

FORTY-THIRD DAY - MARCH 18, 2019

LEGISLATIVE JOURNAL

**ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION**

FORTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 18, 2019

PRAYER

The prayer was offered by Pastor Kent Rogers, Grace United Methodist Church, Hastings.

ROLL CALL

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

The roll was called and all members were present except Senators Bolz, Briese, Howard, Morfeld, and Walz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-second day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 15, 2019, at 12:00 p.m. were the following: LBs 8, 16, 29, 48, 112, 112A, 116, 124e, 125, 127, 139, 145, 156, 160, 195, 224, 284e, 302e, 319, 384, 486, 575, 660e, 660Ae, and 699.

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

RESOLUTION(S)

LEGISLATIVE RESOLUTION 43. Introduced by Kolterman, 24.

WHEREAS, the women's basketball team of Concordia University won the 2019 National Association of Intercollegiate Athletics (NAIA) Division II Women's Basketball National Championship with a season record of 38-3; and

WHEREAS, the Concordia Bulldogs defeated the Southeastern University Fire with a score of 67-59; and

WHEREAS, the title victory is the first for Concordia University women's basketball; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the students of Concordia University.

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

1. That the Legislature congratulates the Concordia University women's basketball team for an outstanding season and for winning the 2019 NAIA Division II national championship title.

2. That a copy of this resolution be sent to Concordia University and Coach Drew Olson.

Laid over.

LEGISLATIVE RESOLUTION 44. Introduced by Kolterman, 24.

WHEREAS, Luke Daniel Landkamer, a member of Troop 290 of Milford, 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, Luke displayed his commitment to community service by replacing and improving the flag pole at Milford High School's track and football field; and

WHEREAS, Luke, through his hard work and perseverance, will join 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 Luke Daniel Landkamer on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Luke Daniel Landkamer.

Laid over.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 39 and 40 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 39 and 40.

MOTION(S) - Confirmation Report(s)

Senator Halloran moved the adoption of the Agriculture Committee reports for the confirmation of the following appointment(s) found on pages 833 and 834:

- Nebraska State Fair Board
- Chris Kircher
- Dawn Caldwell
- Jeremy Jensen

Voting in the affirmative, 40:

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

Voting in the negative, 0.

Present and not voting, 4:

Hansen, M.	Lindstrom	Moser	Wayne
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Excused and not voting, 5:

Bolz	Briese	Howard	Morfeld	Walz
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The appointments were confirmed with 40 ayes, 0 nays, 4 present and not voting, and 5 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 619. Title read. Considered.

Committee AM287, found on page 808, was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

NOTICE OF COMMITTEE HEARING(S)

Appropriations

Room 1003

Wednesday, March 27, 2019 1:30 p.m.

Agency 3 - Legislative Council (cancel)

Room 1524

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

Agency 3 - Legislative Council

(Signed) John Stinner, Chairperson

ANNOUNCEMENT(S)

Priority designation(s) received:

Scheer - LB481

Walz - LB570

EXPLANATION(S) OF VOTE(S)

Had I been present, I would have voted "aye" on final passage of LBs 48, 112, 112A, 116, 125, 145, 224, 384, 486, 575, 660, and 660A.

(Signed) Matt Hansen

GENERAL FILE**LEGISLATIVE BILL 511.** Title read. Considered.

Committee AM672, found on page 799, was adopted with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 34. Title read. Considered.

Committee AM591, found on page 801, was adopted with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 348. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 405. Title read. Considered.

Senator Hunt moved for a call of the house. The motion prevailed with 16 ayes, 4 nays, and 29 not voting.

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

Voting in the affirmative, 25:

Blood	DeBoer	Hunt	Morfeld	Vargas
Bolz	Dorn	Kolowski	Pansing Brooks	Walz
Cavanaugh	Hansen, M.	Kolterman	Quick	Wayne
Chambers	Hilkemann	Lathrop	Scheer	Williams
Crawford	Howard	McCollister	Stinner	Wishart

Voting in the negative, 8:

Albrecht	Clements	Friesen	Lowe
Brewer	Erdman	Groene	Moser

Present and not voting, 14:

Arch	Briese	Hansen, B.	La Grone	Murman
Bostelman	Geist	Hilgers	Lindstrom	Slama
Brandt	Halloran	Hughes	Linehan	

Absent and not voting, 1:

McDonnell

Excused and not voting, 1:

Gragert

Advanced to Enrollment and Review Initial with 25 ayes, 8 nays, 14 present and not voting, 1 absent and not voting, and 1 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 130. Title read. Considered.

Committee AM298, found on page 567, was offered.

Senator Wayne moved for a call of the house. The motion prevailed with 13

ayes, 2 nays, and 34 not voting.

The committee amendment was adopted with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator DeBoer moved for a call of the house. The motion prevailed with 17 ayes, 1 nay, and 31 not voting.

Senator DeBoer requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 35:

Blood	DeBoer	Howard	Linehan	Scheer
Bolz	Dorn	Hunt	McCollister	Slama
Bostelman	Friesen	Kolowski	McDonnell	Vargas
Brandt	Halloran	Kolterman	Morfeld	Walz
Cavanaugh	Hansen, B.	La Grone	Moser	Wayne
Chambers	Hansen, M.	Lathrop	Pansing Brooks	Williams
Crawford	Hilkemann	Lindstrom	Quick	Wishart

Voting in the negative, 5:

Albrecht	Briese	Clements	Erdman	Lowe
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Present and not voting, 5:

Arch	Geist	Hilgers	Hughes	Murman
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Excused and not voting, 4:

Brewer	Gragert	Groene	Stinner
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Advanced to Enrollment and Review Initial with 35 ayes, 5 nays, 5 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 130A. Title read. Considered.

Senator DeBoer moved for a call of the house. The motion prevailed with 22 ayes, 1 nay, and 26 not voting.

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 570A. Introduced by Walz, 15.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 570, One Hundred Sixth Legislature, First Session, 2019; and to declare an emergency.

COMMITTEE REPORT(S)

Executive Board

LEGISLATIVE BILL 600. Placed on General File.

LEGISLATIVE BILL 713. Placed on General File.

LEGISLATIVE BILL 566. Placed on General File with amendment.
AM454

1 1. Strike original section 1 and insert the following new section:
2 Section 1. The Department of Insurance shall notify the chairperson
3 and members of the Banking, Commerce and Insurance Committee of the
4 Legislature prior to submitting any request or application to the Centers
5 for Medicare and Medicaid Services of the United States Department of
6 Health and Human Services for a state innovation waiver under section
7 1332 of the federal Patient Protection and Affordable Care Act. Such
8 notification shall be made electronically and shall include a copy of the
9 application for the federal waiver. The Banking, Commerce and Insurance
10 Committee of the Legislature shall hold a public hearing on such waiver
11 application.

(Signed) Mike Hilgers, Chairperson

Judiciary

LEGISLATIVE BILL 44. Placed on General File.

LEGISLATIVE BILL 231. Placed on General File.

LEGISLATIVE BILL 352. Placed on General File with amendment.
AM761

1 1. Strike original sections 6 and 8 and insert the following new
2 sections:
3 Sec. 6. If a jailhouse informant receives leniency related to a
4 pending charge, a conviction, or a sentence for a crime against a victim
5 as defined in section 29-119, in connection with offering or providing
6 testimony against a suspect or defendant, the prosecutor shall notify
7 such victim. Prior to reaching a plea agreement, the prosecutor shall
8 proceed as provided in subsection (1) of section 23-1201. For purposes of
9 this section, leniency means any plea bargain, reduced or dismissed

10 charges, bail consideration, or reduction or modification of sentence.
 11 Sec. 7. Upon motion of the defendant, the court shall conduct a
 12 hearing to determine whether the testimony or statement of a jailhouse
 13 informant should be admissible. The court may hear live testimony from
 14 the jailhouse informant or may receive written statements or deposition
 15 testimony from the jailhouse informant. The burden of proof shall be on
 16 the state. If the court finds by a preponderance of the evidence that the
 17 jailhouse informant's testimony or statement is significantly lacking in
 18 reliability, the court shall not allow the testimony or statement to be
 19 presented at trial. In making its determination under this section, the
 20 court may consider:
 21 (1) The factors enumerated in subsection (1) of section 5 of this
 22 act;
 23 (2) The relationship between the defendant and the jailhouse
 24 informant, including the amount of time they were incarcerated in the
 25 same jail or correctional institution or the same custodial section of a
 26 jail or correctional institution;
 27 (3) The substance, time, place, and manner of any statement
 1 allegedly made by the defendant to the jailhouse informant, including the
 2 names of all persons present when such statement was allegedly made;
 3 (4) The substance, time, place, and manner of any statement given by
 4 the jailhouse informant to law enforcement implicating the defendant in
 5 the crime charged;
 6 (5) All evidence corroborating the testimony or statement
 7 implicating the defendant in the crime charged; and
 8 (6) Any other factors related to reliability.
 9 2. On page 2, line 1, strike "(1)"; and strike lines 6 through 9.
 10 3. Renumber the remaining sections accordingly.

(Signed) Steve Lathrop, Chairperson

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.

Michael S. Thede - 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.

Jason D. Appelt - Niobrara Council
 Lana S. Arrowsmith - Niobrara Council

Dallas D. Dodson - Niobrara Council
Mary L. Mercure - Niobrara Council

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

(Signed) Dan Hughes, Chairperson

General Affairs

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

Harry Hoch - Nebraska Liquor Control Commission

Aye: 6 Arch, Brandt, Briese, Lowe, Moser, Wayne. Nay: 1. Hunt. Absent: 0. Present and not voting: 1 Blood.

(Signed) Tom Briese, Chairperson

COMMITTEE REPORT(S)
Natural Resources

LEGISLATIVE BILL 177. Placed on General File with amendment.
AM713

1 1. On page 2, lines 4 and 10, strike "2029" and insert "2024".

(Signed) Dan Hughes, Chairperson

NOTICE OF COMMITTEE HEARING(S)
General Affairs

Room 1510

Monday, March 25, 2019 1:30 p.m.

LB592
LB682
LB723

(Signed) Tom Briese, Chairperson

ANNOUNCEMENT(S)

Priority designation(s) received:

Pansing Brooks - LB390

GENERAL FILE

LEGISLATIVE BILL 409. Title read. Considered.

Committee AM221, found on page 567, was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Pansing Brooks name added to LB138.

Senator Moser name added to LB209.

VISITOR(S)

Visitors to the Chamber were students from St. Paul's Lutheran School, Beatrice; Kathy Seeman, Jean Stanzel, and Joanie and Emma Rhode from Omaha; and students from Weeping Water Public Schools.

ADJOURNMENT

At 11:41 a.m., on a motion by Senator Halloran, the Legislature adjourned until 9:00 a.m., Tuesday, March 19, 2019.

Patrick J. O'Donnell
Clerk of the Legislature