

**SEVENTH DAY - JANUARY 17, 2019**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED SIXTH LEGISLATURE**  
**FIRST SESSION**

**SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, January 17, 2019

**PRAYER**

The prayer was offered by Pastor Mike Wing, Grace Community Bible Church, North Platte.

**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 Wayne who was excused; and Senators Linehan, McCollister, Morfeld, Stinner, Vargas, and Williams who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixth day was approved.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB134	Revenue (rereferred)
LB257	Banking, Commerce and Insurance
LB258	Banking, Commerce and Insurance
LB259	Banking, Commerce and Insurance
LB260	Health and Human Services
LB261	Executive Board
LB262	Judiciary
LB263	Revenue
LB264	Judiciary
LB265	Banking, Commerce and Insurance
LB266	Revenue
LB267	Government, Military and Veterans Affairs
LB268	Transportation and Telecommunications
LB269	Transportation and Telecommunications

LB270 Transportation and Telecommunications  
LB271 Judiciary  
LB272 Revenue  
LB273 Government, Military and Veterans Affairs  
LB274 Banking, Commerce and Insurance  
LB275 Judiciary  
LB276 Revenue  
LB277 Judiciary  
LB278 Transportation and Telecommunications  
LB279 Revenue  
LB280 Government, Military and Veterans Affairs  
LB281 Education  
LB282 Judiciary  
LB284 Revenue  
LB285 Natural Resources  
LB286 Judiciary  
LB287 Natural Resources  
LB288 Revenue  
LB289 Revenue  
LB290 Revenue  
LB291 Revenue  
LB292 Appropriations  
LB293 Appropriations  
LB294 Appropriations  
LB295 Appropriations  
LB296 Appropriations  
LB297 Appropriations  
LB298 Appropriations  
LB299 Appropriations  
LB300 Judiciary  
LB301 Business and Labor  
LB302 Natural Resources  
LB303 Revenue  
LB304 Agriculture  
LB305 Business and Labor  
LB306 Business and Labor  
LB308 Judiciary  
LB309 Judiciary  
LB310 Revenue  
LB311 Business and Labor  
LB312 Health and Human Services  
LR8CA Revenue

(Signed) Mike Hilgers, Chairperson  
Executive Board

**NOTICE OF COMMITTEE HEARING(S)**

Health and Human Services

Room 1510

Thursday, January 24, 2019 1:30 p.m.

LB200  
LB60  
LB119

Friday, January 25, 2019 1:00 p.m.

Medicaid Financing Briefing

Friday, January 25, 2019 1:30 p.m.

LB140

(Signed) Sara Howard, Chairperson

Nebraska Retirement Systems

Room 1507

Tuesday, January 29, 2019 12:00 p.m.

LB32  
Allen Simpson - Public Employees Retirement Board  
Gail Werner-Robertson - Nebraska Investment Council

(Signed) Mark Kolterman, Chairperson

**ANNOUNCEMENT(S)**

The Appropriations Committee elected Senator Bolz as Vice Chairperson.

**BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 378.** Introduced by Hansen, B., 16; Albrecht, 17; Brewer, 43; Clements, 2; Dorn, 30; Erdman, 47; Friesen, 34; Gragert, 40; Groene, 42; Halloran, 33; Lowe, 37; Murman, 38; Slama, 1; Wishart, 27.

A BILL FOR AN ACT relating to autocycles, motorcycles, and mopeds; to amend section 60-6,279, Revised Statutes Cumulative Supplement, 2018; to change helmet provisions; to require eye protection; and to repeal the original section.

**LEGISLATIVE BILL 379.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to finance; to amend section 45-915, Reissue Revised Statutes of Nebraska, and sections 45-901, 45-902, and 45-1001, Revised Statutes Cumulative Supplement, 2018; to change licensing and operating provisions, provide powers and duties for the Department of Banking and Finance and Director of Banking and Finance, and define a term under the Delayed Deposit Services Licensing Act; to clarify a licensing provision under the Nebraska Installment Loan Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 380.** Introduced by La Grone, 49.

A BILL FOR AN ACT relating to the Nebraska Property and Liability Insurance Guaranty Association Act; to amend sections 44-2403, 44-2406, 44-2407, 44-2409, and 44-2411, Reissue Revised Statutes of Nebraska; to redefine terms; to change obligations for covered claims; to change association duties and authorizations 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.

**LEGISLATIVE BILL 381.** Introduced by Hansen, B., 16.

A BILL FOR AN ACT relating to government; to amend sections 1-110, 2-1201, 2-1803, 2-2306, 2-3405, 2-3619, 2-3751, 2-4008, 2-4208, 2-4901, 2-5003, 7-205, 21-2307, 23-1215, 24-1003, 24-1103, 24-1203, 25-2907, 29-2259, 29-3925, 30-4108, 37-105, 37-106, 39-2304, 43-1302, 43-1903, 43-3342.05, 43-3401, 43-4001, 43-4202, 45-603, 46-538, 48-1116, 48-2503, 49-233, 50-415, 51-402, 53-112, 53-113, 53-302, 58-228, 66-1335, 68-953, 68-1105, 70-719, 70-1003, 71-219.03, 71-222, 71-702, 71-808, 71-1799, 71-2605, 71-3406, 71-4504, 71-4723, 71-4728.05, 71-5657, 71-6227, 71-6303, 71-6321, 71-7012, 71-8236, 71-8251, 71-8604, 71-8803, 72-201, 72-224.03, 72-1239, 72-2007, 72-2103, 75-104, 76-2222, 77-27,157, 77-5004, 77-5206, 79-317, 79-546, 79-808, 79-861, 79-863, 79-1104.04, 79-1816, 80-318, 80-401.02, 80-401.08, 81-175, 81-502.02, 81-829.53, 81-829.54, 81-885.07, 81-8,189, 81-8,267, 81-1108.32, 81-1120.18, 81-1174, 81-1180, 81-11,104, 81-1409, 81-1421, 81-1449, 81-1503, 81-1505.03, 81-15,171, 81-15,211, 81-15,245, 81-1805, 81-2105, 81-2506, 81-3521, 82-310, 83-4,124, 84-931, 84-1204, 84-1502, 85-104, 85-301, 85-1408, 85-1509, 86-461, 86-515, 86-570, and 86-571, Reissue Revised Statutes of Nebraska, and sections 2-3951.01, 3-104, 9-1004, 29-2252, 39-2106, 43-2411, 49-14,120, 50-505, 53-502, 54-191, 55-604, 57-904, 58-819, 79-760.03, 79-760.07, 79-1217, 79-2204, 81-1348, 81-1430, 81-15,175, 81-1603, 83-1212.01, 84-1501, 86-1025.01, and 86-1102, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to reimbursement for expenses as prescribed; to eliminate obsolete provisions; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal section 81-1181, Reissue

Revised Statutes of Nebraska.

**LEGISLATIVE BILL 382.** Introduced by Geist, 25.

A BILL FOR AN ACT relating to the Dog and Cat Purchase Protection Act; to amend section 54-644, Reissue Revised Statutes of Nebraska, and sections 54-645 and 54-646, Revised Statutes Cumulative Supplement, 2018; to define a term; to change a provision relating to a written disclosure statement; to provide a records requirement; to prohibit sales of inbred dogs as prescribed; to provide for preemption of local law; to harmonize provisions; and to repeal the original sections.

**SENATOR WILLIAMS PRESIDING**

**ANNOUNCEMENT**

The Chair announced the birthday of Senator Cavanaugh.

**BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 383.** Introduced by Quick, 35; Bolz, 29; Cavanaugh, 6; Crawford, 45; DeBoer, 10; Howard, 9; Hunt, 8; McDonnell, 5; Morfeld, 46; Pansing Brooks, 28; Vargas, 7; Wishart, 27.

A BILL FOR AN ACT relating to the Wage and Hour Act; to amend section 48-1203, Revised Statutes Cumulative Supplement, 2018; to provide for an annual adjustment to the minimum wage; to provide duties for the State Treasurer and Department of Labor; to define a term; and to repeal the original section.

**LEGISLATIVE BILL 384.** Introduced by Walz, 15.

A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to amend section 81-885.13, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to education requirements; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 385.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to the Nebraska State Historical Society; to amend section 82-101.01, Reissue Revised Statutes of Nebraska; to change provisions relating to the election of the board of trustees; and to repeal the original section.

**LEGISLATIVE BILL 386.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to the Nebraska Budget Act; to amend

section 13-504, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to cash reserves; to provide an operative date; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 387.** Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to juries; to amend sections 25-412.04, 25-1107.01, 25-1108, 25-1313, 25-1601, 25-1601.03, 25-1602, 25-1603, 25-1606, 25-1607, 25-1611, 25-1612, 25-1625, 25-1626, 25-1627, 25-1628, 25-1629, 25-1629.01, 25-1629.02, 25-1630, 25-1631, 25-1631.03, 25-1632, 25-1632.01, 25-1633, 25-1634, 25-1634.01, 25-1634.02, 25-1636, 25-1637, 25-1639, 25-1640, 25-1641, 28-916, 29-1201, 29-2003, 29-2011, 29-2017, and 33-138, Reissue Revised Statutes of Nebraska, and sections 25-1635 and 29-2023, Revised Statutes Cumulative Supplement, 2018; to name the Jury Selection Act; to define terms; to change terminology relating to juries; to transfer, change, and eliminate provisions relating to jury commissioners, juror qualifications, exemptions and excuses from jury service, jury lists and summoning juries, initial and subsequent jury panels, excess jurors, special jury panels in criminal cases, extra jurors, tales jurors, grand juries, jurors' notes, jurors viewing property or a place material to litigation, and compensation for jurors; to provide duties for clerk magistrates; to change terminology relating to verdicts and court proceedings; to change penalty provisions; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 25-1609, 25-1626.02, 25-1627.01, 25-1629.03, 25-1629.04, 25-1633.01, 25-1634.03, 25-1642, and 25-1643, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 388.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to children and families; to amend sections 43-292.03, 43-533, 43-1311.01, 43-1312, 43-1312.01, and 43-1313, Reissue Revised Statutes of Nebraska, and sections 43-285, 43-292.02, and 43-1318, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to placement plans; to provide a duty for the Department of Health and Human Services; to require review of certain determinations relating to parental rights termination proceedings as prescribed; to change provisions relating to family policy; to clarify legislative intent; to change and provide procedures and requirements relating to placement of children in guardianships and termination of guardianships; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 389.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend sections 43-292 and 43-292.01, Reissue Revised Statutes of Nebraska, and sections 43-283.01 and 43-292.02, Revised Statutes Cumulative Supplement, 2018; to change and provide grounds for termination of parental rights; to change provisions relating to when reasonable efforts at reunification are required; to change provisions relating to petitions for

termination of parental rights; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 390.** Introduced by Pansing Brooks, 28; Hansen, M., 26; Linehan, 39; Walz, 15.

A BILL FOR AN ACT relating to public safety; to state findings; to define terms; and to provide duties for the Nebraska Commission on Law Enforcement and Criminal Justice, law enforcement agencies, security agencies, and school districts relating to school resource officers and security guards as prescribed.

**LEGISLATIVE BILL 391.** Introduced by Hansen, M., 26; Pansing Brooks, 28.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend sections 29-401, 43-248.01, and 43-249, Reissue Revised Statutes of Nebraska, and sections 43-250 and 43-2,129, Revised Statutes Cumulative Supplement, 2018; to require notification of a juvenile's parent, guardian, custodian, or relative when a juvenile is taken into custody as prescribed; to require an advisement of a juvenile's rights to be given when a juvenile is taken into custody; to require that a juvenile's parent, guardian, custodian, or relative be present when requested; to prohibit the use of certain statements in court proceedings as prescribed; to define a term; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 392.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to the Nebraska Evidence Rules; to amend section 27-801, Reissue Revised Statutes of Nebraska; to change provisions relating to hearsay; and to repeal the original section.

**LEGISLATIVE BILL 393.** Introduced by Groene, 42.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 76-901, 76-903, and 77-1327, Reissue Revised Statutes of Nebraska; to increase the documentary stamp tax; to distribute certain revenue to the Property Tax Credit Cash Fund; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 394.** Introduced by Wishart, 27.

A BILL FOR AN ACT relating to appropriations; to state intent relating to an appropriation to the Department of Transportation; and to declare an emergency.

**LEGISLATIVE BILL 395.** Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to the Uniform Residential Landlord and

Tenant Act; to amend section 76-1431, Reissue Revised Statutes of Nebraska; to change provisions relating to power of possession by a landlord as a result of criminal activity on the premises by a tenant; to provide an exception in cases of domestic assault as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 396.** Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to the Uniform Residential Landlord and Tenant Act; to eliminate continuance provisions that allow for continuances only for extraordinary causes and require deposits of rental payments; and to outright repeal section 76-1443, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 397.** Introduced by Briese, 41.

A BILL FOR AN ACT relating to tobacco; to amend sections 28-1418, 28-1418.01, 28-1419, 28-1420, 28-1421, 28-1423, 28-1424, 28-1425, 28-1427, 28-1429.02, and 28-1429.03, 69-2705, 69-2706, 69-2707, 69-2707.01, 69-2709, 69-2710, 69-2710.01, 69-2710.03, 77-2601, and 77-2603, Reissue Revised Statutes of Nebraska; to change provisions relating to tobacco, electronic nicotine delivery systems, or alternative nicotine products; to define and redefine terms; to change escrow fund provisions for tobacco product manufacturers; to change provisions relating to nonparticipating manufacturers; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 398.** Introduced by DeBoer, 10.

A BILL FOR AN ACT relating to learning communities; to amend sections 77-3442 and 79-2118, Reissue Revised Statutes of Nebraska, and sections 79-2104 and 79-2104.02, Revised Statutes Cumulative Supplement, 2018; to remove a limitation on the use of a levy; to change a reporting deadline; to change provisions relating to diversity plans; to harmonize provisions; and to repeal the original sections.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 10.** Introduced by Scheer, 19; Briese, 41; Erdman, 47; Gragert, 40; Hughes, 44; Kolterman, 24; Murman, 38; Stinner, 48; Vargas, 7; Wayne, 13.

WHEREAS, seventeen hundred locally elected Nebraska citizens currently volunteer their time to serve on local public school boards throughout the state, representing two hundred and forty-four school districts, seventeen educational service units, and three hundred and twenty-three thousand students; and

WHEREAS, members of various ages, races, and backgrounds represent one Nebraska, which encourages and strengthens school districts,



communities, and the state by supporting great teaching and student achievement; and

WHEREAS, through leadership, innovation, and engagement, school board members are challenged to bring their communities to consensus on a vision for schools and use that vision to meet the current and future needs of our children; and

WHEREAS, the local public school board is a uniquely American institution that has made public schools flexible, responsible, and accountable to the needs of our communities, our state, and our nation while furthering the American ideal of representative government; and

WHEREAS, school board members serve first and foremost as trustees for our children; and

WHEREAS, all Nebraskans should recognize and acknowledge the significant contributions made by our locally elected school board members, who work to ensure the delivery of quality education for our children.

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

1. That the Legislature appreciates the hard work of school board members across the state.
2. That the Legislature encourages Nebraskans to acknowledge and thank school board members for their work and dedication.

Laid over.

**LEGISLATIVE RESOLUTION 11CA.** Introduced by Hansen, M., 26; Hunt, 8; La Grone, 49; Slama, 1.

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 III, section 8:

III-8 No person shall be eligible to the office of member of the Legislature unless on the date of the general election at which he or she is elected, or on the date of his or her appointment, ~~the person~~ he is a registered voter, has attained the age of ~~nineteen~~ twenty-one years, and has resided within the district from which ~~he is~~ he is elected for the term of one year next before his or her election, unless ~~the person has~~ he shall have been absent on the public business of the United States or of this State. ~~No~~ And no person elected as a ~~member of the Legislature~~ member of the Legislature ~~as aforesaid~~ shall hold ~~such~~ his office after he or she shall have removed from such district.

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 change the age of eligibility for the office of member of the Legislature to nineteen years of age.

For

Against.

**NOTICE OF COMMITTEE HEARING(S)**

Natural Resources

Room 1525

Thursday, January 24, 2019 1:30 p.m.

LB287

(Signed) Dan Hughes, Chairperson

Judiciary

Warner Chamber

Thursday, January 24, 2019 1:30 p.m.

LB28

LB55

LB146

LB154

LB264

Friday, January 25, 2019 1:30 p.m.

LB47

LB110

LB125

LB213

(Signed) Steve Lathrop, Chairperson

Revenue

Room 1524

Friday, January 25, 2019 1:30 p.m.

LB4

(Signed) Lou Ann Linehan, Chairperson

Government, Military and Veterans Affairs

Room 1507

Thursday, January 24, 2019 1:30 p.m.

LB20

LB204  
LB52

Friday, January 25, 2019 1:30 p.m.

LB30  
LB64  
LB186

(Signed) Tom Brewer, Chairperson

#### ANNOUNCEMENT(S)

The Revenue Committee elected Senator Friesen as Vice Chairperson.

#### MOTION(S) - Print in Journal

Senator M. Hansen filed the following motion to LB72:  
MO1  
Withdraw bill.

#### SPEAKER SCHEER PRESIDING

#### BILLS ON FIRST READING

The following bills were read for the first time by title:

**LEGISLATIVE BILL 399.** Introduced by Slama, 1; Albrecht, 17; Arch, 14; Bostelman, 23; Brandt, 32; Brewer, 43; Briese, 41; Clements, 2; Dorn, 30; Erdman, 47; Geist, 25; Gragert, 40; Groene, 42; Halloran, 33; Hansen, B., 16; Hilgers, 21; Lindstrom, 18; Linehan, 39; Lowe, 37; McDonnell, 5; Moser, 22; Murman, 38.

A BILL FOR AN ACT relating to schools; to amend sections 79-724 and 79-727, Reissue Revised Statutes of Nebraska; to change the name and provisions relating to the committee on Americanism; to eliminate a penalty; to provide duties for the State Board of Education and the State Department of Education; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 400.** Introduced by Hunt, 8; Blood, 3; Bolz, 29; Cavanaugh, 6; Chambers, 11; Crawford, 45; DeBoer, 10; Hansen, M., 26; Howard, 9; Kolowski, 31; Lathrop, 12; McCollister, 20; McDonnell, 5; Pansing Brooks, 28; Quick, 35; Walz, 15; Wishart, 27.

A BILL FOR AN ACT relating to the Wage and Hour Act; to amend section 48-1205, Reissue Revised Statutes of Nebraska, and section 48-1203, Revised Statutes Cumulative Supplement, 2018; to change the minimum wage for persons compensated by way of gratuities; to change provisions

relating to the posting of information; and to repeal the original sections.

**LEGISLATIVE BILL 401.** Introduced by Quick, 35; Bolz, 29; Cavanaugh, 6; Hansen, M., 26; Howard, 9; Hunt, 8; McDonnell, 5; Morfeld, 46; Pansing Brooks, 28; Walz, 15; Wishart, 27.

A BILL FOR AN ACT relating to railroads; to adopt the Midwest Interstate Passenger Rail Compact; to provide an operative date; and to declare an emergency.

**LEGISLATIVE BILL 402.** Introduced by Hilkemann, 4; McCollister, 20; Pansing Brooks, 28; Walz, 15.

A BILL FOR AN ACT relating to public assistance; to amend section 68-1017.02, Reissue Revised Statutes of Nebraska; to eliminate a provision relating to eligibility for Supplemental Nutrition Assistance Program benefits as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 403.** Introduced by Stinner, 48.

A BILL FOR AN ACT relating to appropriations; to provide a duty for the Department of Health and Human Services.

**LEGISLATIVE BILL 404.** Introduced by Stinner, 48.

A BILL FOR AN ACT relating to appropriations; to state intent relating to medicaid budgeting.

**LEGISLATIVE BILL 405.** Introduced by Hunt, 8.

A BILL FOR AN ACT relating to buildings; to amend sections 71-6403, 71-6406, 72-804, 72-805, 72-806, 81-1608, 81-1609, 81-1611, 81-1614, 81-1618, and 81-1622, Reissue Revised Statutes of Nebraska; to change provisions relating to building and energy codes; to adopt updates to building and energy codes; to harmonize provisions; to provide an operative date; and to repeal the original sections.

#### **MOTION - Escort Chief Justice**

Senator Bolz moved that a committee of five be appointed to escort the Chief Justice of the Supreme Court and members of the Supreme Court to the Legislative Chamber for the purpose of delivering the State of the Judiciary Address.

The motion prevailed.

The Chair appointed Senators Lathrop, Pansing Brooks, Groene, Slama, and McCollister to serve on said committee.

The committee escorted Chief Justice Michael G. Heavican to the rostrum where he delivered the following message:

Mr. President, Mr. Speaker, Members of the Legislature, fellow Justices of the Nebraska Supreme Court, and fellow Nebraskans. Thanks to you, the members of this legislative body, and especially Speaker Scheer, for inviting me to address you again this morning. As always, it is an honor for me to report on Judicial Branch accomplishments and to discuss the future of the courts and probation.

First, I will introduce my fellow Justices. To my immediate right is Justice Lindsey Miller-Lerman of Omaha; to Justice Miller-Lerman's right is Justice Stephanie Stacy of Lincoln; and to Justice Stacy's right is Justice Jonathan Papik of Omaha.

To my immediate left is Justice William Cassel of O'Neill; to his left is Justice Jeff Funke of Nebraska City; and to Justice Funke's left is Justice John Freudenberg of Rushville.

I would like to take this opportunity to welcome the newest members of our court: Jonathan Papik joined the Court this past March; John Freudenberg joined us in July.

### ***Introduction***

I will speak with you today about justice reinvestment, the pivotal role the courts play in that process, and the dynamic initiatives this Court has implemented to increase access to our courts and to justice.

I will begin with justice reinvestment. In 2015, this Legislature passed LB 605, launching Nebraska's justice reinvestment efforts. All three branches of government have been involved with this effort, which seeks generally to channel most low-grade felons to community corrections rather than incarceration in our medium or maximum detention facilities.

In Nebraska, community corrections means 'Probation.' And in Nebraska, Probation -- both adult and juvenile -- has always been part of the judiciary.

In Nebraska, therefore, Probation and the judiciary have an essential role in justice reinvestment. We are the front door to Nebraska's correctional institutions; and in our role with reentry supervision, we are also the back door of those correctional institutions.

### ***Problem-Solving Courts***

First, the front door.

I have spoken to you in the past about our judge-initiated problem-solving courts. Problem-solving courts are intensive, judge-supervised treatment courts for criminal defendants who would otherwise be incarcerated.

Most of Nebraska's problem-solving courts are drug courts. Drug courts include substance abuse treatment, drug testing, job training, support group meetings, and other appropriate rehabilitative efforts, coupled with frequent judicial oversight hearings.

In 2018, our problem-solving courts served 1,397 individuals. That represents a 247% increase in the number of participants served since 2008, a 200% growth in the total number of such courts, and a 156% growth in the

number of judges participating in problem-solving courts. These courts now exist in all of Nebraska's 12 judicial districts.

Many, if not most, of the 1,397 individuals served in our problem-solving courts in 2018 would otherwise be in Nebraska's prison system. It costs approximately \$38,627 taxpayer dollars per year to warehouse a prisoner in our State's prison system. It costs \$2,865 taxpayer dollars per year to fund a defendant's participation in our problem-solving courts. Hence, problem-solving courts are a key part of justice reinvestment in Nebraska.

Thanks to all of our trial court judges who volunteer with no extra pay or, in some cases, no relief from their existing assigned caseload for such service.

Both our trial court judges and members of the Supreme Court work diligently to ensure that our problem-solving courts are of the highest quality, use appropriate and uniform standards, and are accountable for their performance. This Court's Problem-Solving Courts Committee plays a key role in ensuring the success of problem-solving courts, and has developed best practice standards for all existing courts.

Much thanks goes to District Court Judge Jim Doyle of Lexington for his leadership with the Supreme Court's Problem-Solving Courts Committee.

The Committee has developed best-practice standards for all our problem-solving courts and also works to confirm that our problem-solving court judges have proper training and access to the latest research available to ensure successful outcomes for problem-solving court participants. A new, upgraded training program will be implemented in 2019.

Last year in this address I spoke to you about our State's two newly-implemented Veterans Treatment Courts. I can report to you today that both of those courts are functioning efficiently and professionally in conjunction with veteran mentors, the assistance of the Veteran's Administration, and dozens of other supporters. Their goal is to give Nebraska's military veterans, who may have committed a nonviolent felony, a chance to participate in a problem-solving court and therefore a chance at rehabilitation rather than incarceration. The first Veterans Treatment Court graduation was held June 27, 2018; the next graduation will be held in Douglas County later this month.

Thanks especially to District Court Judge John Colborn, and the late District Court Judge Mark Ashford, for their pioneering work in this area.

In a moment I will speak to you about our efforts with re-entry courts. But first, a reality check in regard to problem-solving courts as part of justice reinvestment in Nebraska.

During this past budget year, we completely exhausted our allocated resources for problem-solving courts and had to move some Probation dollars to fund those initiatives. Testimony to this body's Judiciary Committee has indicated that Nebraska's jails are heavily impacted by incarcerated individuals who have mental illnesses that greatly influenced their criminal behavior.

Our local partners in county government are interested in establishing mental health courts to help alleviate that problem. We have stopped all efforts to expand problem-solving courts into the area of mental health courts, however, because we have no extra resources. Nor do we have the

necessary number of judges available in Douglas County and our other urban counties for further problem-solving court expansion. That said, I wish to thank this body, particularly Senators McCollister, Geist, and Williams, for their past support of problem-solving courts.

#### ***Adult Probation***

The second check on entry to Nebraska's prison system is, of course, adult probation. There are 15,649 adults on probation in Nebraska as I speak.

It is Probation that diverts most offenders otherwise bound for incarceration; it is Probation that most releases pressure on the correctional system; it is Probation that is the lynchpin to justice reinvestment in Nebraska; and it is Probation that fostered the necessary culture to implement LB 605.

Further, it is Probation that has consistently achieved all of the expansion needed to meet Nebraska's justice reinvestment goals; it is Probation that has devised innovative programs for offender rehabilitation; it is Probation that consistently measures offender recidivism rates so that quality programs can be replicated and less productive programs can be reformed; and it is Probation that has successfully reduced offender recidivism.

Adult probation has experienced significant changes since the passage of LB 605 in 2015. At the end of fiscal year 2018, the number of individuals placed on felony probation, including post-release supervision, was up by 39%. This is 12% above the Council of State Government's 2015 prediction of where Probation would be 3 years into justice reinvestment.

#### ***Post-Release Supervision***

Earlier in this speech, I suggested that Probation was not only the front door to Nebraska's prison system, but also the back door.

We are the back door because adult probation implements post-release supervision, sometimes called re-entry supervision. Low-grade felons released from our prisons and jails are supervised by adult probation.

The average number of individuals released from prison and local jails under Probation supervision in fiscal year 2016 was 23 per month. That number reached 87 per month in fiscal year 2017, and grew to 139 per month during the 2018 fiscal year. In the 2019 fiscal year, the number of individuals released to Probation's supervision is projected to be 153 per month.

To handle that large increase in participants, Probation set up re-entry teams to work with incarcerated felons before release. Our adult probation system has expanded and sharpened the programs available for re-entering felons, including transitional housing and drug treatment programs.

We have utilized our day and evening reporting centers across the State in that process, and measure the recidivism rates of reentering felons using the University of Nebraska-Lincoln's Law and Psychology program.

In 2018, we established two re-entry courts in Nebraska. Those courts apply the same intensive supervision programs used in other problem-solving courts. The goal of re-entry courts is to assure that felons leaving the

prison system have a successful transition to become productive members of their local communities.

Thanks to District Court Judge Stefanie Martinez of Sarpy County and Retired District Court Judge Teresa Luther of Hall County for being re-entry court leaders.

### *Juvenile Justice*

I will now address juvenile justice.

A comprehensive justice reinvestment project must include a juvenile justice component, the philosophy, culture, and goals of which are compatible with -- and supportive of -- adult justice reinvestment. In Nebraska, every young person who has successfully completed juvenile justice supervision is potentially one less person incarcerated in our adult prison system.

Like adult supervision, Nebraska's juvenile justice supervision is tasked to the Administrative Office of Probation. Juvenile justice in Nebraska shares the same philosophy, culture, and rehabilitative goals of adult justice reinvestment.

Juvenile justice is also sharing in the positive trends and successes of adult justice reinvestment. And I remind you that we can track every dollar we spend on every young person in the juvenile justice system, resulting in significant budget savings in this most recent biennium.

This past year we launched a special effort to address the lack of juvenile justice options available in greater Nebraska. Three priorities were established: 1) more local foster care; 2) more in-home services; and 3) more alternatives to detention, including timely access to therapists and evaluations. We have expedited family or kinship placement assessments and payment to those family providers, we have established and recruited emergency foster care homes, and we have continued expansion efforts related to in-home services.

Probation is working with the Department of Health and Human Services, private providers, the Department of Education, and other interested community members to increase those service options. I would especially like to thank County Court Judge Randin Roland of Sidney for taking a leadership role in this effort.

We have also established a statewide juvenile detention alternatives working group. This working group is completing a detailed analysis of alternatives to detention for mentally ill juveniles. A special thanks goes to Senator Tony Vargas and State Court Administrator Corey Steel for co-chairing this important state-wide work.

This summer, other members of the Supreme Court and I hosted a Tristate Juvenile Justice Conference in South Sioux City. Since a number of juvenile justice cases in the South Sioux City area overlap state boundaries, we met with members of the Iowa and South Dakota Supreme Courts to discuss improving resources and the process utilized for youth involved in our juvenile justice systems.

As a result of this tri-state meeting, representatives from each state proposed an easier process for tracking and providing supervision for probationers that live across state lines. Important changes were made in the



way all three states share information and transfer custody in such cases. Both processes have been expedited.

Juvenile Probation continually seeks to improve supervision and services for youth and families by embracing the strategies of national research, evidence-based practices, and adolescent development. This past year, the Robert F. Kennedy National Resource Center for Juvenile Justice completed a comprehensive review of the juvenile probation system's operations. The final report articulated the strong foundation Probation is working from and offered a set of recommendations centered on collaborative leadership opportunities to further strengthen that work.

I now call your attention to two other promising initiatives in the juvenile justice area.

First, this year the Administrative Office of Probation and the Department of Health and Human Services rolled out a cooperative policy related to serving youth who are involved in both child welfare and juvenile justice. Nearly 900 Health and Human Services and Probation employees were trained on how to better serve those young people.

### ***Restorative Justice***

Second, I also call your attention to our restorative justice efforts for juvenile offenders. These efforts are being offered in conjunction with the Judicial Branch's Office of Dispute Resolution and Nebraska's 6 regional mediation centers. This model is called Victim Youth Conferencing.

Victim Youth Conferencing involves the convening of a meeting, conducted by a trained professional, between low-risk delinquents and the victim(s) of their wrong-doing. During this process, emphasis is placed on reparations for the victim(s), and appropriate rehabilitation for juvenile offenders.

Use of the Victim Youth Conferencing program considerably reduces the odds of recidivism of juveniles and the odds of future involvement in the adult criminal system. We received a grant of over \$1 million for a 3-year period to expand juvenile restorative justice services to interested counties statewide. Some of the early participating counties include Buffalo, Dodge, Douglas, Lancaster, Pawnee, Red Willow, Sarpy, and Scotts Bluff.

The Victim Youth Conferencing program has been evaluated by outside academics. These academics noted the successful rate of reparations to victims and the positive responses of both victims and juvenile participants.

### ***New State Probation Administrator***

Before I address other topics, this is an appropriate time in my presentation to introduce Deb Minardi. I am pleased to welcome Deb as Nebraska's newest Probation Administrator.

Deb Minardi has worked for Nebraska's Probation system for 39 years. She is a leader in the movement to transform Nebraska Probation into the era of pro-active programming and evidence-based practices. Deb now has supervisory responsibility for both adult and juvenile probation services.

***Community Engagement Grant For  
Native American Population***

I now turn to various access to justice, civic education, and outreach programs this Court actively promotes. I will begin with our new outreach efforts with Nebraska's four recognized Native American Tribes.

This past summer, the Judicial Branch hosted a roundtable discussion in South Sioux City. Participants included representatives from the four Nebraska-based Tribes, our federal courts, the U.S. Attorney's Office, both Federal and State Departments of Health and Human Services, the Nebraska Department of Education, the Nebraska Commission on Indian Affairs, and other interested parties, including Senators Joni Albrecht and Tom Brewer. The purpose of this roundtable was to discuss disparities for Native American populations in our courts and to improve the relationships of tribal, state, and federal courts.

In an effort to build on the discussions from this meeting, we were selected by the National Center for State Courts as one of 6 sites nationally to participate in a project involving Community Engagement in the State Courts. To effectuate this participation, the Consortium of Tribal, State, and Federal Courts was created and is co-chaired by District Court Judge Andrea Miller of Scotts Bluff County and Chief Judge Patrick Runge of the Winnebago Tribal Court and Ponca Tribal Court. The Consortium is housed within the Nebraska Supreme Court's Access to Justice Commission.

During this project, the Consortium will work with the National Center for State Courts using public engagement models to:

1. Improve Native Americans' public trust and confidence in the State and Federal courts;
2. Identify ways to address disparate treatment of Native Americans in the State court system;
3. Improve judicial awareness and training as to the special problems faced by Native American populations in Nebraska; and
4. Improve the state and federal courts' confidence in, and understanding of, the tribal court system.

***Office of Public Guardian***

I turn now to the work of the Office of Public Guardian and access to the courts for court-protected wards.

Since its inception in 2015, the Office of Public Guardian, housed in the Judicial Branch, has served 574 incapacitated persons. As of November 1, 2018, that office had 259 open cases. These 259 individuals collectively have over 700 identified categories of need involving complex issues such as cognitive impairment, mental health diagnoses, developmental disabilities, substance and alcohol abuse, medical conditions, history of criminal justice involvement, and/or history of Mental Health Board commitments.

The Public Guardianship Act also requires the Office of Public Guardian to maintain training programs for private guardians, successor guardians, and interested parties to ensure the success of all guardians and conservators. Therefore, in January of 2016 the Office of Public Guardian

began providing the education and certification required for newly-appointed private guardians and conservators.

Between December 1, 2017, and October 31, 2018, 102 guardian and conservator education classes were held at 25 sites throughout the State. These classes trained 1,294 new guardians and conservators.

I invite each of you to go over the recently released annual report of the Office of Public Guardian. The statistics cited and human-interest stories told make for a sobering read.

An editorial in the January 13, 2019, edition of the *Omaha World Herald* points out that the need for the Office of Public Guardian is likely to increase in the next 10 years as the population of Nebraska's citizens over the age of 65 increases by 250,000 people. I quote from that editorial:

The Office of Public Guardian is to be commended for the services it's providing to such Nebraskans – the need is great. This initiative deserves continued support, buttressed by a strengthening of Nebraska's medical and behavioral health communities.

#### ***Access to Justice – Language Access***

Annually, I also report to you on our courts' access to justice language program. This year, the Judicial Branch utilized 117 independent interpreters, collectively speaking 30 different languages, to translate court proceedings. Some of the languages interpreted include Sudanese, Arabic, Somali, Hmong, Tagalog, Karen, Nepali, and Nuer. Spanish is, of course, the most frequently translated language in the courts. We have permanent Spanish language supervisors available throughout the State.

#### ***Technology***

Each year I also speak to you about implementation of the Court's strategic plan for technology. Technology advancements continue to allow Nebraskans to access their courts from anywhere, at any time.

In 2018, 770,000 documents were filed electronically in county and district courts, while another 4,800 were filed electronically in the appellate courts. Online trial court records were searched nearly 7.5 million times, while online appellate records were searched approximately 10,000 times.

The judicial branch electronically collected over \$9 million in citation payments, \$9.5 million in payments for civil and criminal judgments, and \$4.7 million for eFiled pleadings. While many other state judiciaries have found it necessary to purchase new, multi-million dollar systems in order to offer the kinds of tools necessary for modern case management and service to the public, we built our case management system the Nebraska way: in-house, on budget, and on time.

Our technology remains focused on creating new and better online services to modernize access to the courts and meet the needs of today's judges, attorneys, and the public. Today, nearly one-half of all court transactions take place online.

Our new and better online services include increased interaction of probation case management with judicial case management. Probation case management is getting a new mobile interface that will allow probation officers to record interactions with probationers from any location. This will

reduce time spent by officers performing data entry tasks and thus free up more time to engage with clients.

The Judicial Branch has also invested in a powerful set of reporting tools that facilitate the best allocation of probation resources and the best outcomes for clients. For example, dashboards help probation chiefs manage caseloads and provide administration with a clear window into probation population trends across the state. Technological innovations are essential tools, allowing us to clearly measure the impact of justice reinvestment in our adult and juvenile justice reform efforts.

The Judicial Branch is also a partner to other State government entities, including the Department of Motor Vehicles and the State Patrol, in bringing better broadband connectivity to local county courthouses and criminal justice centers around the State. A recent investment in this partnership will increase connectivity in over 30 different counties. These investments ensure the ability of the trial courts to take advantage of modern technology, such as video-conferencing, to keep other costs down and bring faster service to the public.

### *Court Outreach*

This Court believes that access to justice includes outreach to Nebraska's schools. The Supreme Court continues to hold oral arguments each spring at Nebraska's two law colleges. In addition to and in conjunction with its arguments at Creighton University School of Law, the Supreme Court also holds oral arguments at an Omaha area high school each year. In 2018, oral arguments were held at Millard North; in 2019, the Supreme Court is scheduled to hear oral arguments at Boys Town.

We also hold oral arguments at various Nebraska high schools in connection with Law Day, celebrated each year on May 1. In 2018, the Court held oral arguments at Grand Island Central High School, and in 2019, the Court has scheduled Law Day oral arguments at Scottsbluff High School. In November of 2018, the Supreme Court held oral arguments at Schuyler High School with special guest Judge John Gerrard, Chief Judge of the United States District Court for the District of Nebraska, offering commentary.

We also commend the Nebraska Court of Appeals for holding oral arguments at Nebraska college campuses in connection with Constitution Day, which is celebrated annually on September 17. In 2018, the Court of Appeals went to York College; in 2019, the Court of Appeals will hold oral arguments at Concordia University in Seward as part of that school's 125<sup>th</sup> anniversary celebration.

I would be remiss if I did not take this opportunity to thank the many trial court judges and Judicial Branch employees who regularly take time out of their schedules to provide law-related education programs to students within their communities. Many of our judges and clerks participate in County Government Day, High School Mock Trials, We the People Competitions, Law Day Job Shadow projects, and other local efforts. The Court is encouraged by these dedicated judges and employees who are active participants in their communities.

***Pandemic Conference***

The Judicial Branch believes not only in being responsive to current needs and wants, but also in being prepared for what we may encounter in the future.

Through the assistance of the State Justice Institute, in May of 2019 the Nebraska Judicial Branch will host a conference that will coincide with the opening of the University of Nebraska Medical Center's Federal Quarantine Center in Omaha. This conference will bring together health officials, judges, and members of the legislative and executive branches of government from around the country to discuss how government can effectively meet the needs of citizens during a time of public health crisis.

Through our partnering with the University of Nebraska Medical Center in this project, we are able to focus on how a public health crisis may impact Nebraska courts and draw on UNMC's unique knowledge base of pandemic threats.

***Conclusion***

In conclusion, as we have invited these various community, State, and national partners to engage with the courts, I invite each of you to visit your local trial courts, probation offices, and problem-solving courts.

Likewise, we welcome you to visit the Supreme Court's oral arguments or watch live-streaming of those arguments on the Court's website or on Nebraska Public Television's website.

You will find there are no better-spent tax dollars than the tax dollars you allocate to the Courts and Probation.

Thank you for your past and continuing support for Nebraska's courts.

The committee escorted the Chief Justice from the Chamber.

**ANNOUNCEMENT(S)**

The Transportation and Telecommunications Committee elected Senator Geist as Vice Chairperson.

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

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

Senator Dorn name added to LB14.

Senator Dorn name added to LB28.

Senator Linehan name added to LB115.

Senator Kolterman name added to LB188.

Senator Dorn name added to LB225.

Senator Blood name added to LB248.

Senator Blood name added to LB249.

**VISITOR(S)**

Visitors to the Chamber were J. Scott Paul and Liz Neeley from the Nebraska Bar Association and Steve Guenzel and Steve Seglin from the Nebraska Bar Foundation; and members of the State Chamber's Leadership Nebraska Class XI.

The Doctor of the Day was Dr. David Hoelting from Pender.

**ADJOURNMENT**

At 10:40 a.m., on a motion by Senator Geist, the Legislature adjourned until 9:00 a.m., Friday, January 18, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature