

**FORTY-SEVENTH DAY - MARCH 25, 2019****LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION****FORTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, March 25, 2019

**PRAYER**

The prayer was offered by Bishop Evan Clark, Church of Jesus Christ of Latter-day Saints, Bellevue.

**ROLL CALL**

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

The roll was called and all members were present except Senator Brewer who was excused; and Senators Bolz, Cavanaugh, Chambers, Morfeld, Wayne, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-sixth day was approved.

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 43 and 44 were adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 43 and 44.

**GENERAL FILE**

**LEGISLATIVE BILL 390.** Title read. Considered.

Committee AM408, found on page 599, was adopted with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 4 present and not voting, and 7 excused and not voting.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 511.** Placed on Select File with amendment.  
ER56 is available in the Bill Room.

**LEGISLATIVE BILL 34.** Placed on Select File with amendment.  
ER54

1 1. On page 1, strike lines 2 through 8 and insert "23-2321, 23-2331,  
2 79-901, 79-927, 79-956, 79-971, 79-9,106, 84-1321.01, 84-1322, 84-1323,  
3 and 84-1331, Reissue Revised Statutes of Nebraska, and sections 23-2306,  
4 23-2308.01, 23-2317, 23-2319.01, 79-902, 79-921, 79-934, 79-978.01,  
5 79-9,100, 84-1307, 84-1309.02, 84-1319, and 84-1503, Revised Statutes  
6 Cumulative Supplement, 2018; to eliminate provisions relating to benefits  
7 payable after the filing of a grievance or appeal and change provisions  
8 relating to reemployment, reinstatement, repayment, and age eligibility  
9 regarding certain retirement system members under the County Employees  
10 Retirement Act and State Employees Retirement Act; to redefine creditable  
11 service for certain member employees, change a deadline for payment for  
12 restoration of relinquished creditable service, and change provisions  
13 relating to required forms of payment and service credit computation  
14 under the School Employees Retirement Act; to change provisions relating  
15 to a designated beneficiary determination under the Retirement System for  
16 Nebraska Counties, the School Employees Retirement System of the State of  
17 Nebraska, any school employees retirement system established under the  
18 Class V School Employees Retirement Act, and the State Employees  
19 Retirement System of the State of Nebraska; to provide a duty for the  
20 Public Employees Retirement Board as prescribed; to harmonize provisions;  
21 to provide severability; to repeal the original sections; and to declare  
22 an emergency."

**LEGISLATIVE BILL 348.** Placed on Select File.

**LEGISLATIVE BILL 405.** Placed on Select File.

**LEGISLATIVE BILL 130.** Placed on Select File with amendment.  
ER55

1 1. On page 8, line 22, strike the period and insert an underscored  
2 colon.

**LEGISLATIVE BILL 130A.** Placed on Select File.

**LEGISLATIVE BILL 409.** Placed on Select File.

**LEGISLATIVE BILL 243.** Placed on Select File with amendment.  
ER57

1 1. On page 1, line 1, after the semicolon insert "to amend section  
2 81-2,162.27, Revised Statutes Cumulative Supplement, 2018;"; and in line  
3 2 strike the last "and" and strike "reports" and insert "a report; to  
4 provide for termination; to add a use for the Fertilizers and Soil  
5 Conditioners Administrative Fund; to repeal the original section; and to

6 declare an emergency".

(Signed) Julie Slama, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 56.** Introduced by Howard, 9.

WHEREAS, Reverend Keith Winton was called to ministry ten years ago to devote himself to full-time service in the Episcopal Church; and

WHEREAS, Reverend Keith Winton received his Master of Divinity from the Sioux Falls Seminary in South Dakota; and

WHEREAS, Reverend Keith Winton began his pastoral work as an intern at St. Martin of Tours Episcopal Church in Omaha; and

WHEREAS, Reverend Keith Winton, upon his ordination as a deacon, served at St. David of Wales in Lincoln and as a part-time chaplain at the University of Nebraska Medical Center; and

WHEREAS, the Right Reverend J. Scott Barker, XI Bishop of Nebraska, ordained Reverend Keith Winton to the sacred order of priests in the Episcopal Church on March 3, 2019; and

WHEREAS, Reverend Keith Winton now begins his new ministerial service at All Saints Episcopal Church in Omaha.

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

1. That the Legislature congratulates Reverend Keith Winton on his ordination as a priest in the Episcopal Church.
2. That a copy of this resolution be sent to Reverend Keith Winton.

Laid over.

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

Senator Hughes filed the following amendment to LB243:  
AM937

(Amendments to Standing Committee amendments, AM640)

1. On page 2, lines 22 and 23, after "Legislature" insert ", or his  
2 or her designee".

**GENERAL FILE**

**LEGISLATIVE BILL 320.** Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 5 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 603.** Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 4 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 713.** Title read. Considered.

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

**LEGISLATIVE BILL 316.** Title read. Considered.

Committee AM778, found on page 912, was adopted with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 218.** Title read. Considered.

Committee AM536, found on page 803, was adopted with 40 ayes, 1 nay, 5 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 1 nay, 7 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 59.** Title read. Considered.

Committee AM622, found on page 869, was adopted with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 514.** Title read. Considered.

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

**LEGISLATIVE RESOLUTION 14CA.** Read. Considered.

Senator Groene offered the following amendment:

FA26

Line 1, page 2 strike "more than one-half" and replace with 100%.

Pending.

**COMMITTEE REPORT(S)**  
General Affairs

**LEGISLATIVE BILL 397.** Placed on General File.

**LEGISLATIVE BILL 41.** Placed on General File with amendment.  
AM244

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

3 Section 1. Section 9-1,101, Revised Statutes Cumulative Supplement,  
4 2018, is amended to read:

5 9-1,101 (1) The Nebraska Bingo Act, the Nebraska County and City  
6 Lottery Act, the Nebraska Lottery and Raffle Act, the Nebraska Pickle  
7 Card Lottery Act, the Nebraska Small Lottery and Raffle Act, and section  
8 9-701 shall be administered and enforced by the Charitable Gaming  
9 Division of the Department of Revenue, which division is hereby created.  
10 The Department of Revenue shall make annual reports to the Governor,  
11 Legislature, Auditor of Public Accounts, and Attorney General on all tax  
12 revenue received, expenses incurred, and other activities relating to the  
13 administration and enforcement of such acts. The report submitted to the  
14 Legislature shall be submitted electronically.

15 (2) The Charitable Gaming Operations Fund is hereby created. Any  
16 money in the fund available for investment shall be invested by the state  
17 investment officer pursuant to the Nebraska Capital Expansion Act and the  
18 Nebraska State Funds Investment Act.

19 (3)(a) Forty percent of the taxes collected pursuant to sections  
20 9-239, 9-344, 9-429, and 9-648 shall be available to the Charitable  
21 Gaming Division for administering and enforcing the acts listed in  
22 subsection (1) of this section and providing administrative support for  
23 the Nebraska Commission on Problem Gambling. The remaining sixty percent  
24 shall be transferred to the General Fund. Any portion of the forty  
25 percent not used by the division in the administration and enforcement of  
26 such acts and section shall be distributed as provided in this  
27 subsection.

1 (b) On or before the last day of the last month of each calendar  
2 quarter ~~November 1 each year~~, the State Treasurer shall transfer one  
3 hundred thousand dollars from the Charitable Gaming Operations Fund to  
4 the Compulsive Gamblers Assistance Fund, ~~except that no transfer shall~~  
5 ~~occur if the Charitable Gaming Operations Fund contains less than one~~  
6 ~~hundred thousand dollars.~~

7 (c) Any money remaining in the Charitable Gaming Operations Fund  
8 after the quarterly transfers ~~transfer~~ pursuant to subdivision (b) of  
9 this subsection not used by the Charitable Gaming Division in its  
10 administration and enforcement duties pursuant to this section may be  
11 transferred to the General Fund at the direction of the Legislature.

12 (4) The Tax Commissioner shall employ investigators who shall be  
13 vested with the authority and power of a law enforcement officer to carry  
14 out the laws of this state administered by the Tax Commissioner or the  
15 Department of Revenue and to enforce sections 28-1101 to 28-1117 relating

16 to possession of a gambling device. For purposes of enforcing sections  
 17 28-1101 to 28-1117, the authority of the investigators shall be limited  
 18 to investigating possession of a gambling device, notifying local law  
 19 enforcement authorities, and reporting suspected violations to the county  
 20 attorney for prosecution.

21 (5) The Charitable Gaming Division may charge a fee for publications  
 22 and listings it produces. The fee shall not exceed the cost of  
 23 publication and distribution of such items. The division may also charge  
 24 a fee for making a copy of any record in its possession equal to the  
 25 actual cost per page. The division shall remit the fees to the State  
 26 Treasurer for credit to the Charitable Gaming Operations Fund.

27 (6) For administrative purposes only, the Nebraska Commission on  
 28 Problem Gambling shall be located within the Charitable Gaming Division.  
 29 The division shall provide office space, furniture, equipment, and  
 30 stationery and other necessary supplies for the commission. Commission  
 31 staff shall be appointed, supervised, and terminated by the director of  
 1 the Gamblers Assistance Program pursuant to section 9-1004.

2 Sec. 2. Original section 9-1,101, Revised Statutes Cumulative  
 3 Supplement, 2018, is repealed.

**LEGISLATIVE BILL 137.** Placed on General File with amendment.  
 AM902

1 1. On page 3, line 21, strike "not to exceed ten thousand  
 2 dollars".

**LEGISLATIVE BILL 149.** Placed on General File with amendment.  
 AM901

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

3 Section 1. Section 28-1418, Reissue Revised Statutes of Nebraska, is  
 4 amended to read:

5 28-1418 Whoever, being a person ~~minor~~ under the age of nineteen  
 6 ~~eighteen~~ years, shall smoke cigarettes or cigars, use electronic nicotine  
 7 delivery systems ~~vapor products~~ or alternative nicotine products, or use  
 8 tobacco in any form whatever, in this state, shall be guilty of a Class V  
 9 misdemeanor. Any person ~~minor~~ charged with a violation of this section  
 10 may be free from prosecution if he or she furnishes evidence for the  
 11 conviction of the person or persons selling or giving him or her the  
 12 cigarettes, cigars, electronic nicotine delivery systems ~~vapor products~~,  
 13 alternative nicotine products, or tobacco.

14 Sec. 2. Section 28-1418.01, Reissue Revised Statutes of Nebraska, is  
 15 amended to read:

16 28-1418.01 For purposes of sections 28-1418 to 28-1429.03:

17 (1) Alternative nicotine product means any noncombustible product  
 18 containing nicotine that is intended for human consumption, whether  
 19 chewed, absorbed, dissolved, or ingested by any other means. Alternative  
 20 nicotine product does not include any electronic nicotine delivery system  
 21 ~~vapor product~~, cigarette, cigar, or other tobacco product, or any product  
 22 regulated as a drug or device by the United States Food and Drug

23 Administration under Chapter V of the Federal ~~federal~~ Food, Drug, and  
24 Cosmetic Act;

25 (2) Cigarette means any product that contains nicotine, is intended  
26 to be burned or heated under ordinary conditions of use, and consists of  
27 or contains (a) any roll of tobacco wrapped in paper or in any substance  
1 not containing tobacco, (b) tobacco, in any form, that is functional in  
2 the product which, because of its appearance, the type of tobacco used in  
3 the filler, or its packaging and labeling, is likely to be offered to, or  
4 purchased by, consumers as a cigarette, or (c) any roll of tobacco  
5 wrapped in any substance containing tobacco which, because of its  
6 appearance, the type of tobacco used in the filler, or its packaging and  
7 labeling, is likely to be offered to, or purchased by, consumers as a  
8 cigarette described in subdivision (2)(a) of this section;

9 (3)(a) Electronic nicotine delivery system means any product or  
10 device containing nicotine, tobacco, or tobacco derivatives that employs  
11 a heating element, power source, electronic circuit, or other electronic,  
12 chemical, or mechanical means, regardless of shape or size, to simulate  
13 smoking by delivering the nicotine, tobacco, or tobacco derivatives in  
14 vapor, fog, mist, gas, or aerosol form to a person inhaling from the  
15 product or device.

16 (b) Electronic nicotine delivery system includes, but is not limited  
17 to, the following:

18 (i) Any substance containing nicotine, tobacco, or tobacco  
19 derivatives, whether sold separately or sold in combination with a  
20 product or device that is intended to deliver to a person nicotine,  
21 tobacco, or tobacco derivatives in vapor, fog, mist, gas, or aerosol  
22 form;

23 (ii) Any product or device marketed, manufactured, distributed, or  
24 sold as an electronic cigarette, electronic cigar, electronic cigarillo,  
25 electronic pipe, electronic hookah, or similar products, names,  
26 descriptors, or devices; and

27 (iii) Any component, part, or accessory of such a product or device  
28 that is used during operation of the product or device when sold in  
29 combination with any substance containing nicotine, tobacco, or tobacco  
30 derivatives.

31 (c) Electronic nicotine delivery system does not include the  
1 following:

2 (i) An alternative nicotine product, cigarette, cigar, or other  
3 tobacco product, or any product regulated as a drug or device by the  
4 United States Food and Drug Administration under Chapter V of the Federal  
5 Food, Drug, and Cosmetic Act; or

6 (ii) Any component, part, or accessory of such a product or device  
7 that is used during operation of the product or device when not sold in  
8 combination with any substance containing nicotine, tobacco, or tobacco  
9 derivatives;

10 (4) ~~(2)~~ Self-service display means a retail display that contains a  
11 tobacco product, a tobacco-derived product, an electronic nicotine  
12 delivery system ~~a vapor product~~, or an alternative nicotine product and  
13 is located in an area openly accessible to a retailer's customers and

14 from which such customers can readily access the product without the  
 15 assistance of a salesperson. Self-service display does not include a  
 16 display case that holds tobacco products, electronic nicotine delivery  
 17 systems vapor products, or alternative nicotine products behind locked  
 18 doors; and

19 (5) ~~(3)~~ Tobacco specialty store means a retail store that (a)  
 20 derives at least seventy-five percent of its revenue from tobacco  
 21 products, tobacco-derived products, electronic nicotine delivery systems  
 22 ~~vapor products~~, or alternative nicotine products and (b) does not permit  
 23 ~~persons~~ minors under the age of ~~nineteen~~ eighteen years to enter the  
 24 premises unless accompanied by a parent or legal guardian; and

25 (4) Vapor product means any noncombustible product containing  
 26 nicotine that employs a heating element, power source, electronic  
 27 circuit, or other electronic, chemical, or mechanical means, regardless  
 28 of shape or size, that can be used to produce vapor from nicotine in a  
 29 solution or other form. Vapor product includes any electronic cigarette,  
 30 electronic cigar, electronic cigarillo, electronic pipe, or similar  
 31 product or device and any vapor cartridge or other container of nicotine  
 1 in a solution or other form that is intended to be used with or in an  
 2 electronic cigarette, electronic cigar, electronic cigarillo, electronic  
 3 pipe, or similar product or device. Vapor product does not include an  
 4 alternative nicotine product, cigarette, cigar, or other tobacco product,  
 5 or any product regulated as a drug or device by the United States Food  
 6 and Drug Administration under Chapter V of the federal Food, Drug, and  
 7 Cosmetic Act.

8 Sec. 3. Section 28-1419, Reissue Revised Statutes of Nebraska, is  
 9 amended to read:

10 28-1419 Whoever shall sell, give, or furnish, in any way, any  
 11 tobacco in any form whatever, or any cigarettes, cigarette paper,  
 12 electronic nicotine delivery systems ~~vapor products~~, or alternative  
 13 nicotine products, to any ~~person~~ minor under ~~nineteen~~ eighteen years of  
 14 age, is guilty of a Class III misdemeanor for each offense.

15 Sec. 4. Section 28-1420, Reissue Revised Statutes of Nebraska, is  
 16 amended to read:

17 28-1420 It shall be unlawful for any person, partnership, limited  
 18 liability company, or corporation to sell, keep for sale, or give away in  
 19 course of trade, any cigars, tobacco, electronic nicotine delivery  
 20 systems, cigarettes, or cigarette material to anyone without first  
 21 obtaining a license as provided in sections 28-1421 and 28-1422. It shall  
 22 also be unlawful for any wholesaler to sell or deliver any cigars,  
 23 tobacco, electronic nicotine delivery systems, cigarettes, or cigarette  
 24 material to any person, partnership, limited liability company, or  
 25 corporation who, at the time of such sale or delivery, is not the  
 26 recipient of a valid tobacco license for the current year to retail the  
 27 same as provided in such sections. It shall also be unlawful for any  
 28 person, partnership, limited liability company, or corporation to  
 29 purchase or receive, for purposes of resale, any cigars, tobacco,  
 30 electronic nicotine delivery systems, cigarettes, or cigarette material  
 31 if such person, partnership, limited liability company, or corporation is

1 not the recipient of a valid tobacco license to retail such tobacco  
2 products at the time the same are purchased or received. Whoever shall be  
3 found guilty of violating this section shall be guilty of a Class III  
4 misdemeanor for each offense.

5 Sec. 5. Section 28-1421, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7 28-1421 Licenses for the sale of cigars, tobacco, electronic  
8 nicotine delivery systems, cigarettes, and cigarette material to persons  
9 nineteen years of age or over ~~the age of eighteen years~~ shall be issued  
10 to individuals, partnerships, limited liability companies, and  
11 corporations by the clerk or finance director of any city or village and  
12 by the county clerk of any county upon application duly made as provided  
13 in section 28-1422. The sale of cigarettes or cigarette materials that  
14 contain perfumes or drugs in any form is prohibited and is not licensed  
15 by the provisions of this section. Only cigarettes and cigarette material  
16 containing pure white paper and pure tobacco shall be licensed.

17 Sec. 6. Section 28-1423, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19 28-1423 The term for which such license shall run shall be from the  
20 date of filing such application and paying such license fee to and  
21 including December 31 of the calendar year in which application for such  
22 license is made, and the license fee for any person, partnership, limited  
23 liability company, or corporation selling at retail shall be twenty-five  
24 dollars in cities of the metropolitan class, fifteen dollars in cities of  
25 the primary and first classes, and ten dollars in cities of all other  
26 classes and in towns and villages and in locations outside of the limits  
27 of cities, towns, and villages. Any person, partnership, limited  
28 liability company, or corporation selling annually in the aggregate more  
29 than one hundred fifty thousand cigars, packages of cigarettes,  
30 electronic nicotine delivery systems, and packages of tobacco in any  
31 form, at wholesale, shall pay a license fee of one hundred dollars, and  
1 if such combined annual sales amount to less than one hundred fifty  
2 thousand cigars, packages of cigarettes, electronic nicotine delivery  
3 systems, and packages of tobacco, the annual license fee shall be fifteen  
4 dollars. No wholesaler's license shall be issued in any year on a less  
5 basis than one hundred dollars per annum unless the applicant for the  
6 same shall file with such application a statement duly sworn to by  
7 himself or herself, or if applicant is a partnership, by a member of the  
8 firm, or if a limited liability company, by a member or manager of the  
9 company, or if a corporation, by an officer or manager thereof, that in  
10 the past such wholesaler's combined sales of cigars, packages of  
11 cigarettes, electronic nicotine delivery systems, and packages of tobacco  
12 in every form have not exceeded in the aggregate one hundred fifty  
13 thousand annually, and that such sales will not exceed such aggregate  
14 amount for the current year for which the license is to issue. Any person  
15 swearing falsely in such affidavit shall be guilty of perjury and upon  
16 conviction thereof shall be punished as provided by section 28-915 and  
17 such wholesaler's license shall be revoked until the full license fee of  
18 one hundred dollars is paid. If application for license is made after

19 July 1 of any calendar year, the fee shall be one-half of the fee  
20 provided in this section.

21 Sec. 7. Section 28-1424, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 28-1424 The license, provided for in sections 28-1421 and 28-1422  
24 ~~shall, when issued, shall~~ authorize the sale of cigars, tobacco,  
25 electronic nicotine delivery systems, cigarettes, and cigarette material  
26 by the licensee and employees, to persons nineteen years of age or over  
27 ~~the age of eighteen years~~, at the place of business described in such  
28 license for the term therein authorized, unless the license is same be  
29 forfeited as provided in section 28-1425.

30 Sec. 8. Section 28-1425, Reissue Revised Statutes of Nebraska, is  
31 amended to read:

1 28-1425 Any licensee who shall sell, give, or furnish in any way to  
2 any person under the age of nineteen ~~eighteen~~ years, or who shall  
3 willingly allow to be taken from his or her place of business by any  
4 person under the age of nineteen ~~eighteen~~ years, any cigars, tobacco,  
5 cigarettes, cigarette material, electronic nicotine delivery systems  
6 ~~vapor products~~, or alternative nicotine products is guilty of a Class III  
7 misdemeanor. Any officer, director, or manager having charge or control,  
8 either separately or jointly with others, of the business of any  
9 corporation which violates sections ~~28-1418.01~~, 28-1420 to 28-1429 or  
10 section, ~~and~~ 28-1429.03, if he or she has knowledge of such violation,  
11 shall be subject to the penalties provided in this section. In addition  
12 to the penalties provided in this section, such licensee shall be subject  
13 to the additional penalty of a revocation and forfeiture of his, her,  
14 their, or its license, at the discretion of the court before whom the  
15 complaint for violation of such sections may be heard. If such license is  
16 revoked and forfeited, all rights under such license shall at once cease  
17 and terminate.

18 Sec. 9. Section 28-1427, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20 28-1427 Any person under the age of nineteen ~~eighteen~~ years who  
21 shall obtain cigars, tobacco, cigarettes, cigarette material, electronic  
22 nicotine delivery systems ~~vapor products~~, or alternative nicotine  
23 products from a licensee by representing that he or she is of the age of  
24 nineteen ~~eighteen~~ years or over is guilty of a Class V misdemeanor.

25 Sec. 10. Section 28-1429.01, Reissue Revised Statutes of Nebraska,  
26 is amended to read:

27 28-1429.01 The Legislature finds that the incumbent health risks  
28 associated with using smoking tobacco products have been scientifically  
29 proven. The Legislature further finds that the growing number of young  
30 people minors who start using tobacco products smoking is staggering, and  
31 even more abhorrent are the ages at which such use begins children begin  
1 ~~this deadly habit~~. The Legislature has established an age restriction on  
2 the use of tobacco products ~~by minors~~. To ensure that the use of tobacco  
3 products among young people minors is discouraged to the maximum extent  
4 possible, it is the intent of the Legislature to ban the use of vending  
5 machines and similar devices to dispense tobacco products in facilities,

6 buildings, or areas which are open to the general public within Nebraska.

7 Sec. 11. Section 28-1429.02, Reissue Revised Statutes of Nebraska,  
8 is amended to read:

9 28-1429.02 (1) Except as provided in subsection (2) of this section,  
10 it shall be unlawful to dispense cigarettes, other tobacco products,  
11 ~~electronic nicotine delivery systems vapor products~~, or alternative  
12 nicotine products from a vending machine or similar device. Any person  
13 violating this section is guilty of a Class III misdemeanor. In addition,  
14 upon conviction for a second offense, the court shall order a six-month  
15 suspension of the offender's license to sell tobacco, if any, and, upon  
16 conviction for a third or subsequent offense, the court shall order the  
17 permanent revocation of the offender's license to sell tobacco, if any.

18 (2) Cigarettes, other tobacco products, electronic nicotine delivery  
19 systems vapor products, or alternative nicotine products may be dispensed  
20 from a vending machine or similar device when such machine or device is  
21 located in an area, office, business, plant, or factory which is not open  
22 to the general public or on the licensed premises of any establishment  
23 having a license issued under the Nebraska Liquor Control Act for the  
24 sale of alcoholic liquor for consumption on the premises when such  
25 machine or device is located in the same room in which the alcoholic  
26 liquor is dispensed.

27 (3) Nothing in this section shall be construed to restrict or  
28 prohibit a governing body of a city or village from establishing and  
29 enforcing ordinances at least as stringent as or more stringent than the  
30 provisions of this section.

31 Sec. 12. Section 28-1429.03, Reissue Revised Statutes of Nebraska,  
1 is amended to read:

2 28-1429.03 (1) Except as provided in subsection (2) of this section  
3 and section 28-1429.02, it shall be unlawful to sell or distribute  
4 cigarettes, cigars, ~~electronic nicotine delivery systems vapor products~~,  
5 alternative nicotine products, or tobacco in any form whatever through a  
6 self-service display. Any person violating this section is guilty of a  
7 Class III misdemeanor. In addition, upon conviction for a second or  
8 subsequent offense within a twelve-month period, the court shall order a  
9 six-month suspension of the license issued under section 28-1421.

10 (2) Cigarettes, cigars, electronic nicotine delivery systems vapor  
11 products, alternative nicotine products, or tobacco in any form whatever  
12 may be sold or distributed in a self-service display that is located in a  
13 tobacco specialty store or cigar shop as defined in section 53-103.08.

14 Sec. 13. Section 71-5716, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16 71-5716 Sections 71-5716 to 71-5735 and section 15 of this act shall  
17 be known and may be cited as the Nebraska Clean Indoor Air Act.

18 Sec. 14. Section 71-5718, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20 71-5718 For purposes of the Nebraska Clean Indoor Air Act, the  
21 definitions found in sections 71-5719 to 71-5728 and section 15 of this  
22 act apply.

23 Sec. 15. Electronic nicotine delivery system has the same meaning

24 as in section 28-1418.01.

25 Sec. 16. Section 71-5727, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 71-5727 Smoke or smoking means (1) the lighting of any cigarette,  
28 cigar, pipe, or other smoking material or the possession of any lighted  
29 cigarette, cigar, pipe, or other smoking material, regardless of its  
30 composition, or (2) the use of an electronic nicotine delivery system.

31 Sec. 17. This act becomes operative on January 1, 2020.

1 Sec. 18. Original sections 28-1418, 28-1418.01, 28-1419, 28-1420,  
2 28-1421, 28-1423, 28-1424, 28-1425, 28-1427, 28-1429.01, 28-1429.02,  
3 28-1429.03, 71-5716, 71-5718, and 71-5727, Reissue Revised Statutes of  
4 Nebraska, are repealed.

**LEGISLATIVE BILL 538.** Placed on General File with amendment.  
AM900 is available in the Bill Room.

**LEGISLATIVE BILL 584.** Placed on General File with amendment.  
AM903

- 1 1. Strike original sections 4 and 5.
- 2 2. On page 2, lines 30 and 31, strike the new matter and reinstate
- 3 the stricken matter.
- 4 3. Renumber the remaining section and correct the repealer
- 5 accordingly.

(Signed) Tom Briese, Chairperson

Health and Human Services

**LEGISLATIVE BILL 62.** Placed on General File.

**LEGISLATIVE BILL 559.** Placed on General File.

**LEGISLATIVE BILL 220.** Placed on General File with amendment.  
AM660

- 1 1. On page 3, line 22, after "basis" insert "and offer products at
- 2 prices comparable to similar products sold in similar buildings or on
- 3 similar property".

**LEGISLATIVE BILL 323.** Placed on General File with amendment.  
AM678

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. Section 68-915, Revised Statutes Cumulative Supplement,
- 4 2016, as amended by section 3, Initiative Law 2018, No. 427, is amended
- 5 to read:
- 6 68-915 The following persons shall be eligible for medical
- 7 assistance:
- 8 (1) Dependent children as defined in section 43-504;
- 9 (2) Aged, blind, and disabled persons as defined in sections 68-1002
- 10 to 68-1005;

- 11 (3) Children under nineteen years of age who are eligible under  
 12 section 1905(a)(i) of the federal Social Security Act;
- 13 (4) Persons who are presumptively eligible as allowed under sections  
 14 1920 and 1920B of the federal Social Security Act;
- 15 (5) Children under nineteen years of age with a family income equal  
 16 to or less than two hundred percent of the Office of Management and  
 17 Budget income poverty guideline, as allowed under Title XIX and Title XXI  
 18 of the federal Social Security Act, without regard to resources, and  
 19 pregnant women with a family income equal to or less than one hundred  
 20 eighty-five percent of the Office of Management and Budget income poverty  
 21 guideline, as allowed under Title XIX and Title XXI of the federal Social  
 22 Security Act, without regard to resources. Children described in this  
 23 subdivision and subdivision (6) of this section shall remain eligible for  
 24 six consecutive months from the date of initial eligibility prior to  
 25 redetermination of eligibility. The department may review eligibility  
 26 monthly thereafter pursuant to rules and regulations adopted and  
 27 promulgated by the department. The department may determine upon such  
 1 review that a child is ineligible for medical assistance if such child no  
 2 longer meets eligibility standards established by the department;
- 3 (6) For purposes of Title XIX of the federal Social Security Act as  
 4 provided in subdivision (5) of this section, children with a family  
 5 income as follows:
- 6 (a) Equal to or less than one hundred fifty percent of the Office of  
 7 Management and Budget income poverty guideline with eligible children one  
 8 year of age or younger;
- 9 (b) Equal to or less than one hundred thirty-three percent of the  
 10 Office of Management and Budget income poverty guideline with eligible  
 11 children over one year of age and under six years of age; or
- 12 (c) Equal to or less than one hundred percent of the Office of  
 13 Management and Budget income poverty guideline with eligible children six  
 14 years of age or older and less than nineteen years of age;
- 15 (7) Persons who are medically needy caretaker relatives as allowed  
 16 under 42 U.S.C. 1396d(a)(ii);
- 17 (8) As allowed under 42 U.S.C. 1396a(a)(10)(A)(ii)(XV) and (XVI)  
 18 ~~1396a(a)(10)(A)(ii)~~, disabled persons who have as defined in section  
 19 ~~68-1005~~ with a family income of less than two hundred fifty percent of  
 20 the Office of Management and Budget income poverty guideline and who, but  
 21 ~~for earnings in excess of the limit established under 42 U.S.C. 1396d(q)~~  
 22 ~~(2)(B), would be considered to be receiving federal Supplemental Security~~  
 23 ~~Income. The department shall apply for a waiver to disregard any unearned~~  
 24 ~~income that is contingent upon a trial work period in applying the~~  
 25 ~~Supplemental Security Income standard. Such disabled persons shall be~~  
 26 subject to payment of premiums as a percentage of family income beginning  
 27 at not less than two hundred percent of the Office of Management and  
 28 Budget income poverty guideline. Such premiums shall be graduated based  
 29 on family income and shall not exceed seven and one-half ~~be less than two~~  
 30 ~~percent or more than ten percent of family income;~~
- 31 (9) As allowed under 42 U.S.C. 1396a(a)(10)(A)(ii), persons who:
- 1 (a) Have been screened for breast and cervical cancer under the

2 Centers for Disease Control and Prevention breast and cervical cancer  
 3 early detection program established under Title XV of the federal Public  
 4 Health Service Act, 42 U.S.C. 300k et seq., in accordance with the  
 5 requirements of section 1504 of such act, 42 U.S.C. 300n, and who need  
 6 treatment for breast or cervical cancer, including precancerous and  
 7 cancerous conditions of the breast or cervix;  
 8 (b) Are not otherwise covered under creditable coverage as defined  
 9 in section 2701(c) of the federal Public Health Service Act, 42 U.S.C.  
 10 ~~300gg-3(c)~~ ~~300gg(e)~~;  
 11 (c) Have not attained sixty-five years of age; and  
 12 (d) Are not eligible for medical assistance under any mandatory  
 13 categorically needy eligibility group;  
 14 (10) Persons eligible for services described in subsection (3) of  
 15 section 68-972; and  
 16 (11) Persons eligible pursuant to section 2 of this act.  
 17 Except as provided in subsection (8) of this section and section  
 18 68-972, eligibility shall be determined under this section using an  
 19 income budgetary methodology that determines children's eligibility at no  
 20 greater than two hundred percent of the Office of Management and Budget  
 21 income poverty guideline and adult eligibility using adult income  
 22 standards no greater than the applicable categorical eligibility  
 23 standards established pursuant to state or federal law. Except as  
 24 otherwise provided in subsection (8) of this section, the ~~The~~ department  
 25 shall determine eligibility under this section pursuant to such income  
 26 budgetary methodology and subdivision (1)(q) of section 68-1713.  
 27 Sec. 2. Original section 68-915, Revised Statutes Cumulative  
 28 Supplement, 2016, as amended by section 3, Initiative Law 2018, No. 427,  
 29 is repealed.

**LEGISLATIVE BILL 518.** Placed on General File with amendment.  
 AM899

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 Support for Trafficking Survivors Act.  
 5 Sec. 2. (1) The Legislature finds that:  
 6 (a) Substantial harm results from the commercial sexual exploitation  
 7 of individuals, including physical violence, negative physical and mental  
 8 health consequences, rape, and suicide;  
 9 (b) Commercial sexual exploitation is widespread and has profound  
 10 economic and social impacts on Nebraskans;  
 11 (c) There is a lack of supportive services available to minor and  
 12 adult victims of sex trafficking and commercial sexual exploitation;  
 13 (d) The Department of Health and Human Services plays an integral  
 14 role in serving vulnerable populations and there is a need for the  
 15 department to provide leadership in coordinating supportive services for  
 16 victims;  
 17 (e) The existing network of domestic violence and sexual assault  
 18 programs are uniquely equipped to provide supportive services to victims

19 of sex trafficking and commercial sexual exploitation using a trauma-  
20 informed and victim-centered approach; and  
21 (f) Law enforcement plays an important role in identifying victims  
22 of sex trafficking and commercial sexual exploitation and directing them  
23 toward supportive services.  
24 (2) It is the intent of the Support for Trafficking Survivors Act to  
25 create a statewide multisystemic response and provide supportive services  
26 that promote safety, well-being, and economic stability for victims of  
27 sex trafficking and commercial sexual exploitation and to establish the  
1 Office of Support for Trafficking Survivors, Support for Trafficking  
2 Survivors Advisory Board, and Sex Trafficking Investigation Assistance  
3 Fund as a means to that end.  
4 Sec. 3. For purposes of the Support for Trafficking Survivors Act:  
5 (1) Board means the Support for Trafficking Survivors Advisory Board  
6 created in section 5 of this act;  
7 (2) Commercial sexual exploitation means the exploitation of  
8 individuals as a result of their involvement in commercial sexual  
9 activity as defined in section 28-830;  
10 (3) Department means the Department of Health and Human Services;  
11 (4) Eligible program recipient means an organization that (a) is a  
12 nonprofit organization organized under section 501(c)(3) of the Internal  
13 Revenue Code or a federally recognized Indian tribe whose governmental  
14 body is within the borders of Nebraska and (b) has an affiliation  
15 agreement with the department to provide services to victims of domestic  
16 violence and sexual assault under the Protection from Domestic Abuse Act;  
17 (5) Office means the Office of Support for Trafficking Survivors  
18 created in section 4 of this act;  
19 (6) Sex trafficking includes sex trafficking and sex trafficking of  
20 a minor as defined in section 28-830; and  
21 (7) Supportive services includes, but is not limited to, housing,  
22 economic stability, education, mental health, substance abuse, legal,  
23 transportation, case management, and victim advocacy services.  
24 Sec. 4. (1) The Office of Support for Trafficking Survivors is  
25 established within the department.  
26 (2) The office shall:  
27 (a) Provide administrative support to the board;  
28 (b) Oversee and coordinate the implementation of the state plan  
29 created by the board under section 6 of this act;  
30 (c) Administer and oversee the grant program established under  
31 section 7 of this act if public or private funding is made available for  
1 this purpose;  
2 (d) Coordinate the department's efforts to prevent, identify, and  
3 respond to sex trafficking and commercial sexual exploitation and to  
4 support the safety, well-being, and economic stability of victims of sex  
5 trafficking and commercial sexual exploitation, including identifying and  
6 addressing challenges associated with individual cases of commercial  
7 sexual exploitation and sex trafficking;  
8 (e) Collaborate with other state agencies to ensure a statewide  
9 multisystemic response that promotes safety, well-being, and economic

10 stability for victims of sex trafficking and commercial sexual  
11 exploitation;  
12 (f) Coordinate trauma-informed and victim-centered training and  
13 resources on sex trafficking and commercial sexual exploitation for  
14 relevant department personnel, as well as other state agencies and  
15 service providers who work with victims of sex trafficking and commercial  
16 sexual exploitation;  
17 (g) Monitor and apply for available federal or other funding  
18 opportunities that would support efforts to prevent, identify, and  
19 respond to sex trafficking and commercial sexual exploitation and efforts  
20 to support the safety, well-being, and economic stability of victims of  
21 sex trafficking and commercial sexual exploitation; and  
22 (h) As part of the state plan created under section 6 of this act,  
23 submit an annual report of receipts to and disbursements from the Sex  
24 Trafficking Investigation Assistance Fund.  
25 Sec. 5. (1) The Support for Trafficking Survivors Advisory Board is  
26 created within the Office of Support for Trafficking Survivors. The  
27 purpose of the board is to award grants, if public or private funding is  
28 made available for this purpose, and create a state plan for supportive  
29 services for victims of sex trafficking and commercial sexual  
30 exploitation. The board shall have fifteen members, including nine voting  
31 and six nonvoting members. The voting members shall be appointed by the  
1 Governor.  
2 (2) The voting members shall, to the extent practical, be  
3 representative of the geographic diversity and demographic composition of  
4 Nebraska. The board shall include the following voting members:  
5 (a) At least two survivors of sex trafficking or commercial sexual  
6 exploitation;  
7 (b) A representative of a service provider that serves victims of  
8 domestic or sexual assault or sex trafficking and is not a grant program  
9 recipient under section 7 of this act;  
10 (c) One representative of a statewide association of child advocacy  
11 centers;  
12 (d) Three representatives of law enforcement, including one from  
13 each congressional district;  
14 (e) One county attorney who has experience working with victims of  
15 sex trafficking and commercial sexual exploitation; and  
16 (f) One expert in behavioral health with experience working with  
17 victims of sex trafficking and commercial sexual exploitation.  
18 (3) The nonvoting members of the board shall include:  
19 (a) One representative of a statewide coalition representing  
20 nonprofit organizations that have an affiliation agreement with the  
21 department to provide services to victims of domestic violence and sexual  
22 assault under the Protection from Domestic Abuse Act, as designated by  
23 the department;  
24 (b) One representative of the Nebraska State Patrol, as designated  
25 by the Superintendent of Law Enforcement and Public Safety;  
26 (c) One representative of the Nebraska Commission on Law Enforcement  
27 and Criminal Justice, as designated by the executive director of the

28 commission;

29 (d) One representative of the Attorney General, as designated by the  
30 Attorney General;

31 (e) One representative of the Office of Probation Administration, as  
1 designated by the probation administrator; and

2 (f) One representative of the Office of Support for Trafficking

3 Survivors within the department designated by the chief executive officer  
4 of the Department of Health and Human Services.

5 (4) Members of the board appointed under subsection (2) of this  
6 section shall serve four-year terms. A vacancy shall be filled for the  
7 balance of the unexpired term in the same manner as the original  
8 appointment. A member may be reappointed at the expiration of his or her  
9 term. An appointed board member shall not serve more than two consecutive  
10 terms, whether partial or full.

11 (5) Initial board members shall be appointed or designated no later  
12 than October 1, 2019.

13 (6) The board shall elect a chairperson and may elect other officers  
14 and establish committees as it deems appropriate.

15 (7) The members of the board shall not receive any compensation for  
16 service on the board but shall be reimbursed for actual and necessary  
17 expenses incurred in the performance of their duties as provided in  
18 sections 81-1174 to 81-1177.

19 (8) Any board member may be removed by the Governor for misconduct,  
20 incompetency, or neglect of duty after first being given the opportunity  
21 to be heard in his or her own behalf.

22 Sec. 6. The board shall have the following powers and duties:

23 (1) To meet not less than quarterly at the call of the chairperson  
24 to conduct its official business;

25 (2) To create and annually review a state plan to prevent, identify,  
26 and respond to sex trafficking and commercial sexual exploitation, with a  
27 specific focus on supporting the safety, well-being, and economic  
28 stability of victims of sex trafficking and commercial sexual  
29 exploitation. The state plan shall be revised at least once every three  
30 years. The state plan shall be submitted to the Governor and  
31 electronically to the Health and Human Services Committee of the  
1 Legislature and the Judiciary Committee of the Legislature within one  
2 year after the appointment of the original board and annually thereafter  
3 by December 1. The state plan shall:

4 (a) Include strategies to develop and support the provision of  
5 supportive services for victims of sex trafficking and commercial sexual  
6 exploitation across the state;

7 (b) Include steps to develop and implement a screening and reporting  
8 plan for the department and other state agencies and make recommendations  
9 regarding the use of specific screening tools and reporting mechanisms;

10 (c) Evaluate the availability of services accessed through the child  
11 welfare system and the criminal justice system, as well as supportive  
12 services funded through the competitive grant program established in  
13 section 7 of this act if public or private funding is made available for  
14 this grant program;

15 (d) Include an accounting of receipts to and disbursements from the  
16 Human Trafficking Victim Assistance Fund;  
17 (e) Include an accounting of receipts to and disbursements from the  
18 Sex Trafficking Investigation Assistance Fund, if public or private  
19 funding is made available for this purpose, including a description of  
20 reimbursements made, the name of state or local law enforcement agencies  
21 that received reimbursement, and the type of expense reimbursed; and  
22 (f) Include the number of victims of sex trafficking and commercial  
23 sexual exploitation identified or served by the department and other  
24 state agencies and services;  
25 (3) To develop criteria, review applications, and approve the  
26 awarding of grants to eligible program recipients in the manner described  
27 in section 7 of this act if public or private funding is made available  
28 for this grant program;  
29 (4) To consult with relevant state agencies, task forces,  
30 commissions, and boards to help determine availability, probable  
31 effectiveness, fiscal soundness, and need for proposed programs; and  
1 (5) To identify barriers to the provision of supportive services for  
2 victims of sex trafficking and commercial sexual exploitation and make  
3 recommendations to eliminate such barriers in the state plan.  
4 Sec. 7. (1) If public or private funding is made available for this  
5 purpose, the board shall establish a competitive grant program in support  
6 of the state plan developed under section 6 of this act to prevent,  
7 identify, and respond to sex trafficking and commercial sexual  
8 exploitation and to support the safety, well-being, and economic  
9 stability of victims of sex trafficking and commercial sexual  
10 exploitation. The awarding of any such grant shall be approved by a  
11 majority of the voting members of the board.  
12 (2) Grants shall be awarded to eligible program recipients to  
13 provide supportive services to prevent, identify, and respond to sex  
14 trafficking and commercial sexual exploitation and to support the safety,  
15 well-being, and economic stability of victims of sex trafficking and  
16 commercial sexual exploitation. Programs providing supportive services  
17 that are funded through such grant program shall:  
18 (a) Utilize a trauma-informed approach, which involves understanding  
19 and responding to the symptoms of trauma and traumatic stress across the  
20 lifespan, recognizing the signs and symptoms of trauma, implementing that  
21 knowledge about trauma into policies, procedures, and practices, and  
22 seeking to actively resist re-traumatization;  
23 (b) Use a victim-centered approach, which focuses on the needs and  
24 concerns of the victim, provides supportive services in a  
25 nondiscriminatory, nonjudgmental manner, and seeks to minimize re-  
26 traumatization by supporting victims' rights, dignity, autonomy, and  
27 self-determination;  
28 (c) Provide services that are linguistically and developmentally  
29 appropriate. Applicants must have in place policies and procedures  
30 promoting linguistically relevant services, including the accessibility  
31 of services for program participants with limited English proficiency and  
1 individuals with disabilities;

2 (d) Ensure that case management is provided for victims of sex  
3 trafficking and commercial sexual exploitation receiving services under  
4 the grant. Case management shall include, but not be limited to, an  
5 assessment of victim needs, development of individualized service plans,  
6 assessment of eligibility for other public or community-based programs,  
7 assistance in accessing publicly funded programs, assistance with safety  
8 planning, assistance with crime victim compensation claims when possible,  
9 information and referral, documentation of services provided, and routine  
10 followup to ensure that the needs of the victim are being addressed. Case  
11 management shall be delivered in a manner that is trauma-informed and  
12 victim-centered;

13 (e) Inform each victim about the option to work within the criminal  
14 justice system in the prosecution of the trafficker and others involved  
15 in his or her victimization by sex trafficking or commercial sexual  
16 exploitation; and

17 (f) Have written policies and procedures to ensure the safety,  
18 confidentiality, and privacy of the information regarding each victim.

19 (3) Programs providing supportive services shall be ineligible to  
20 participate in the grant program if:

21 (a) Services are provided in a way that is coercive or not  
22 voluntary;

23 (b) Services provided do not allow the free practice of the religion  
24 of choice; or

25 (c) Services are conditioned upon participation with the criminal  
26 justice system in the prosecution of traffickers or others involved in  
27 sex trafficking or commercial sexual exploitation.

28 (4) In awarding grants under this section, consideration shall be  
29 given to factors such as need, geographic location, diversity of  
30 population served, and coordination with or improvement of existing  
31 services.

1 (5) Funding for the competitive grant program may be paid from the  
2 Human Trafficking Victim Assistance Fund.

3 Sec. 8. The board shall contract for an independent evaluation of  
4 the state plan created under section 6 of this act and the competitive  
5 grant program created under section 7 of this act if public or private  
6 funding is made available in the Human Trafficking Victim Assistance Fund  
7 or the Sex Trafficking Investigation Assistance Fund for this specific  
8 purpose. The evaluation shall assess the effectiveness of the state plan  
9 in promoting the safety, well-being, and economic stability for victims  
10 of sex trafficking and commercial sexual exploitation and the  
11 effectiveness of the grant program in achieving the purposes described in  
12 section 7 of this act. The evaluation shall begin after the completion of  
13 the second year of the competitive grant program and shall be completed  
14 in the third year of the program. The department shall electronically  
15 transmit the completed evaluation to the Health and Human Services  
16 Committee of the Legislature and the Judiciary Committee of the  
17 Legislature.

18 Sec. 9. (1) The Sex Trafficking Investigation Assistance Fund is  
19 created. The State Treasurer shall credit to the fund such money as is

20 appropriated or transferred to the fund by the Legislature, donated as  
 21 gifts, bequests, or other contributions to such fund from public or  
 22 private entities, and made available by any department or agency of the  
 23 United States if so directed by such department or agency. The fund shall  
 24 be administered by the Nebraska Commission on Law Enforcement and  
 25 Criminal Justice. The Department of Justice shall approve and coordinate  
 26 payments to state and local law enforcement.

27 (2) Any money in the fund available for investment shall be invested  
 28 by the state investment officer pursuant to the Nebraska Capital  
 29 Expansion Act and the Nebraska State Funds Investment Act.

30 (3) All money credited to such fund shall be used to reimburse state  
 31 or local law enforcement for expenses associated with victim-centered  
 1 trauma-informed investigations, operations, or prosecution of sex  
 2 trafficking. The fund shall not be used to reimburse state or local law  
 3 enforcement costs associated with investigations, operations, or  
 4 prosecution of prostitution arrests.

5 Sec. 10. Section 81-1429.02, Revised Statutes Cumulative Supplement,  
 6 2018, is amended to read:

7 81-1429.02 The Human Trafficking Victim Assistance Fund is created.  
 8 The fund shall consist of any funds appropriated by the Legislature or  
 9 ~~contain money~~ donated as gifts, bequests, or other contributions from  
 10 public or private entities. Funds made available by any department or  
 11 agency of the United States may also be credited to the fund if so  
 12 directed by such department or agency. The fund shall be administered by  
 13 the Nebraska Commission on Law Enforcement and Criminal Justice. The  
 14 Department of Health and Human Services shall approve and coordinate  
 15 payments to service providers. All money credited to such fund shall be  
 16 used to support care, treatment, and other services for victims of human  
 17 trafficking and commercial sexual exploitation of a child. Any money in  
 18 the fund available for investment shall be invested by the state  
 19 investment officer pursuant to the Nebraska Capital Expansion Act and the  
 20 Nebraska State Funds Investment Act.

21 Sec. 11. Original section 81-1429.02, Revised Statutes Cumulative  
 22 Supplement, 2018, is repealed.

(Signed) Sara Howard, Chairperson

#### Appropriations

**LEGISLATIVE BILL 334.** Placed on General File with amendment.  
 AM801 is available in the Bill Room.

**LEGISLATIVE BILL 638.** Placed on General File with amendment.  
 AM800

1 1. On page 3, after line 9, insert the following new subsection:  
 2 "(6) Nothing in this section prohibits the balance in the Cash  
 3 Reserve Fund from exceeding sixteen percent of the total budgeted General  
 4 Fund expenditures each fiscal year if the Legislature determines it  
 5 necessary to prepare for and respond to budgetary requirements which may

6 include, but are not limited to, capital construction projects and  
7 responses to emergencies."

(Signed) John Stinner, Chairperson

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 237A.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 237, One Hundred Sixth Legislature, First Session, 2019.

### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 57.** Introduced by Williams, 36.

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

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

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

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

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 58.** Introduced by Halloran, 33.

WHEREAS, the Hastings St. Cecilia High School girls' basketball team won the 2019 Class C-2 Girls State Basketball Championship; and

WHEREAS, the St. Cecilia Hawkettes girls' basketball team defeated the Crofton Warriors in the championship game by a score of 63-45; and

WHEREAS, this is the St. Cecilia Hawkettes first championship title since 2011; and

WHEREAS, the St. Cecilia girls' basketball team members are positive role models of hard work, dedication, perseverance, and discipline for young athletes in their community; and

WHEREAS, such a team achievement is made possible through the support of teachers, administrators, parents, and the community; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Hastings St. Cecilia High School girls' basketball team on winning the 2019 Class C-2 Girls State Basketball Championship.

2. That a copy of this resolution be sent to the Hastings St. Cecilia High School girls' basketball team and Coach Greg Berndt.

Laid over.

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

Senator Crawford filed the following amendment to LB237:

AM943

(Amendments to Standing Committee amendments, AM676)

1 1. On page 6, line 17, strike "three" and insert "six".

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

Health and Human Services

The Health and Human Services 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.

Randy Boldt - Board of Emergency Medical Services  
 John Bonta - Board of Emergency Medical Services  
 Karen Bowlin - Board of Emergency Medical Services  
 Ann Fiala - Board of Emergency Medical Services  
 Michael Miller - Board of Emergency Medical Services  
 Carl Rennerfeldt - Board of Emergency Medical Services

Aye: 5 Cavanaugh, Hansen, B., Howard, Murman, Williams. Nay: 0.  
 Absent: 1 Walz. Present and not voting: 1 Arch.

The Health and Human Services 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.

Lynette Kramer - Nebraska Rural Health Advisory Commission  
 Laeth Nasir - Nebraska Rural Health Advisory Commission  
 Rebecca A. Schroeder - Nebraska Rural Health Advisory Commission

Aye: 6 Arch, Cavanaugh, Hansen, B., Howard, Murman, Williams. Nay: 0.  
 Absent: 1 Walz. Present and not voting: 0.

(Signed) Sara Howard, Chairperson

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

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

Senator Wayne name added to LB390.  
Senator Linehan name added to LB451.  
Senator Brandt name added to LB491.  
Senator Brewer name added to LB605.  
Senator Murman name added to LB657.  
Senator Brandt name added to LB657.

**VISITOR(S)**

Visitors to the Chamber were Rachel, Erin, and Malachi Clark from Bellevue; staff from the Public Health Solutions District from Crete and Beatrice; members of the U.S. State Department Leadership Program from Czechia, Estonia, Greece, Slovakia, Slovenia, and Turkey; and members from the Delta Sigma Theta Sorority and Veterans Upward Bound from Omaha.

**ADJOURNMENT**

At 11:52 a.m., on a motion by Senator Hunt, the Legislature adjourned until 9:00 a.m., Tuesday, March 26, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature

