATIVE BILL 155.** Placed on General File.

(Signed) Dan Hughes, Chairperson

Health and Human Services

**LEGISLATIVE BILL 112.** Placed on General File.

**LEGISLATIVE BILL 29.** Placed on General File with amendment.  
AM86

- 1 1. On page 3, strike beginning with "the" in line 28 through the
- 2 first comma in line 29.
- 3 2. On page 4, line 4, after the comma insert "the Veterinary
- 4 Medicine and Surgery Practice Act".

(Signed) Sara Howard, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 16.** Title read. Considered.

**SENATOR WILLIAMS PRESIDING**

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 430.** Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 146.** Senator M. Hansen offered the following amendment:

AM279

1 1. Strike original section 1 and insert the following new section:

2 Section 1. Section 30-4020, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 30-4020 (1) Except as otherwise provided in subsection (2) of this  
5 section:

6 (a) A person shall either accept an acknowledged power of attorney  
7 or request a certification, a translation, or an opinion of counsel under  
8 subsection (4) of section 30-4019 no later than seven business days after  
9 presentation of the power of attorney for acceptance;

10 (b) If a person requests a certification, a translation, or an  
11 opinion of counsel under subsection (4) of section 30-4019, the person  
12 shall accept the power of attorney no later than five business days after  
13 receipt of the certification, translation, or opinion of counsel; and

14 (c) A person may not require an additional or different form of  
15 power of attorney for authority granted in the power of attorney  
16 presented.

17 (2) A person is not required to accept an acknowledged power of  
18 attorney if:

19 (a) The person is not otherwise required to engage in a transaction  
20 with the principal in the same circumstances;

21 (b) Engaging in a transaction with the agent or the principal in the  
22 same circumstances would be inconsistent with state or federal law;

23 (c) The person has actual knowledge of the termination of the  
24 agent's authority or of the power of attorney before exercise of the  
25 power;

26 (d) A request for a certification, a translation, or an opinion of  
27 counsel under subsection (4) of section 30-4019 is refused;

1 (e) The person in good faith believes that the power is not valid or  
2 that the agent does not have the authority to perform the act requested,  
3 whether or not a certification, a translation, or an opinion of counsel  
4 under subsection (4) of section 30-4019 has been requested or provided;

5 (f) The person makes, or has actual knowledge that another person  
6 has made, a report to the local adult protective services office stating  
7 a good faith belief that the principal may be subject to physical or  
8 financial abuse, neglect, exploitation, or abandonment by the agent or a  
9 person acting for or with the agent;

10 (g) The person brought, or has actual knowledge that another person  
11 has brought, a judicial proceeding for construction of a power of  
12 attorney or review of the agent's conduct; or

13 (h) The power of attorney becomes effective upon the occurrence of  
14 an event or contingency, and neither a certification nor evidence of the  
15 occurrence of the event or contingency is presented to the person being  
16 asked to accept the power of attorney.

17 (3) A person may not refuse to accept an acknowledged power of

18 attorney if any of the following applies:

19 (a) The person's reason for refusal is based exclusively upon the  
20 date the power of attorney was executed; or

21 (b) The person's refusal is based exclusively on a mandate that an  
22 additional or different power of attorney form must be used.

23 ~~(4)(a) (4) A person may bring an action or proceeding to mandate the~~  
24 ~~acceptance of that refuses in violation of this section to accept an~~  
25 ~~acknowledged power of attorney.~~

26 (b) In any action or proceeding to mandate the acceptance of an  
27 acknowledged power of attorney or confirm the validity of an acknowledged  
28 power of attorney, a person found liable for refusing to accept such  
29 power of attorney is subject to:

30 (i) Liability to the principal and to the principal's heirs,  
31 assigns, and personal representative of the estate of the principal in  
1 the same manner as the person would be liable had the person refused to  
2 accept the authority of the principal to act on the principal's own  
3 behalf;

4 (ii) ~~(a)~~ A court order mandating acceptance of the power of  
5 attorney; and

6 (iii) ~~(b)~~ Liability for reasonable attorney's fees and costs  
7 incurred in such any action or proceeding that confirms the validity of  
8 the power of attorney or mandates acceptance of the power of attorney.

9 (c) In any action or proceeding in which a person's refusal to  
10 accept an acknowledged power of attorney in violation of this section  
11 prevents an agent from completing a transaction requested by the agent  
12 with respect to a security account as defined in section 30-2734, owned  
13 by the principal, such person, in addition to being subject to the  
14 provisions of subdivision (4)(b) of this section, is subject to:

15 (i) Economic damages of the principal proximately caused by the  
16 person's refusal to accept the acknowledged power of attorney and failure  
17 to comply with the instructions of the agent designated in such power of  
18 attorney with respect to such security account; and

19 (ii) Reasonable attorney's fees and costs incurred to seek damages  
20 resulting from such person's refusal to accept the acknowledged power of  
21 attorney and failure to comply with the instructions of such agent  
22 designated in the power of attorney with respect to the security account.

The M. Hansen amendment was adopted with 37 ayes, 0 nays, 5 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment

**LEGISLATIVE BILL 154.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 264.** ER16, found on page 490, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 7.** ER17, found on page 490, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 55.** ER19, found on page 490, was adopted.

Advanced to Enrollment and Review for Engrossment.

**NOTICE OF COMMITTEE HEARING(S)**  
Natural Resources

Room 1525

Thursday, February 21, 2019 1:30 p.m.

Dallas D. Dodson - Niobrara Council  
Jason D. Appelt - Niobrara Council  
LB46

(Signed) Dan Hughes, Chairperson

Appropriations

Room 1003

Tuesday, February 26, 2019 1:30 p.m.

LB293  
LB294  
LB295  
LB296  
LB297  
LB298  
LB299

(Signed) John Stinner, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator Halloran filed the following amendment to LB693:  
AM305

- 1 1. Strike original section 1 and insert the following new section:
- 2 Section 1. (1) This section shall be known and may be cited as the
- 3 Neighbor Spoofing Protection Act.
- 4 (2) No person shall, in connection with any telecommunications
- 5 service or IP-enabled voice service, cause any caller identification
- 6 service to knowingly transmit misleading or inaccurate caller



7 identification information with the intent to defraud, cause harm, or  
8 wrongfully obtain anything of value.  
9 (3) Nothing in this section shall be construed to prevent or  
10 restrict any person from blocking the capability of any caller  
11 identification service to transmit caller identification information.  
12 (4) This section shall not apply:  
13 (a) To any authorized activity of a law enforcement agency; or  
14 (b) When a court order specifically authorizes the use of caller  
15 identification manipulation.  
16 (5) Except as provided in this section, local exchange carriers and  
17 telecommunications carriers shall not be responsible for enforcement of  
18 this section.  
19 (6)(a) Notwithstanding section 75-156, the Public Service Commission  
20 may, after hearing, impose an administrative penalty for a violation of  
21 this section. The penalty for a violation shall not exceed two thousand  
22 dollars. Every violation associated with a specific telephone number  
23 within the state shall be considered a separate and distinct violation.  
24 (b) The amount of an administrative penalty shall be based on:  
25 (i) The nature, circumstances, extent, and gravity of a prohibited  
26 act;  
27 (ii) The history of previous violations;  
1 (iii) The amount necessary to deter future violations; and  
2 (iv) Any efforts to correct the violation.  
3 (c) The commission shall remit any administrative penalty collected  
4 under this section to the State Treasurer for distribution in accordance  
5 with Article VII, section 5, of the Constitution of Nebraska.  
6 (d) Any administrative penalty may be appealed. The appeal shall be  
7 in accordance with section 75-136.  
8 (7) Notwithstanding subsection (6) of this section, a violation of  
9 this section shall be considered a violation of section 59-1602 and be  
10 subject to the Consumer Protection Act and any other law which provides  
11 for the implementation and enforcement of section 59-1602. A violation of  
12 this section does not give rise to a private cause of action.

#### **UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator Geist name added to LB445.  
 Senator Hunt name added to LB657.  
 Senator Bostelman name added to LR1CA.  
 Senator Geist name added to LR1CA.

#### **VISITOR(S)**

Visitors to the Chamber were Alora Nowlin from Council Bluffs; members of E.S.U. 10 from Kearney; Fulbright Scholars from Argentina; students and teacher from the High Ability Learning Program at Papillion Middle School,

La Vista Middle School, and Liberty Middle School; members of the Nebraska League of Women Voters from Omaha, Lincoln, and Plattsmouth; and students from St. Barnabas Classical Academy, Omaha.

The Doctor of the Day was Dr. Carol LaCroix from Omaha.

### **ADJOURNMENT**

At 11:18 a.m., on a motion by Senator McDonnell, the Legislature adjourned until 9:00 a.m., Tuesday, February 19, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature