

THIRTY-EIGHTH DAY - MARCH 7, 2019

LEGISLATIVE JOURNAL

**ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION**

THIRTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 7, 2019

PRAYER

The prayer was offered by Pastor Steve Mason, SouthPointe Christian Church, Lincoln.

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 Senator Hughes who was excused; and Senators Cavanaugh, Chambers, Hunt, Kolowski, McDonnell, Morfeld, Vargas, and Walz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-seventh day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 339. Placed on Select File.

LEGISLATIVE BILL 340. Placed on Select File.

LEGISLATIVE BILL 141. Placed on Select File with amendment.

ER45

1 1. On page 1, strike beginning with "section" in line 1 through
2 "section" in line 4 and insert "sections 28-115 and 28-310.01, Reissue
3 Revised Statutes of Nebraska; to prohibit assault by strangulation or
4 suffocation as prescribed; to provide for an enhanced penalty for assault
5 by strangulation or suffocation of a pregnant woman; to harmonize
6 provisions; and to repeal the original sections".

(Signed) Julie Slama, Chairperson

COMMITTEE REPORT(S)

Agriculture

LEGISLATIVE BILL 320. Placed on General File.**LEGISLATIVE BILL 594.** Placed on General File with amendment.

AM313

- 1 1. Strike original section 1.
- 2 2. On page 10, strike lines 15 through 17 and insert the following
- 3 new subdivision:
- 4 "(23) Violates any provision of the Nebraska Pure Food Act relating
- 5 to the labeling, packing or packaging, or advertising of food."
- 6 3. Renumber the remaining sections and correct the repealer
- 7 accordingly.

LEGISLATIVE RESOLUTION 13. Reported to the Legislature for further consideration with the following amendment:

AM435

- 1 1. Strike the original provisions and insert the following new
- 2 resolution:
- 3 WHEREAS, milk is a standardized food, described in 21 C.F.R.
- 4 131.110(a) as the lacteal secretion, practically free of colostrum,
- 5 obtained by the complete milking of one or more healthy cows; and
- 6 WHEREAS, further standards of identity have long been promulgated
- 7 for cultured milk, yogurt, butter, ice cream, cheese, and cheese-related
- 8 products under the Federal Food, Drug, and Cosmetic Act and regulations
- 9 of the federal Food and Drug Administration that require milk or cream as
- 10 an essential and characteristic element of the product; and
- 11 WHEREAS, there has been an emergence and expansion of plant-based
- 12 products labeled with names that include standardized dairy food terms
- 13 such as milk, cultured milk, and cheese that are often sold in packaging
- 14 mimicking that of real dairy food counterparts and often sold within or
- 15 adjacent to the dairy display in retail stores; and
- 16 WHEREAS, such plant-based milk and other dairy food analog products
- 17 may not have the same basic nature and characterizing composition as real
- 18 dairy counterparts and differ in physical properties, nutritional
- 19 composition, flavor characteristics, and shelf life such that they are
- 20 not suitable dairy food substitutes, and, except for fortified soy
- 21 beverages, do not meet the recommendation for dairy food group intake in
- 22 the 2015-2020 Dietary Guidelines for Americans published by the United
- 23 States Department of Agriculture and the United States Department of
- 24 Health and Human Services; and
- 25 WHEREAS, consumer demand for such plant-based dairy food analog
- 26 products is in part derived from cultivating consumer perceptions that
- 27 falsely equate such products compositionally, nutritionally, and
- 1 functionally with real dairy food products by utilization of the term
- 2 milk and other standardized dairy food product terms in non-dairy product
- 3 names; and
- 4 WHEREAS, such change in perception is eroding the market distinction

5 and the unique cultural, dietary, historical, and culinary values
6 consumers associate with high-quality dairy products supplied by
7 America's dairy farmers; and
8 WHEREAS, the Food and Drug Administration has initiated a review of
9 labeling issues associated with the use of milk and other dairy terms
10 with standardized definitions in the names of products that are derived
11 from non-dairy sources in Docket ID FDA-2018-N-3522 and has invited
12 comments regarding how consumers understanding, perception, purchase
13 practices, and consumption of plant-based milk and other dairy food
14 analog products is influenced by the use of milk and other standardized
15 dairy terms to identify non-dairy products; and
16 WHEREAS, the Legislature of North Carolina during its 2018 session
17 became the first state legislature to enact legislation through passage
18 of SB711 which directs the North Carolina Department of Agriculture to
19 prepare regulations and enforcement policies to address mislabeling of
20 plant-based milk and other dairy food analog products and to implement
21 such regulations when at least ten other states pass similar legislation;
22 and
23 WHEREAS, additional states may consider similar legislation in the
24 absence of clear federal direction and enforcement of the use of
25 standardized dairy food terms for the labeling of plant-based milk and
26 other dairy food analog products.
27 NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED
28 SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
29 1. That the Legislature urges the appropriate federal agencies of
30 the United States Government responsible for food labeling to:
31 a. Establish and enforce standards for nomenclature of plant-based
1 imitation milk and dairy food products that are truthful, not misleading,
2 and sufficient to differentiate non-dairy derived beverages and food
3 products from milk and dairy products that conform to the standard of
4 identity in 21 C.F.R. part 131 and 21 C.F.R. part 133;
5 b. Enforce product labeling and statements of product identity that
6 exclusively reserve the use of the term milk and other standardized dairy
7 food product terms such as yogurt, butter, ice cream, and cheese to
8 products derived from real dairy origin that conform to the standards of
9 identity in 21 C.F.R. parts 131, 133, and 135 and the Federal Food, Drug,
10 and Cosmetic Act; and
11 c. Ensure certainty and consistency in regulation of the labeling of
12 traditional dairy milk and other real dairy food products and plant-based
13 beverages and other dairy food analog products to aid consumer
14 understanding of the distinction between such products and to avoid
15 market distortion.
16 2. That a copy of this resolution be sent to President Donald J.
17 Trump, Commissioner of Food and Drugs of the United States Department of
18 Health and Human Services Scott Gottlieb, M.D., United States Secretary
19 of Agriculture George E. (Sonny) Perdue, III, and to each member of
20 Nebraska's congressional delegation.

(Signed) Steve Halloran, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 39. Introduced by Blood, 3; Crawford, 45.

WHEREAS, Madison DeMeo, age 13, has worked tirelessly to help those in her Bellevue community who are less fortunate; and

WHEREAS, Madison was recently nominated for and selected by the U.S. Cellular Future of Good program; and

WHEREAS, Madison was one of sixteen young humanitarians under age sixteen to be awarded a \$10,000 prize to give to a charity of her choice.

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

1. That the Legislature congratulates Madison DeMeo on her ongoing efforts helping those in need.
2. That a copy of this resolution be sent to Madison DeMeo.

Laid over.

NOTICE OF COMMITTEE HEARING(S)

General Affairs

Room 1510

Monday, March 18, 2019 1:30 p.m.

LB252
LB591
LB722

(Signed) Tom Briese, Chairperson

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>

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 6, 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

Douglas, Eric
Prime Therapeutics, LLC
Houghton Bradford Whitted PC, LLO
Hanger Inc.
Jensen, Scott
American Federation for Children
Linehan, Katie
American Federation for Children

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 33 and 34 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 33 and 34.

GENERAL FILE

LEGISLATIVE BILL 354A. Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

MOTION(S) - Withdraw LB715

Senator Hilkemann offered his motion, MO18, found on page 638 and corrected on page 659, to withdraw LB715.

The Hilkemann motion to withdraw the bill prevailed with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

RESOLUTION ON FINAL READING

The following resolution was read and put upon final passage:

LEGISLATIVE RESOLUTION 1CA.

THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2020, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article I, section 2:

I-2 There shall be neither slavery nor involuntary servitude in this state, ~~otherwise than for punishment of crime, whereof the party shall have been duly convicted.~~

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to eliminate slavery or involuntary servitude as a punishment for crime.

For

Against.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the resolution pass?' "

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Present and not voting, 1:

Walz

Excused and not voting, 4:

Chambers Hughes McDonnell Vargas

A constitutional three-fifths majority having voted in the affirmative, the resolution was declared passed for the general election.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 22.

A BILL FOR AN ACT relating to nursing facilities; to amend sections 71-2097, 71-2098, and 71-20,100, Reissue Revised Statutes of Nebraska; to redefine a term; to change provisions relating to distribution of the Nursing Facility Penalty Cash Fund; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Chambers Hughes McDonnell Vargas

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 60.

A BILL FOR AN ACT relating to infants; to amend sections 71-2102, 71-2103, 71-2104, and 79-1902, Reissue Revised Statutes of Nebraska, and section 43-2606, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to training requirements and shaken baby syndrome; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

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

Voting in the negative, 0.

Present and not voting, 2:

Erdman Lowe

Excused and not voting, 4:

Chambers Hughes McDonnell Vargas

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 74.

A BILL FOR AN ACT relating to the Pharmacy Practice Act; to amend section 38-2845, Reissue Revised Statutes of Nebraska, and sections 38-2801 and 38-2802, Revised Statutes Cumulative Supplement, 2018; to define and redefine terms; to provide for validation of acts, tasks, and functions by certified pharmacy technicians as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Present and not voting, 1:

Lowe

Excused and not voting, 4:

Chambers Hughes McDonnell Vargas

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 80.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-146, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to identification inspections; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Chambers Hughes McDonnell Vargas

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 81.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-6,170, 60-6,172, 60-6,173, and 60-6,174, Reissue Revised Statutes of Nebraska, and sections 60-601 and 60-605, Revised Statutes Cumulative Supplement, 2018; to define a term; to change provisions relating to special stops at railroad grade crossings; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

| | | | |
|----------|--------|-----------|--------|
| Chambers | Hughes | McDonnell | Vargas |
|----------|--------|-----------|--------|

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 111.

A BILL FOR AN ACT relating to certificates of title; to amend sections 37-1278 and 60-151, Revised Statutes Cumulative Supplement, 2018; to change a certificate of title application signature requirement as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

| | | | | |
|-----------|------------|-----------|----------------|----------|
| Arch | Crawford | Hilgers | Lindstrom | Slama |
| Blood | DeBoer | Hilkemann | Linehan | Stinner |
| Bolz | Dorn | Howard | McCollister | Walz |
| Bostelman | Friesen | Hunt | Morfeld | Wayne |
| Brandt | Geist | Kolowski | Murman | Williams |
| Brewer | Gragert | Kolterman | Pansing Brooks | Wishart |
| Briese | Hansen, B. | La Grone | Quick | |
| Cavanaugh | Hansen, M. | Lathrop | Scheer | |

Voting in the negative, 6:

| | | |
|----------|--------|----------|
| Albrecht | Erdman | Halloran |
| Clements | Groene | Lowe |

Present and not voting, 1:

Moser

Excused and not voting, 4:

Chambers Hughes McDonnell Vargas

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB192 with 38 ayes, 3 nays, 4 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 192.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-484, 60-4,117, 60-4,144, 60-4,189, and 80-414, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to veteran designations on operators' licenses and state identification cards; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Chambers Hughes McDonnell Vargas

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 192A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 192, One Hundred Sixth Legislature, First Session, 2019.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Chambers Hughes McDonnell Vargas

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 200.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-1,121, Reissue Revised Statutes of Nebraska; to change provisions relating to licensure under the Health Care Facility Licensure Act of mental health substance use treatment centers providing civil protective custody for intoxicated persons; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Present and not voting, 1:

Lowe

Excused and not voting, 4:

| | | | |
|----------|--------|-----------|--------|
| Chambers | Hughes | McDonnell | Vargas |
|----------|--------|-----------|--------|

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 256. With Emergency Clause.

A BILL FOR AN ACT relating to community colleges; to amend section 85-1509, Reissue Revised Statutes of Nebraska; to authorize insurance coverage for community college boards of governors members as prescribed; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Present and not voting, 1:

Dorn

Excused and not voting, 4:

Chambers Hughes McDonnell Vargas

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 307.

A BILL FOR AN ACT relating to water; to amend sections 71-5316, 71-5318, 71-5325, and 71-5327, Reissue Revised Statutes of Nebraska, and section 81-15,151, Revised Statutes Cumulative Supplement, 2018; to update a reference to federal law; to provide for transfers between funds by the Director of Environmental Quality; to change authorized terms of loans; to eliminate a termination provision; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Chambers Hughes McDonnell Vargas

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 52.

A BILL FOR AN ACT relating to state government; to amend sections 85-1807 and 85-1813, Reissue Revised Statutes of Nebraska; to define terms; to require public funds to be recorded in the state accounting system

and invested by the state investment officer as prescribed; to provide for enforcement; to change and eliminate provisions relating to the transfer and use of funds under the Nebraska educational savings plan trust; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Chambers Hughes McDonnell

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 152.

A BILL FOR AN ACT relating to the Nebraska National Guard; to amend section 23-3211, Revised Statutes Cumulative Supplement, 2018; to state the rights of members of the Nebraska National Guard; to provide for confidentiality of Nebraska National Guard members' residential addresses; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Chambers Hughes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 214.

A BILL FOR AN ACT relating to state government; to authorize cession of certain lands to the United States.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Walz

Excused and not voting, 2:

Chambers Hughes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 223.

A BILL FOR AN ACT relating to the Nebraska National Guard; to provide powers and duties for the Adjutant General relating to a state-sponsored insurance program for guard members; and to define a term.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Groene

Excused and not voting, 2:

Chambers Hughes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 442.

A BILL FOR AN ACT relating to insurance; to require coverage for filling prescriptions to synchronize the patient's medications.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Lowe

Excused and not voting, 2:

Chambers Hughes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB536 with 38 ayes, 3 nays, 6 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 536.

A BILL FOR AN ACT relating to trusts; to amend sections 30-3805, 30-3808, 30-3855, and 30-3859, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Uniform Directed Trust Act; to provide for applicability; to change and eliminate related Uniform Trust Code provisions; to harmonize provisions; to repeal the original sections; and to outright repeal section 30-3873, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Chambers Hughes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 25.

A BILL FOR AN ACT relating to health and human services; to amend sections 38-151 and 71-8701, Reissue Revised Statutes of Nebraska; to provide additional fees for certain credentials; to provide for a termination date; to create a fund; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Chambers Hughes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 25A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 25, One Hundred Sixth Legislature, First Session, 2019.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Chambers Hughes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 103. With Emergency Clause.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1601.02, Reissue Revised Statutes of Nebraska; to change the procedure for setting a political subdivision's property tax request; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Chambers Hughes

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 119.

A BILL FOR AN ACT relating to the Health Care Quality Improvement Act; to amend sections 71-7904, 71-7906, 71-7907, 71-7910, 71-7911, 71-7912, and 71-7913, Reissue Revised Statutes of Nebraska; to define and redefine terms; to provide for immunity from liability and confidentiality of information relating to peer review; to provide a burden of proof relating to the protection of certain communications and documents; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Present and not voting, 2:

Kolowski Walz

Excused and not voting, 2:

Chambers Hughes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB159 with 42 ayes, 3 nays, 2 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 159. With Emergency Clause.

A BILL FOR AN ACT relating to insurance; to amend sections 44-2706, 44-2707, 44-2708, 44-2709, 44-2713, 44-2718, and 44-2719.01, Reissue Revised Statutes of Nebraska, and sections 44-2702, 44-2703, and 44-2719.02, Revised Statutes Cumulative Supplement, 2018; to change provisions of the Nebraska Life and Health Insurance Guaranty Association Act; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Chambers Hughes

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 185.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1344 and 77-1347, Reissue Revised Statutes of Nebraska; to change provisions relating to the special valuation of agricultural or horticultural land; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Chambers Hughes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 203.

A BILL FOR AN ACT relating to the Music Licensing Agency Act; to amend section 59-1402, Revised Statutes Cumulative Supplement, 2018; to redefine a term; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Morfeld

Excused and not voting, 2:

Chambers Hughes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 235.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-168.06, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to prohibited acts; to change exceptions for making and serving certain types of alcoholic liquor by nonlicensed persons as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Present and not voting, 2:

La Grone Morfeld

Excused and not voting, 2:

Chambers Hughes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 333.

A BILL FOR AN ACT relating to the Nebraska Milk Act; to amend sections 2-3965, 2-3966, and 2-3982, Revised Statutes Cumulative Supplement, 2018; to update federal references; to redefine a term; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Howard

Excused and not voting, 2:

Chambers Hughes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 372.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1363, Reissue Revised Statutes of Nebraska; to change provisions relating to classes and subclasses of agricultural land and horticultural land; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Chambers Hughes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB380 with 32 ayes, 12 nays, 3 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 380.

A BILL FOR AN ACT relating to the Nebraska Property and Liability Insurance Guaranty Association Act; to amend sections 44-2401, 44-2403, 44-2406, 44-2407, 44-2409, 44-2410, 44-2411, 44-2415, and 44-2418, Reissue Revised Statutes of Nebraska; to redefine terms; to change obligations for covered claims; to change powers and duties of the Nebraska Property and Liability Guaranty Association and the Director of Insurance as prescribed; to change provisions relating to the exhaustion of remedies by

claimants; to provide for a stay in proceedings; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Chambers Hughes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 406. With Emergency Clause.

A BILL FOR AN ACT relating to the Uniform Disposition of Unclaimed Property Act; to amend sections 24-345, 25-2717, 69-1311, 69-1317, and 69-1321, Reissue Revised Statutes of Nebraska; to change provisions relating to abandoned property notices, disposition of funds, transfers of funds, and duties of the State Treasurer; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Cavanaugh

Excused and not voting, 2:

Chambers Hughes

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB469 with 36 ayes, 5 nays, 6 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 469.

A BILL FOR AN ACT relating to insurance; to amend sections 44-5501, 44-5507, 44-7508.02, 44-7513, and 44-7514, Reissue Revised Statutes of Nebraska, and sections 44-5502 and 44-5508, Revised Statutes Cumulative Supplement, 2018; to define a term; to authorize domestic surplus lines insurers as prescribed and change requirements for nonadmitted insurers under the Surplus Lines Insurance Act; to eliminate requirements for the adoption of certain rules and regulations and change provisions relating to exemptions from policy form approval under the Property and Casualty Insurance Rate and Form Act; to eliminate provisions relating to employee benefit plans; to harmonize provisions; to repeal the original sections; and to outright repeal sections 44-213.01, 44-213.02, 44-213.03, 44-213.04, 44-213.05, 44-213.06, 44-213.07, and 44-7512, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure

having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Cavanaugh

Excused and not voting, 2:

Chambers Hughes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB622 with 40 ayes, 4 nays, 3 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 622.

A BILL FOR AN ACT relating to the Public Funds Deposit Security Act; to amend sections 77-2386, 77-2387, 77-2388, 77-2392, 77-2394, 77-2395, 77-2396, 77-2397, 77-2398, 77-2399, 77-23,100, 77-23,101, and 77-23,102, Reissue Revised Statutes of Nebraska; to define terms; to change provisions relating to securing deposits, setting deposit guaranty bond and securities values, designating duties, and default procedures; to provide for pooled collateral; to provide powers and duties for the Director of Banking and Finance; to provide immunity for the director and administrator as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Present and not voting, 2:

Cavanaugh Walz

Excused and not voting, 2:

Chambers Hughes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 624.

A BILL FOR AN ACT relating to the Nebraska Craft Brewery Board; to amend section 53-502, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to terms of office; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Present and not voting, 2:

Cavanaugh Walz

Excused and not voting, 2:

Chambers Hughes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR1CA and LBs 22, 60, 74, 80, 81, 111, 192, 192A, 200, 256, 307, 52, 152, 214, 223, 442, 536, 25, 25A, 103, 119, 159, 185, 203, 235, 333, 372, 380, 406, 469, 622, and 624.

SELECT FILE

LEGISLATIVE BILL 224. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 16. Senator Briese offered the following amendment:

AM636

1 1. On page 4, strike lines 1 through 21 and insert the following new
 2 subdivision:
 3 "(9) Information that relates details of physical and cyber assets
 4 of critical energy infrastructure or critical electric infrastructure,
 5 including (a) specific engineering, vulnerability, or detailed design
 6 information about proposed or existing critical energy infrastructure or
 7 critical electric infrastructure that (i) relates details about the
 8 production, generation, transportation, transmission, or distribution of
 9 energy, (ii) could be useful to a person in planning an attack on such
 10 critical infrastructure, and (iii) does not simply give the general
 11 location of the critical infrastructure and (b) the identity of personnel

12 whose primary job function makes such personnel responsible for (i)
13 providing or granting individuals access to physical or cyber assets or
14 (ii) operating and maintaining physical or cyber assets, if a reasonable
15 person, knowledgeable of the electric utility or energy industry, would
16 conclude that the public disclosure of such identity could create a
17 substantial likelihood of risk to such physical or cyber assets.
18 Subdivision (9)(b) of this section shall not apply to the identity of a
19 chief executive officer, general manager, vice president, or board member
20 of a public entity that manages critical energy infrastructure or
21 critical electric infrastructure. The lawful custodian of the records
22 must provide a detailed job description for any personnel whose identity
23 is withheld pursuant to subdivision (9)(b) of this section. For purposes
24 of subdivision (9) of this section, critical energy infrastructure and
25 critical electric infrastructure mean existing and proposed systems and
26 assets, including a system or asset of the bulk-power system, whether
27 physical or virtual, the incapacity or destruction of which would
1 negatively affect security, economic security, public health or safety,
2 or any combination of such matters;"

The Briese amendment was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 116. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 145. ER37, found on page 606, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 384. ER39, found on page 606, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 660. ER38, found on page 606, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 660A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 486. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 254. ER40, found on page 611, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 48. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 112. ER42, found on page 638, was adopted.

Senator Howard offered her amendment, AM526, found on page 697.

The Howard amendment was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 112A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 29. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 575. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 125. ER41, found on page 638, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 284. ER44, found on page 729, was adopted.

Senator Linehan offered the following amendment:

AM643

(Amendments to Standing Committee amendments, AM392)

- 1 1. On page 8, line 7, strike "or" and show as stricken; in line 11
- 2 strike the period, show as stricken, and insert "; or"; and after line 11
- 3 insert the following new subdivision:
- 4 "(e) Any payment processor appointed by a retailer whose sole
- 5 activity with regard to a sale or lease transaction is to process the
- 6 payment made from the customer to the retailer."
- 7 2. On page 9, line 15, after the period insert "Such retailer shall
- 8 also be subject to the Local Option Revenue Act and sections 13-319 and
- 9 13-2813 and shall collect and remit the sales tax due under such act and
- 10 sections."
- 11 3. On page 15, line 15, strike "jointly"; and after line 16 insert
- 12 the following new subdivision:
- 13 "(f) A multivendor marketplace platform is relieved of its
- 14 obligation to collect and remit the correct amount of state and local
- 15 sales taxes to Nebraska to the extent that the multivendor marketplace

16 platform can establish that the error was due to insufficient or
 17 incorrect information given to the multivendor marketplace platform by
 18 the seller and relied on by the multivendor marketplace platform. This
 19 subdivision shall not apply if the multivendor marketplace platform and
 20 the seller are related persons under either section 267(b) or (c) or
 21 section 707(b) of the Internal Revenue Code of 1986 or if the seller is
 22 also the multivendor marketplace platform operator."

The Linehan amendment was adopted with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 399. ER43, found on page 639, was adopted.

Senator Chambers withdrew his amendment, FA15, found on page 574.

Senator Hunt offered her amendment, AM443, found on page 575.

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

Senator Chambers requested a record vote on the Hunt amendment.

Voting in the affirmative, 12:

| | | | |
|-----------|----------|----------------|---------|
| Bolz | Howard | Morfeld | Vargas |
| Cavanaugh | Hunt | Pansing Brooks | Wayne |
| Chambers | Kolowski | Quick | Wishart |

Voting in the negative, 31:

| | | | | |
|-----------|----------|------------|-----------|----------|
| Albrecht | Clements | Groene | Lathrop | Scheer |
| Arch | DeBoer | Halloran | Lindstrom | Slama |
| Blood | Dorn | Hansen, B. | Linehan | Williams |
| Bostelman | Erdman | Hilgers | Lowe | |
| Brandt | Friesen | Hilkemann | McDonnell | |
| Brewer | Geist | Kolterman | Moser | |
| Briese | Gragert | La Grone | Murman | |

Present and not voting, 2:

Crawford Hansen, M.

Excused and not voting, 4:

Hughes McCollister Stinner Walz

The Hunt amendment lost with 12 ayes, 31 nays, 2 present and not voting, and 4 excused and not voting.

Pending.

The Chair declared the call raised.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 7, 2019, at 10:50 a.m. were the following: LBs 22, 60, 74, 80, 81, 111, 192, 192A, 200, 256e, 307, 52, 152, 214, 223, 442, 536, 25, 25A, 103e, 119, 159e, 185, 203, 235, 333, 372, 380, 406e, 469, 622, and 624.

(Signed) Laura Gerkin
Clerk of the Legislature's Office

PRESENTED TO THE SECRETARY OF STATE

Presented to the Secretary of State on March 7, 2019, at 10:40 a.m. was the following: LR1CA.

(Signed) Laura Gerkin
Clerk of the Legislature's Office

AMENDMENT(S) - Print in Journal

Senator Hilkemann filed the following amendment to LB716:
AM524

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Sections 1 to 8 of this act shall be known and may be
4 cited as the Health Information Initiative Act.
5 Sec. 2. The purpose of the Health Information Initiative Act is to
6 require the chief executive officer of the Department of Health and Human
7 Services to designate a health information exchange to provide the data
8 infrastructure needed to assist in operating the medical assistance
9 program by facilitating health record interoperability, care
10 coordination, care transition management, and related systems integrator
11 services.
12 Sec. 3. For purposes of the Health Information Initiative Act:
13 (1) Department means the Department of Health and Human Services;
14 and
15 (2) Designated health information exchange means the entity selected
16 pursuant to section 7 of this act.
17 Sec. 4. Subject to oversight and approval by the department as
18 required by applicable law, the designated health information exchange
19 shall provide the governance oversight necessary to ensure that any
20 health information in the designated health information exchange received
21 from or on behalf of the department may be accessed, used, or disclosed

22 only in accordance with the privacy and security protections set forth in
23 the federal Health Insurance Portability and Accountability Act of 1996,
24 Public Law 104-191, and regulations promulgated thereunder, as such act
25 and regulations existed on January 1, 2019, and in compliance with
26 sections 81-663 to 81-675 or the laws governing a specific registry or
27 set of health data, as well as all other applicable laws. All protected
1 health information and personally identifiable information provided to
2 the designated health information exchange is confidential and not a
3 public record.

4 Sec. 5. The department shall, to the extent allowed by applicable
5 law, provide the designated health information exchange with data related
6 to health care delivery and claims which is collected by the Division of
7 Medicaid and Long-Term Care of the department and the Division of Public
8 Health of the department and other departmental data sets in order for
9 the designated health information exchange to carry out the purpose of
10 the Health Information Initiative Act. This section applies only to
11 health care delivery and claims related data and does not apply to
12 administrative data sets that do not inform health care delivery. The
13 department and the designated health information exchange may clarify
14 operational parameters by supplemental agreements.

15 Sec. 6. To the extent allowed by applicable law, each health care
16 facility as defined in section 71-413, home health service, laboratory,
17 medicaid managed care organization, federally qualified health center,
18 rural health clinic, local public health department, and other health
19 care entity providing health care in Nebraska shall participate in and
20 connect to the designated health information exchange in order to share
21 clinical information pursuant to common data exchange standards. If such
22 facility or entity is unable to connect to the designated health
23 information exchange, the entity may submit a waiver request to the
24 department and the designated health information exchange for
25 consideration. The designated health information exchange shall provide
26 validation to the department regarding any technical inability of such
27 facility or entity to connect to the designated health information
28 exchange. If the designated health information exchange validates such
29 technical inability, the department may approve such waiver.

30 Sec. 7. The chief executive officer of the department shall select
31 the designated health information exchange.

1 Sec. 8. The Health Information Initiative Fund is created. The fund
2 shall consist of funds appropriated by the Legislature for the Health
3 Information Initiative Act. The fund may receive funds from health care
4 facilities and entities described in section 6 of this act, private
5 funds, donations, or other sources of funding. Any money in the Health
6 Information Initiative Fund available for investment shall be invested by
7 the state investment officer pursuant to the Nebraska Capital Expansion
8 Act and the Nebraska State Funds Investment Act.

Senator Williams filed the following amendment to LB463:
AM553

1 1. On page 8, line 5, strike "subsection", show as stricken, and
2 insert "subsections" and after "(2)" insert "and (3)"; and after line 15
3 insert the following new subsection:

4 "(3) Tax sale certificates sold and issued between January 1, 2017,
 5 and the effective date of this act shall be governed by the laws and
 6 statutes that are in effect on the effective date of this act with regard
 7 to all matters relating to tax deed proceedings, including noticing and
 8 application, and foreclosure proceedings."

Senator Quick filed the following amendment to LB269:
 AM611 is available in the Bill Room.

Senator Linehan filed the following amendment to LB610:
 AM481 is available in the Bill Room.

Senator McDonnell filed the following amendment to LB445:
 AM641
 (Amendments to Standing Committee amendments, AM520)
 1 1. On page 2, line 21, strike "sixty" and insert "ninety".

Senator Slama filed the following amendment to LB399:
 AM617
 (Amendments to E&R amendments, ER43)
 1 1. On page 5, strike beginning with the comma in line 27 through
 2 "dismissal" in line 30, show the old matter as stricken, and insert ".
 3 Neglect thereof by any employee may be considered a cause for dismissal".

Senator Vargas filed the following amendment to LB399:
 AM565
 (Amendments to E&R amendments, ER43)
 1 1. On page 3, line 4, after "student" insert ", except for any
 2 student receiving specialized instruction for limited English proficiency
 3 who has been receiving such instruction for less than two years, any
 4 student receiving special education services for whom such curriculum
 5 requirement would conflict with the individualized education plan, and
 6 any student receiving services under a plan pursuant to the requirements
 7 of section 504 of the federal Rehabilitation Act of 1973, 29 U.S.C. 794,
 8 or Title II of the federal Americans with Disabilities Act of 1990, 42
 9 U.S.C. 12131 to 12165, as such acts and sections existed on January 1,
 10 2019, for whom such curriculum requirement would conflict with such
 11 section 504 or Title II plan".

Senator Chambers filed the following amendment to LB399:
 FA20
 Amend ER43
 Page 1, line 5 strike "are" and insert "be".

MOTION(S) - Print in Journal

Senator Chambers filed the following motion to LB399:
 MO21
 Recommit to the Education Committee.

NOTICE OF COMMITTEE HEARING(S)

Health and Human Services

Room 1510

Friday, March 15, 2019 1:30 p.m.

AM524 to LB716

Thursday, March 28, 2019 1:00 p.m.

Community Services Block Grant Briefing

(Signed) Sara Howard, Chairperson

Education

Room 1525

Monday, March 18, 2019 1:30 p.m.

LB668

LB640

LB537

LB568

Tuesday, March 19, 2019 1:30 p.m.

LB679

LB647

LB350

LB351

(Signed) Mike Groene, Chairperson

Revenue

Room 1524

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

AM481

Note: Amendment to LB610

(Signed) Lou Ann Linehan, Chairperson

COMMITTEE REPORT(S)

Business and Labor

LEGISLATIVE BILL 305. Placed on General File with amendment.

AM592

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

3 Section 1. Sections 1 to 9 of this act shall be known and may be
4 cited as the Healthy and Safe Families and Workplaces Act.

5 Sec. 2. For purposes of the Healthy and Safe Families and
6 Workplaces Act:

7 (1) Commissioner means the Commissioner of Labor;

8 (2) Department means the Department of Labor;

9 (3) Domestic abuse means any behavior within an intimate
10 relationship that causes physical, psychological, or emotional harm to
11 those in the relationship, including behavior that causes the employee
12 fear or concern for his or her own safety or the safety of someone close
13 to the employee or behavior done with the intent to harm or exert control
14 over the employee;

15 (4) Domestic assault means domestic assault in the first, second, or
16 third degree under section 28-323 or any similar crime committed in
17 another state;

18 (5) Employee means any individual employed by an employer who
19 receives compensation from such employer and includes recipients of
20 public benefits who are engaged in work activity as a condition of
21 receiving public assistance. Employee includes both full-time and part-
22 time employees. Employee does not include a minor child employed by his
23 or her parent.

24 (6) Employer includes any individual, partnership, limited liability
25 company, association, corporation, business trust, legal representative,
26 or any organized group of persons employing four or more employees at any
27 one time, excluding any employees who work no more than twenty weeks in
1 any calendar year, but does not include the United States, the State of
2 Nebraska, or any political subdivision thereof;

3 (7) Family member means:

4 (a) A biological, adopted, or foster child, a stepchild, or a legal
5 ward of an employee or the employee's spouse or a person to whom the
6 employee or the employee's spouse stood in loco parentis when such person
7 was a minor child, regardless of the age or dependency status of such
8 child, stepchild, legal ward, or person;

9 (b) A biological, adoptive, or foster parent, a stepparent, or a
10 legal guardian of an employee or the employee's spouse or a person who
11 stood in loco parentis to the employee or the employee's spouse when the
12 employee or the employee's spouse was a minor child;

13 (c) An employee's spouse; or

14 (d) A grandparent, grandchild, or sibling, whether of a biological,
15 foster, adoptive, or step relationship, of the employee or the employee's
16 spouse;

17 (8) Health care professional means any person licensed under federal

18 or state law to provide medical or emergency services, including, but not
19 limited to, doctors, nurses, and emergency room personnel;

20 (9) Paid sick and safe time means time that is compensated at the
21 same hourly rate and with the same benefits, including health care
22 benefits, as the employee normally earns during hours worked and is
23 provided by an employer to an employee for the purposes described in
24 section 4 of this act, but in no case shall the hourly wage be less than
25 that provided under the Wage and Hour Act;

26 (10) Sexual assault means sexual assault under section 28-319 or
27 28-320, sexual assault of a child under section 28-319.01 or 28-320.01,
28 sexual assault by use of an electronic communication device under section
29 28-320.02, or any similar crime committed in another state; and

30 (11) Stalking means stalking under section 28-311.03 or any similar
31 crime committed in another state.

1 Sec. 3. (1) Employees shall accrue a minimum of one hour of paid
2 sick and safe time for every thirty hours worked. Such employees shall
3 not accrue more than forty hours of paid sick and safe time in a calendar
4 year unless the employer selects a higher limit.

5 (2) Employees who are exempt from overtime requirements under 29
6 U.S.C. 213(a)(1) shall be assumed to work forty hours in each work week
7 for purposes of paid sick and safe time accrual unless their normal work
8 week is less than forty hours, in which case paid sick and safe time
9 accrues based upon that normal work week.

10 (3) Paid sick and safe time accrual shall begin at the commencement
11 of employment.

12 (4) Employees shall be entitled to use accrued paid sick and safe
13 time beginning on the sixtieth calendar day following commencement of
14 employment. After the sixtieth calendar day, employees may use paid sick
15 and safe time as it is accrued.

16 (5) Paid sick and safe time shall be carried over to subsequent
17 calendar years, except that an employee's use of paid sick and safe time
18 in each calendar year shall not exceed forty hours unless the employer
19 selects a higher limit.

20 (6) Any employer with a paid leave policy, such as a paid time off
21 policy, who makes available an amount of paid leave which is sufficient
22 to meet the accrual requirements for paid sick and safe time under this
23 section and which may be used for the same purposes and under the same
24 conditions as paid sick and safe time under the Healthy and Safe Families
25 and Workplaces Act is not required to provide additional paid sick and
26 safe time.

27 (7) Nothing in this section shall be construed as requiring
28 financial or other reimbursement to an employee from an employer upon the
29 employee's termination, resignation, retirement, or other separation from
30 employment for accrued paid sick and safe time that has not been used.

31 (8) If an employee is transferred to a separate division, entity, or
1 location, but remains employed by the same employer, the employee shall
2 be entitled to all paid sick and safe time accrued at the prior division,
3 entity, or location and is entitled to use all paid sick and safe time as
4 provided in this section. When there is a separation from employment and

5 the employee is rehired within six months after separation by the same
6 employer, previously accrued paid sick and safe time that had not been
7 used shall be reinstated, and the employee shall be entitled to use
8 accrued paid sick and safe time and accrue additional paid sick and safe
9 time at the recommencement of employment.

10 (9) At its discretion, the employer may loan paid sick and safe time
11 to the employee in advance of accrual by such employee.

12 Sec. 4. (1) An employer shall allow an employee to use paid sick
13 and safe time for:

14 (a) An employee's mental or physical illness, injury, or health
15 condition; an employee's need for medical diagnosis, care, or treatment
16 of a mental or physical illness, injury, or health condition; or an
17 employee's need for preventive medical care;

18 (b) Care of a family member with a mental or physical illness,
19 injury, or health condition; care of a family member who needs medical
20 diagnosis, care, or treatment of a mental or physical illness, injury, or
21 health condition; or care of a family member who needs preventive medical
22 care; or

23 (c) Absence necessary due to domestic abuse, domestic assault,
24 sexual assault, or stalking, regardless of whether a charge has been
25 filed or a conviction has been obtained, if the leave is to allow the
26 employee to obtain any of the following for the employee or the
27 employee's family member:

28 (i) Medical attention needed to recover from physical or
29 psychological injury or disability caused by such domestic abuse,
30 domestic assault, sexual assault, or stalking;

31 (ii) Services from a victim services organization;

1 (iii) Psychological or other counseling;

2 (iv) Relocation due to the domestic abuse, domestic assault, sexual
3 assault, or stalking; or

4 (v) Legal services, including preparing for or participating in any
5 civil or criminal legal proceeding relating to or resulting from the
6 domestic abuse, domestic assault, sexual assault, or stalking.

7 (2) Paid sick and safe time shall be provided upon the oral request
8 of an employee as soon as practicable after the employee is aware of the
9 need for such paid sick and safe time. The request shall include the
10 expected duration of the absence, if reasonably possible.

11 (3) An employer cannot require, as a condition of an employee's
12 taking paid sick and safe time, that the employee search for or find a
13 replacement worker to cover the hours during which the employee is on
14 paid sick and safe time.

15 (4) Accrued paid sick and safe time may be used in the smaller of
16 hourly increments or the smallest increment that the employer's payroll
17 system uses to account for absences or use of other time.

18 (5)(a) If the use of paid sick and safe time exceeds more than three
19 consecutive workdays, an employer may require reasonable documentation
20 that the paid sick and safe time has been used for a purpose described in
21 subsection (1) of this section.

22 (b) Documentation signed by a health care professional indicating

23 that sick time is necessary shall be considered reasonable documentation.

24 (c) The following documentation shall be considered reasonable
25 documentation for absences due to domestic abuse, domestic assault,
26 sexual assault, or stalking:

27 (i) A police report indicating that the employee or his or her
28 family member was a victim of domestic abuse, domestic assault, sexual
29 assault, or stalking;

30 (ii) A court order protecting or separating the employee or his or
31 her family member from the perpetrator of an act of domestic abuse,
1 domestic assault, sexual assault, or stalking or other evidence from the
2 court or prosecuting attorney that the employee or his or her family
3 member has appeared in court or is scheduled to appear in court in a
4 proceeding related to the domestic abuse, domestic assault, sexual
5 assault, or stalking; or

6 (iii) Other documentation signed by an advocate as defined in
7 section 29-4302, an attorney, a police officer, a licensed mental health
8 professional, a medical professional, a social worker, an antiviolence
9 counselor, or a member of the clergy affirming that the employee or his
10 or her family member is a victim of domestic abuse, domestic assault,
11 sexual assault, or stalking.

12 (d) The employee may choose the type of applicable documentation to
13 submit and the employer shall not require more than one type of
14 reasonable documentation for the same incident.

15 (e) An employer shall not require that the documentation explain the
16 nature of the illness or the details of the domestic abuse, domestic
17 assault, sexual assault, or stalking.

18 (f) If required by the employer, the employee shall provide such
19 reasonable documentation to the employer no later than thirty days after
20 the first day of the period of time for which the employee is requesting
21 paid sick and safe time. The employer shall not delay the commencement of
22 paid sick and safe time on the basis that the employer has not yet
23 received the documentation.

24 (6) Any information provided to an employer regarding paid sick and
25 safe time shall be confidential except to the extent that any disclosure
26 of such information is:

27 (a) Requested or consented to in writing by the employee;

28 (b) Otherwise required by federal or state law; or

29 (c) Necessary to prevent a clear and definite danger to other
30 employees.

31 Sec. 5. (1) It shall be unlawful for an employer or any other
1 person to interfere with, restrain, or deny the exercise of, or the
2 attempt to exercise, any right protected under the Healthy and Safe
3 Families and Workplaces Act.

4 (2) An employer shall not take retaliatory personnel action or
5 discriminate against an employee because the employee has exercised
6 rights protected under the act. Such rights include, but are not limited
7 to, the right to use paid sick and safe time pursuant to the act, the
8 right to file a complaint or inform any person about any employer's
9 alleged violation of the act, the right to cooperate with the department

10 in its investigations of alleged violations of the act, and the right to
11 inform any person of his or her potential rights under the act.
12 (3) It is unlawful for an employer's absence control policy to count
13 paid sick and safe time taken under the act as an absence that may lead
14 to or result in discipline, discharge, demotion, suspension, or any other
15 adverse action.
16 (4) Protections under this section shall apply to any person who
17 mistakenly but in good faith alleges violations of the act.
18 Sec. 6. Employers shall give notice at the time of hire that
19 employees are entitled to paid sick and safe time, the amount of paid
20 sick and safe time, the terms of use for paid sick and safe time
21 guaranteed under the Healthy and Safe Families and Workplaces Act, that
22 retaliation against employees who request or use paid sick and safe time
23 is prohibited, and that each employee has the right to file a complaint
24 or bring a civil action if paid sick and safe time is denied by the
25 employer or the employee is retaliated against for exercising his or her
26 rights under the act.
27 Sec. 7. (1) An employee or other person may report to the
28 commissioner any suspected violation of the Healthy and Safe Families and
29 Workplaces Act. The commissioner shall encourage reporting pursuant to
30 this subsection by keeping confidential, to the maximum extent permitted
31 by applicable law, the name and other identifying information of the
1 employee or person reporting the suspected violation, except that with
2 the authorization of such person, the commissioner may disclose the
3 person's name and identifying information as necessary to enforce the act
4 or for other appropriate purposes. The commissioner may summon witnesses
5 and require the production of records, books, and documents for
6 examination in any investigation conducted by the department pursuant to
7 this section. The commissioner shall assess an administrative penalty
8 against an employer when an investigation reveals that the employer
9 violated the act. The administrative penalty shall be not more than five
10 hundred dollars in the case of a first violation and not more than five
11 thousand dollars in the case of a second or subsequent violation. The
12 commissioner shall notify the employer of the proposed administrative
13 penalty by certified mail or any other manner of delivery by which the
14 United States Postal Service can verify delivery. The employer shall have
15 fifteen working days after the date the commissioner sends notification
16 of the penalty to contest such penalty. Notice of contest shall be sent
17 to the commissioner who shall provide a hearing in accordance with the
18 Administrative Procedure Act.
19 (2) Any person aggrieved by a violation of the Health and Safe
20 Families and Workplaces Act or any entity, a member of which is aggrieved
21 by a violation of the act, may bring a civil action in a court of
22 competent jurisdiction against an employer who violates the act. The
23 action may be brought without first filing an administrative complaint.
24 Upon prevailing in an action brought pursuant to this subsection, an
25 aggrieved person shall recover:
26 (a) The full amount of any unpaid sick and safe time; and
27 (b) Attorney's fees and costs associated with the action.

28 Sec. 8. (1) Nothing in the Healthy and Safe Families and Workplaces
 29 Act shall be construed to discourage or prohibit an employer from the
 30 adoption or retention of a paid sick and safe time policy that is more
 31 generous than the policy required by the act.

1 (2) The act provides minimum requirements pertaining to paid sick
 2 and safe time and shall not be construed to preempt, limit, or otherwise
 3 affect the applicability of any other law, rule, regulation, requirement,
 4 policy, contract, or standard that provides for greater accrual or use by
 5 employees of sick and safe time, whether paid or unpaid, or that extends
 6 other protections to employees.

7 Sec. 9. The department shall administer and enforce the Healthy and
 8 Safe Families and Workplaces Act and may adopt and promulgate rules and
 9 regulations to carry out the purposes of the act.

10 Sec. 10. If any section in this act or any part of any section is
 11 declared invalid or unconstitutional, the declaration shall not affect
 12 the validity or constitutionality of the remaining portions.

LEGISLATIVE BILL 311. Placed on General File with amendment.
 AM570 is available in the Bill Room.

(Signed) Matt Hansen, Chairperson

Urban Affairs

LEGISLATIVE BILL 87. Placed on General File.

LEGISLATIVE BILL 520. Placed on General File.

LEGISLATIVE RESOLUTION 14CA. Placed on General File.

(Signed) Justin Wayne, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 40. Introduced by Bolz, 29.

WHEREAS, Matthew Texel, a member of Troop 25 of Lincoln, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Throughout their scouting experience, these young men have learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 13 of which are in required areas, and complete an approved community service project; and

WHEREAS, Matthew displayed his commitment to community service by installing two concrete pad park benches along two locations on the Tierra Williamsburg Trail in the commons area of the Pine Lake Heights Homeowners Association; and

WHEREAS, Matthew, through his hard work and perseverance has joined other high achievers who are Eagle Scouts, including astronauts, leaders of government and industry, artists, scientists, and athletes.

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

1. That the Legislature congratulates Matthew Texel on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Matthew Texel.

Laid over.

EXPLANATION(S) OF VOTE(S)

Had I been present, I would have voted "aye" on final passage of LR1CA.

(Signed) Ernie Chambers

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Geist name added to LB103.
Senator Hilgers name added to LB103.

WITHDRAW - Cointroducer(s)

Senator Morfeld name withdrawn from LB720.

VISITOR(S)

Visitors to the Chamber were members of Lincoln's Young Professionals Group; and Brent and Tami Martin from Lincoln.

ADJOURNMENT

At 11:48 a.m., on a motion by Senator Quick, the Legislature adjourned until 9:00 a.m., Tuesday, March 12, 2019.

Patrick J. O'Donnell
Clerk of the Legislature

