

**EIGHTY-THIRD DAY - MAY 30, 2019**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED SIXTH LEGISLATURE**  
**FIRST SESSION**

**EIGHTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, May 30, 2019

**PRAYER**

The prayer was offered by Reverend Greg Allen-Pickett, First Presbyterian Church, Hastings.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 1:00 p.m., President Foley presiding.

The roll was called and all members were present except Senators Morfeld and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

Page 1817, line 17, insert "13" after "LBs".  
Page 1849, line 38, strike "finance" and insert "fiancé".  
The Journal for the eighty-second day was approved as corrected.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on May 24, 2019, at 4:30 p.m. were the following: LBs 460e, 460Ae, 86, 86A, 149, 186e, 186Ae, 334, 334A, 397, 433, 462, 468, 481, 481A, 492, 511, 512e, 519, 532, 532A, 583, 592, 593e, 610, 610A, 630, 657e, 657Ae, 680, 686, and 690.

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

**MESSAGE(S) FROM THE GOVERNOR**

May 27, 2019

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 293e, 294e, 295e, 296e, 297e, 298e, 299e, 300e, 300Ae, 464e, and 675e were received in my office on May 21, 2019.

These bills were signed and delivered to the Secretary of State on May 27, 2019.

Sincerely,  
(Signed) Pete Ricketts  
Governor

May 29, 2019

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 15, 62, 123, 135, 218e, 220, 244e, 248, 260, 281, 308, 309, 315, 374, 392, 414, 427, 447, 447A, 454, 476, 505, 525, 538, 538A, 559, 561, 564, 571, 571A, 600e, 600Ae, 609, 641, 641A, 719, 719A, and 726 were received in my office on May 23, 2019.

These bills were signed and delivered to the Secretary of State on May 29, 2019.

Sincerely,  
(Signed) Pete Ricketts  
Governor

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

##### Transportation and Telecommunications

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

Ann Richart - Director, Division of Aeronautics, Department of Transportation

Aye: 8 Albrecht, Bostelman, Cavanaugh, DeBoer, Friesen, Geist, Hilgers, Hughes. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Curt Friesen, Chairperson

**RESOLUTION(S)****LEGISLATIVE RESOLUTION 264.** Introduced by Friesen, 34.

WHEREAS, Giltner High School won the 2019 Class D Girls State Track and Field Championship, the fifth consecutive state championship for the school; and

WHEREAS, the Giltner Hornets girls' track and field team won the 2019 championship with 54 points; and

WHEREAS, the Giltner Hornets had eight qualifiers for the state track and field meet, including seniors Brooke Good, Aubrianna Leichty, Brayden Rhoades, and Brooke Wilson, juniors Cortney Hoelck, Sydney Janzen, and Hannah Preissler, and sophomore Sydney Watson; and

WHEREAS, the Giltner High School girls' track and field team was led by the dedicated and talented coach Nancy Lockmon; 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 Giltner High School girls' track and field team for winning the 2019 Class D Girls State Track and Field Championship.

2. That a copy of this resolution be sent to the Giltner High School girls' track and field team and their coach, Nancy Lockmon.

Laid over.

**LEGISLATIVE RESOLUTION 265.** Introduced by Dorn, 30.

WHEREAS, Southwest High School student athletes have shown outstanding commitment and teamwork in the 2018-2019 school year; and

WHEREAS, the Southwest girls' golf team, including Kate Strickland, Brynn Sundquist, Neely Adler, and Sadie Steele, coached by Jim Danson, won the 2018 Girls State Golf Championship; and

WHEREAS, the Southwest softball team, including Brin Swanson, Emma Kauf, Ellie Grabouski, Skylar Pieper, Emma Hain, Josi Solano, Ashley Smetter, Shelby Gunter, Abbie Squier, Terrah Doremus, Kelsey Kobza, McKenzie Steiner, Skylar Thompson, Tianna Francisco, and Manager Kate Johnson, coached by Mark Watt, won the 2018 State Softball Championship; and

WHEREAS, the Southwest girls' swimming and diving team won the team title at the 2019 State Swimming and Diving Championship, and individual and relay swimmers Allie Hathaway, Berkely Livingston, Anna Heinrich, Marti Walstaad, Reanne Reida, Isabella Morales, and Lanyon Mlinek each won first place in their respective events; and

WHEREAS, Tommy Palmer, a freshman at Southwest High School, finished first in the boys' 200 yard freestyle at the 2019 State Swimming and Diving Championship; and

WHEREAS, the Southwest girls' track and field team, coached by Brett Schuster, won the Class A team title at the 2019 State Track and Field Championship, with Abbie Squier placing first in shot put, Lindsey Blehm placing first in the 800 meter run, and Kate Dilsaver placing first in the 100 meter dash and the 200 meter dash; and

WHEREAS, Tyler Boyle and Jesse Lewis, from the Southwest boys' track and field team, coached by Brett Schuster, also placed first in the 3200 meter run and the triple jump, respectively, at the 2019 State Track and Field Championship; 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 student athletes of Southwest High School and their coaches.

2. That a copy of this resolution be sent to Southwest High School.

Laid over.

**LEGISLATIVE RESOLUTION 266.** Introduced by Gragert, 40.

WHEREAS, the West Holt Public Schools boys' golf team won the 2019 Class D Boys State Golf Championship at Lake Maloney Golf Club in North Platte, winning their third championship title in a row; and

WHEREAS, the championship team included Austin Wenner, Garrison Hansen, Jaxson Cadwallader, Max Roberts, and Jaegher Ogden; and

WHEREAS, a third-place finish by Austin Wenner and a seventh-place finish by Garrison Hansen lifted the West Holt Huskies to first place overall; and

WHEREAS, the West Holt Huskies boys' golf team won with a score of 355 points, prevailing over North Platte St. Patrick's golf team by one stroke; and

WHEREAS, the leadership provided by Head Coach Todd Hale and Assistant Coach Dani Kuchar, along with the support of teachers, administrators, parents, and the community, contributed to the success of the West Holt boys' golf team; 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 West Holt Public Schools boys' golf team on winning the 2019 Class D Boys State Golf Championship.

2. That a copy of this resolution be sent to West Holt Public Schools and Head Coach Todd Hale.

Laid over.

**LEGISLATIVE RESOLUTION 267.** Introduced by DeBoer, 10.

WHEREAS, the Bennington High School baseball team won the 2019 Class B State Baseball Championship; and

WHEREAS, the Bennington Badgers defeated the Hastings Tigers 4-3 to win the school's first state baseball championship; and

WHEREAS, Head Coach Scott Heese has served as a mentor and leader for the team; 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 Bennington High School baseball team on winning the 2019 Class B State Baseball Championship.

2. That a copy of this resolution be sent to Bennington High School and Head Coach Scott Heese.

Laid over.

**ATTORNEY GENERAL'S OPINION**Opinion 19-008

SUBJECT: LB 373 – County Zoning Provisions for Wind Energy Generation Projects

REQUESTED BY: Senator Tom Brewer  
Nebraska State Legislature

WRITTEN BY: Douglas J. Peterson, Attorney General  
Lynn A. Melson, Assistant Attorney General

**INTRODUCTION**

You have requested our opinion on two questions with regard to county zoning authority. As we have frequently stated, we will limit our opinions for members of the Legislature to instances where the questions posed to us involve a legislative purpose growing out of pending or proposed legislation. Op. Att'y Gen. No. 157 (December 24, 1985). Under that standard, it appears that your questions may relate to LB 373, which you mention in your request letter.<sup>1</sup> The Introducer's Statement of Intent for the legislation states "LB 373 creates a law that requires counties to have zoning if the county wishes to host wind energy facilities. The zoning must address

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<sup>1</sup> Your request letter also references LB 155, recently passed by the Legislature and signed by the Governor, which pertains to the exercise of eminent domain, and LB 700, which pertains to the decommissioning of wind energy systems.

three subjects (set-backs, noise, decommissioning) but leaves the establishment of particular values for these subjects up to the county." Committee Records on LB 373, 106<sup>th</sup> Neb. Leg., 1<sup>st</sup> Sess. (Introducer's Statement of Intent) (January 31, 2019). Your specific questions are:

1. Does Nebraska case law, including but not limited to the *Lincoln Dairy Company v. Finigan*, 170 Neb. 777 (1960) and *Gillette Dairy, Inc. v. Nebraska Dairy Products Bd.*, 192 Neb. 89 (1974) line of cases, stand for the proposition that counties and other political subdivisions may not (a) altogether prohibit or (b) in practice prevent the undertaking of an otherwise lawful occupation or activity?
2. Do Nebraska counties have the lawful authority, e.g., under Neb. Rev. Stat. § 66-913, to impose zoning or other restrictions that prohibit the construction of wind turbines whose height is in excess of a certain specified maximum height?

### ANALYSIS

#### I. *Lincoln Dairy Company and Gillette Dairy, Inc.*

Your first question is whether two cases which you cite stand for the proposition that counties and other political subdivisions may not prohibit or prevent the undertaking of an otherwise lawful occupation or activity. In *Lincoln Dairy Co. v. Finigan*, 170 Neb. 777, 104 N.W.2d 227 (1960), the court considered the constitutionality of the Grade A Milk Act and determined that it unconstitutionally delegated legislative powers to the director of the Department of Agriculture, including the power to define crimes. The court also found provisions of the Act violated the due process clause at Neb. Const. art. I, § 3, stating:

A citizen clearly has the right to engage in any occupation not detrimental to the public health, safety, and welfare. Measures adopted by the Legislature to protect the public health and secure the public safety and welfare must have some reasonable relation to those proposed ends. A citizen has a constitutional right to own, acquire, and sell property, and if it becomes apparent that the statute, under the guise of a police regulation, does not tend to preserve the public health, safety, or welfare, but tends more to stifle legitimate business by creating a monopoly or trade barrier, it is unconstitutional as an invasion of the property rights of the individual. *Id.* at 785-86, 104 N.W.2d at 233.

The Court further explained:

It is elementary that courts do not determine economic policies of legislation . . . . It is just as elementary, however, that in order for such legislation to be valid under the police power of the state it cannot be

arbitrary or discriminatory, but must have a real and substantial relation to the objects sought to be attained. *Id.* at 787, 104 N.W.2d at 234.

In *Gillette Dairy, Inc. v. Nebraska Dairy Products Bd.*, 192 Neb. 89, 219 N.W.2d 214 (1974), the court held that certain provisions of the Dairy Industry Trade Practices Act were unconstitutional, finding that the primary purpose of the act was price fixing. "Whether a business is charged with such a public interest as to warrant its regulation is a legislative question in which the courts ordinarily will not interfere. The Legislature may not, however, under the guise of regulation, impose conditions which are unreasonable, arbitrary, discriminatory, or confiscatory. *Id.* at 96, 219 N.W.2d at 219. "While the exercise of the police power in the milk industry is essential to assure a wholesome product, price fixing is not essential to attain that end." *Id.* at 98, 219 N.W.2d at 220.

In both of these cases the Nebraska Supreme Court held that the right to conduct a lawful business is a constitutionally protected right. However, that right is not absolute and may be curtailed by a proper exercise of the police power of the State. The court's due process analysis focused on whether there was a reasonable relationship to protecting the public health, safety, and welfare. In a more recent case, *State ex rel. Dept. of Health v. Jeffrey*, 247 Neb. 100, 525 N.W.2d 193 (1994), the court held that, while the right to conduct a lawful business or occupation is a constitutionally protected right, statutes which required an equine dentist to be licensed by the State did not infringe upon his due process rights.

LB 373, § 1(2), as originally introduced, would provide that "no wind turbine (as part of a wind energy generation project) will be located within three miles of any residential dwelling without the written permission of the owner of the dwelling . . . ." AM428, a pending amendment to LB 373, would replace that language with a requirement that "no wind energy generation project shall be constructed unless the county in which the project would be located has zoning regulations or a zoning resolution described in section 23-114 as prescribed in subsection (3) of this section." Subsection (3) then requires zoning provisions to address setbacks, noise standards, decommissioning, and fees for conditional use permits.

As LB 373 concerns the regulation of wind energy generation projects through county zoning, we will briefly discuss Nebraska case law with regard to zoning provisions. While we have found no Nebraska cases which address the constitutionality of zoning provisions for wind energy generation projects, the Nebraska Supreme Court has discussed the test for determining the validity of other zoning ordinances. "County zoning regulations are intended to promote the health, safety, and general welfare of the community by regulating and restricting the use of the land within the area zoned." *Crane v. Board of County Com'rs of Sarpy County*, 175 Neb. 568, 572-73, 122 N.W.2d 520, 523 (1963) (upholding the denial of a special permit to construct a trailer court). "The owner's right to use his property is subject, however, to reasonable regulation, restriction, and control by the

state in the legitimate exercise of its police powers. The test of legitimacy is the existence of a real and substantial relationship between the exercise of those powers in a particular manner, and the peace, public health, public morality, public safety, or the general welfare of the city." *Eckstein v. City of Lincoln*, 202 Neb. 741, 744, 277 N.W.2d 91, 93 (1979) (holding that a city ordinance which absolutely prohibited the use of private wells within the city was overbroad). Generally, a legislative act is a valid exercise of the police power if the act is "rationally related to a legitimate state interest." *State v. Champoux*, 252 Neb. 769, 772, 566 N.W.2d 763, 765 (1997) (finding that a municipal zoning ordinance which defined "family" as any number of related individuals living together and not more than two additional unrelated individuals did not violate the due process clause).

A "question of the validity or invalidity of a zoning ordinance presents a question to be determined on examination of the facts in each particular case presented." *Dundee Realty Co. v. City of Omaha*, 144 Neb. 448, 459, 13 N.W.2d 634, 639 (1944). Further, in the context of cases concerning the regulation of livestock operations and confinement facilities, the Nebraska Supreme Court has stated that the "validity of a zoning ordinance will be presumed in the absence of clear and satisfactory evidence to the contrary." *Coffey v. County of Otoe*, 274 Neb. 796, 803, 743 N.W.2d 632, 637 (2008). *See also Premium Farms v. County of Holt*, 263 Neb. 415, 640 Neb. 633 (2002) (finding that regulations requiring a confined livestock operation to obtain a conditional use permit and adhere to certain standards concerning manure removal and setbacks were within the county's statutory authority).

## **II. County Authority Under Neb. Rev. Stat. § 66-913**

Your second question is whether counties have authority under Neb. Rev. Stat. § 66-913 (2018) to adopt zoning regulations that "prohibit the construction of industrial wind turbines whose height is in excess of a certain specified maximum height." Section 66-913 provides, in pertinent part:

All counties or municipalities having zoning or subdivision jurisdiction are hereby authorized to include considerations for the encouragement of solar energy and wind energy use and the protection of access to solar energy and wind energy in all applicable zoning regulations or ordinances and comprehensive development plans. Such considerations may include, but not be limited to, regulation of height, location, setback, and use of structures, . . . the type and location of energy systems or their components, and the use of districts to encourage the use of solar energy systems and wind energy conversion systems and protect access to solar energy and wind energy.

Neb. Rev. Stat. § 66-913 falls within a series of statutes, enacted as LB 353 in 1979, which originally pertained only to solar energy. Neb. Rev. Stat. §§ 66-901 to 66-914 (2018). These statutes were expanded, by LB 140 in 1997, to also include wind energy. The Legislature describes the purpose



of these statutes as "to promote the public health, safety, and welfare by protecting access to solar energy and wind energy . . . ." Neb. Rev. Stat. § 66-901. Sections 66-909, 66-909.04 and 66-910 provide for written agreements between landowners pertaining to solar energy systems and wind energy conversion systems. These agreements must be in writing and filed with the county register of deeds. The agreements then run with the land until terminated pursuant to § 66-912.01.

We first point out the expressed intent of the statutes is to promote solar energy and wind energy. And, if a county zoning regulation totally excluded a land use recognized by state law, that regulation might be found invalid under the court's due process analysis. Yet, we note that § 66-913 allows, but does not require, counties to include considerations for the encouragement of solar energy and wind energy in their zoning regulations and comprehensive development plans. We find support for this interpretation in the legislative history of the statutes. It indicates that the Legislature's purpose in enacting the statutes was to provide for these voluntary agreements between neighbors and to "permit local zoning authorities to zone to protect existing solar units." They "permit local zoning board authorities to take into consideration existing solar units when they zone for such things as vegetation or the number of stories permitted in a structure . . . ." Floor Debate on LB 353, 86<sup>th</sup> Neb. Leg., 1<sup>st</sup> Sess. 2527-2528 (March 30, 1979) (Statement of Sen. Hoagland). The provisions were described as "permissive" and giving local zoning authorities "the opportunity to say this is the way this is going to be zoned and people when they buy their lots know exactly what they are getting." *Id.* at 2531. Senator Hoagland also pointed out that LB 353, § 14 (now § 66-914) "grants local zoning authorities the right to grant a variance in the event that existing solar regulations don't permit the protection of a standing solar unit." *Id.* at 2529.<sup>2</sup> With regard to LB 140 in 1997, the bill was briefly described as expanding current statutes "to include wind energy easements with other easements." Floor Debate on LB 140, 95<sup>th</sup> Neb. Leg., 1<sup>st</sup> Sess. 1067 (February 13, 1997) (Statement of Sen. Preister).

As you inquire whether counties, in particular, have statutory authority to impose height restrictions for industrial wind turbines, we also include a brief summary of the statutes in Chapter 23 which pertain to county zoning authority. A county board is authorized to create a planning commission, to adopt a county comprehensive development plan and to adopt a zoning resolution. Neb. Rev. Stat. § 23-114(1) (2012). A zoning resolution may regulate the location and height of buildings and other structures. Neb. Rev. Stat. § 23-114(2) (2012). The county board may adopt zoning regulations subsequent to the adoption of a comprehensive development plan and, for zoning purposes, divide the county into districts best suited to carrying out the purposes of the plan, including regulation of nonfarm buildings and structures. Neb. Rev. Stat. § 23-114.03 (2012). If authorized by the county

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<sup>2</sup> LB 373 would amend § 66-914 to remove references to wind energy systems in this authorization for a county to grant variances.

board, the county planning commission may grant conditional uses or special exceptions to property owners for the use of their property. Neb. Rev. Stat. § 23-114.01(4), (5) and (6) (2012). Finally, a board of adjustment, appointed by the county board, may, in limited circumstances grant variances from the strict application of the zoning resolution. Neb. Rev. Stat. § 23-168.03 (2012). These statutes, thus, provide general authority for counties to regulate the height of structures.

### CONCLUSION

The answer to your first question is that the Nebraska Supreme Court, in the two cases which you cite, employed a due process analysis that focused on whether there was a reasonable relationship between the exercise of the state's police power and the protection of the public health, safety, and welfare. Similarly, with regard to the validity of zoning provisions, the court has determined, based on the facts of each particular case, whether the provision was rationally related to a legitimate governmental purpose.

The answer to your second question is that Neb. Rev. Stat. § 66-913 seems to authorize, but not require, counties to take into consideration both solar energy and wind energy when adopting zoning resolutions or regulations. In addition, there is general statutory authority for county zoning in Chapter 23, which may include reasonable regulation of such matters as the height of structures.

Sincerely,  
DOUGLAS J. PETERSON  
Attorney General  
(Signed) Lynn A. Melson  
Assistant Attorney General

pc. Patrick J. O'Donnell  
Clerk of the Nebraska Legislature

09-626-29

### RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 150, 185, 195, 196, 203, 225, 230, 254, 255, 256, 258, 259, 260, and 261 were adopted.

### PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 150, 185, 195, 196, 203, 225, 230, 254, 255, 256, 258, 259, 260, and 261.

**MOTION(S) - Confirmation Report(s)**

Senator Briese moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 1653:

State Electrical Board  
George Morrissey

Voting in the affirmative, 41:

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

Voting in the negative, 0.

Present and not voting, 6:

Cavanaugh	Hughes	Linehan
Halloran	Hunt	Scheer

Excused and not voting, 2:

Morfeld	Wayne
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The appointment was confirmed with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

Senator Briese moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 1653:

Nebraska Commission on Problem Gambling  
Susan Lutz

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Cavanaugh

Excused and not voting, 2:

Morfeld        Wayne

The appointment was confirmed with 46 ayes, 0 nays, 1 present and not voting, and 2 excused and not voting.

Senator Briese moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 1653:

Nebraska Arts Council  
Amy Haddad  
Walter Seiler

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Present and not voting, 3:

Erdman        Lathrop        McDonnell

Excused and not voting, 1:

Wayne

The appointments were confirmed with 45 ayes, 0 nays, 3 present and not voting, and 1 excused and not voting.

Senator Briese moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 1818:

Nebraska Commission on Problem Gambling  
James Patterson

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Present and not voting, 3:

Cavanaugh Lathrop Wishart

Excused and not voting, 1:

Wayne

The appointment was confirmed with 45 ayes, 0 nays, 3 present and not voting, and 1 excused and not voting.

Senator Brewer moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 1664:

Nebraska Tourism Commission  
Roger L. Jasnoch  
Starr Lehl  
Debra Nelson-Loseke

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

Hansen, M.

Excused and not voting, 1:

Wayne

The appointments were confirmed with 47 ayes, 0 nays, 1 present and not voting, and 1 excused and not voting.

Senator Brewer moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 1664:

State Personnel Board  
Sharon Rues  
Christopher Waddle

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

Crawford

Excused and not voting, 1:

Wayne

The appointments were confirmed with 47 ayes, 0 nays, 1 present and not voting, and 1 excused and not voting.

Senator Kolterman moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 1754:

Public Employees Retirement Board  
Janis Elliott

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Wayne

The appointment was confirmed with 48 ayes, 0 nays, and 1 excused and not voting.

Senator Kolterman moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 1753:

Public Employees Retirement Board  
Allen Simpson

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Present and not voting, 3:

Chambers      Hansen, M.      Wishart

Excused and not voting, 1:

Wayne

The appointment was confirmed with 45 ayes, 0 nays, 3 present and not voting, and 1 excused and not voting.

Senator Kolterman moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 1753:

Public Employees Retirement Board  
Michael D. Jahnke

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

Briese

Excused and not voting, 1:



Wayne

The appointment was confirmed with 47 ayes, 0 nays, 1 present and not voting, and 1 excused and not voting.

Senator Friesen moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found in this day's Journal:

Division of Aeronautics, Department of Transportation  
Ann Richart, Director

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Wayne

The appointment was confirmed with 48 ayes, 0 nays, and 1 excused and not voting.

Senator M. Hansen moved the adoption of the Business and Labor Committee report for the following appointment(s) found on page 1818:

Commission of Industrial Relations  
Gregory M. Neuhaus

Senator M. Hansen moved for a call of the house. The motion prevailed with 23 ayes, 2 nays, and 24 not voting.

Voting in the affirmative, 27:

Albrecht	Dorn	Halloran	Lindstrom	Slama
Arch	Erdman	Hansen, B.	Linehan	Stinner
Bostelman	Friesen	Hilgers	Lowe	Williams
Brewer	Geist	Hughes	Moser	
Briese	Gragert	Kolterman	Murman	
Clements	Groene	La Grone	Scheer	

Voting in the negative, 19:

Blood	Crawford	Hunt	McDonnell	Walz
Bolz	DeBoer	Kolowski	Morfeld	Wayne
Cavanaugh	Hansen, M.	Lathrop	Pansing Brooks	Wishart
Chambers	Howard	McCollister	Vargas	

Present and not voting, 3:

Brandt	Hilkemann	Quick
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Pursuant to Rule 3, Sec. 4(e)(iv), the appointment was confirmed with 27 ayes, 19 nays, and 3 present and not voting.

The Chair declared the call raised.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 268.** Introduced by Bolz, 29.

WHEREAS, the Lincoln Southeast High School girls' tennis team won the 2019 NSAA Class A State Girls Tennis Championship; and

WHEREAS, the Southeast Knights were represented by Camilla Ibrahimova, Averie Dodds, Ally Keitges, Evie Barnett, Katie Whitehead, and Caroline Miller; and

WHEREAS, the team championship was fueled by the first place finish of Katie Whitehead and Caroline Miller in No. 1 doubles, 6-1, 6-7 (5-7), 6-4; and

WHEREAS, Head Coach Chris Salem provided the leadership needed to cap the season with a state championship; and

WHEREAS, the hard work, sacrifice, and dedication shown by the student-athletes and their families, this season and for many years of dedication to tennis, culminated in a state championship; 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 Lincoln Southeast High School girls' tennis team on winning the 2019 Class A State Girls Tennis Championship.

2. That a copy of this resolution be sent to Lincoln Southeast High School and Head Coach Chris Salem.

Laid over.

**LEGISLATIVE RESOLUTION 269.** Introduced by Bolz, 29.

WHEREAS, the NSAA Class A State Track and Field Championship was held May 17-18, 2019; and

WHEREAS, Skyler Peterson won the pole vault for Lincoln Southeast High School with a personal best of fifteen feet, 6.25 inches; and

WHEREAS, the Lincoln Public Schools pole vault coach, Chris Johnson, and the Lincoln Southeast head track and field coach, Dave Nebel, provided effective coaching and leadership to prepare for the championship; 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 Skyler Peterson for his win at the 2019 Class A State Track and Field Championship.

2. That a copy of this resolution be sent to Lincoln Southeast High School, Coach Dave Nebel, and Coach Chris Johnson.

Laid over.

**LEGISLATIVE RESOLUTION 270.** Introduced by Geist, 25.

WHEREAS, the NSAA Class A Girls State Tennis Championship was held on May 16-17, 2019, in Omaha; and

WHEREAS, Bianca Rademacher from Lincoln East High School competed in the No. 1 singles event and won 6-1, 6-3; and

WHEREAS, Brooke Sailer from Lincoln East High School competed in the No. 2 singles event and won 6-2, 6-2; and

WHEREAS, the NSAA Class A Boys State Tennis Championship was held on October 10-12, 2018, in Omaha; and

WHEREAS, Richard Batelaan from Lincoln East High School competed in the No. 2 singles event and won 6-1, 6-0; and

WHEREAS, Coaches Chris Stock, Joe Hovorka, and Alex Kolba provided effective coaching to prepare for the championships; 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 Lincoln East High School tennis teams, Bianca Rademacher, Brooke Sailer, Richard Batelaan, and Head Coach Chris Stock on their championship wins.

2. That a copy of this resolution be sent to Lincoln East High School and Head Coach Chris Stock.

Laid over.

**LEGISLATIVE RESOLUTION 271.** Introduced by Geist, 25.

WHEREAS, the Lincoln East High School girls' cross country team won the 2018 Class A Girls State Cross Country Championships; and

WHEREAS, Lincoln East Spartans' team members Jenna Muma, Abigail Schmidt, Madison Muma, Abby Volkmer, and Taylor Searcey displayed outstanding commitment and resolve this season and through many years of dedication to cross country running; and

WHEREAS, Head Coach Brian Kabourek provided the leadership necessary to cap this season with a state championship; 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 Lincoln East Spartans girls' cross country team for winning the 2018 Class A Girls State Cross Country Championships.

2. That a copy of this resolution be sent to Lincoln East High School and Head Coach Brian Kabourek.

Laid over.

**LEGISLATIVE RESOLUTION 272.** Introduced by Pansing Brooks, 28.

WHEREAS, AIA Nebraska, the Nebraska Chapter of the American Institute of Architects, was chartered on April 15, 1919; and

WHEREAS, AIA Nebraska organizes and unites the architects of Nebraska to promote artistic, scientific, and practical efficiency in the profession, to advance the science and art of planning, design, and building by advancing the standards of architectural education, training, and practice, to coordinate the building industry and the profession of architecture to ensure the advancement of living standards through improved environments, and to assure the profession is ever increasing its service to society; and

WHEREAS, the American Institute of Architects is the voice of the architectural profession in the United States and a resource for its members in their service to society; and

WHEREAS, through a culture of innovation, the American Institute of Architects empowers its members and inspires the creation of a better built environment.

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

1. That the Legislature recognizes the 100th anniversary of the Nebraska Chapter of the American Institute of Architects and its more than ten decades of service to its members and promotion of the value of architects and architecture across Nebraska.

2. That a copy of this resolution be sent to AIA Nebraska.

Laid over.

**LEGISLATIVE RESOLUTION 273.** Introduced by Arch, 14.

WHEREAS, scoliosis awareness is important to help children, parents, health care providers, and others understand, recognize, and treat the complexities of spinal deformities, such as scoliosis; and

WHEREAS, scoliosis is an abnormal curvature of the spine with no known cause that strikes without regard to gender, race, age, or economic status; and

WHEREAS, scoliosis affects between 2 and 3 percent of the population or an estimated 50,000 Nebraskans; and

WHEREAS, the primary age for onset of scoliosis is between ten and fifteen years, with females being five times more likely to progress to a curve magnitude requiring medical treatment; and

WHEREAS, approximately one in every six children diagnosed with scoliosis will eventually need active medical treatment; and

WHEREAS, screening programs allow for early detection and treatment opportunities that may alleviate the long-term effects of scoliosis; and

WHEREAS, June 2019 is National Scoliosis Awareness Month, an opportunity to raise awareness of scoliosis and improve our understanding of this condition through research and innovation.

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

1. That the Legislature recognizes June 2019 as National Scoliosis Awareness Month.

2. That a copy of this resolution be sent to the Curvy Girls scoliosis support group of Nebraska.

Laid over.

**LEGISLATIVE RESOLUTION 274.** Introduced by McDonnell, 5.

WHEREAS, the National Association of Letter Carriers began their one-day food drive in 1992; and

WHEREAS, for many years prior to 1992, a number of National Association of Letter Carriers branches collected food for the needy in the communities they served; and

WHEREAS, in 1992, ten cities were selected to explore a coordinated effort, and a pilot food drive was held in Columbus, Ohio, by Branch 78 of the National Association of Letter Carriers; and

WHEREAS, the pilot food drive was so successful that the food drive was then expanded nationwide; and

WHEREAS, a nationwide one-day food drive was organized for May 15, 1993, with the goal of having at least one National Association of Letter Carriers branch participate in each state; and

WHEREAS, more than 220 National Association of Letter Carriers branches participated in the first national one-day food drive and set a one-day record for food collection in the United States by collecting more than 11,000,000 pounds of food; and

WHEREAS, in 2018, the National Association of Letter Carriers collected over 71,600,000 pounds of food to help restock food banks, pantries, and shelters throughout the United States; and

WHEREAS, 2018 marked the 15th consecutive year that the nation's largest one-day food drive collected more than 70,000,000 pounds of food; and

WHEREAS, the National Association of Letter Carriers one-day food drive has collected more than 1,670,000,000 pounds of food since it began in 1993; and

WHEREAS, the National Association of Letter Carriers one-day food drive occurs on the second Saturday in May each year; and

WHEREAS, it is estimated that 560,000 pounds of food was collected across Nebraska this year; and

WHEREAS, the National Association of Letter Carriers and Nebraska Post Office branches partnered with many organizations to bring the "Stamp Out Hunger" event to the State of Nebraska. The partnering organizations include the AFL-CIO, Nebraska AFL-CIO Central Labor Councils and Federations, Big Chuck Trucking LLC, Enterprise Truck Rental, the International Brotherhood of Electrical Workers Local 22, International Brotherhood of Electrical Workers Local 265, Kellogg's, the National Electrical Contractors Association-Nebraska, Penske Truck Rental, Valassis, Valpak, United Food and Commercial Workers, United States Postal Service, Nebraska Center for Workforce Development and Education, United Way of the Midlands, United Way of Lincoln and Lancaster County, and local area food pantries.

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

1. That the Legislature recognizes the National Association of Letter Carriers' one-day food drive.
2. That the Legislature honors the National Association of Letter Carriers for their distinguished community service and philanthropic efforts.
3. That copies of this resolution be sent to the Nebraska affiliates of the National Association of Letter Carriers.

Laid over.

**LEGISLATIVE RESOLUTION 275.** Introduced by Geist, 25.

WHEREAS, the 2019 Class A State Wrestling Championship was held February 14-16; and

WHEREAS, senior Chance Fry from Lincoln East High School won the 152-pound division title by major decision, 12-1; and

WHEREAS, this was the third state wrestling championship for Chance Fry; and

WHEREAS, junior Maxx Mayfield from Lincoln East High School won the 138-pound division title by fall at four minutes, sixteen seconds; and

WHEREAS, Coach Kennan McCurdy effectively led the team to prepare for the state championship; 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 Chance Fry and Maxx Mayfield on their wrestling titles.
2. That a copy of this resolution be sent to Lincoln East High School and Coach Kennan McCurdy.

Laid over.

**LEGISLATIVE RESOLUTION 276.** Introduced by Geist, 25.

WHEREAS, the NSAA Class A State Track and Field Championship was held May 17-18, 2019; and

WHEREAS, Jenna Muma from Lincoln East High School competed in and won the 1600-meter run with a time of 5 minutes, 4.32 seconds; and

WHEREAS, Tyler Brown from Lincoln East High School competed in and won the discus event with a throw of 187 feet, zero inches; and

WHEREAS, Head Coach John Gingery provided effective coaching and leadership to prepare for the championship; 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 Jenna Muma and Tyler Brown for their respective wins at the 2019 Class A State Track and Field Championship.
2. That a copy of this resolution be sent to Lincoln East High School and Head Coach John Gingery.

Laid over.

**LEGISLATIVE RESOLUTION 277.** Introduced by Lathrop, 12.

WHEREAS, the National History Day program connects students with history while teaching research, writing, and presentation skills that will serve the students well into adulthood; and

WHEREAS, students from Ralston Middle School and Ralston High School participated in History Day with support from coaches Mindy Podraza, Lynn Behounek, and Shane Adams; and

WHEREAS, Maya Dooley, Jaclyn Johnson, Bethany Madden, Olivia Van Lancker, Carol Van Lancker, Ella Johnson, Andrew Creek, Cassidy Culjat, Shelby Stephens, and Tyler Richardson were chosen to participate in the national-level competition in College Park, Maryland in June 2019; and

WHEREAS, one team project, from Ralston Middle School students Maya Dooley and Jaclyn Johnson, was selected by state-level judges to represent Nebraska at a Smithsonian National Museum of Natural History display following the competition; and

WHEREAS, historical knowledge is critical to the development of individuals, our state, our nation, and humanity as a whole; and

WHEREAS, the curiosity and dedication of Ralston Public Schools students sets a positive example for those around them; 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 Ralston Middle and High School students on their participation in the National History Day competition.
2. That a copy of this resolution be sent to Ralston Public Schools.

Laid over.

**LEGISLATIVE RESOLUTION 278.** Introduced by Hunt, 8.

WHEREAS, June 7, 2019, is recognized as National Gun Violence Awareness Day to honor and remember all victims and survivors of gun violence and to declare that we as a country must do more to reduce gun violence; and

WHEREAS, between 2013 and 2017, over 1,200 Nebraska residents died by suicide and nearly half of all suicide deaths were carried out with a gun, killing nearly 600 Nebraskans; and

WHEREAS, on average, one Nebraska resident dies by suicide by gun every three days; and

WHEREAS, gun-related crimes, such as homicides, gun assaults, and gun robberies, have risen by 20 percent in Omaha between 2013 and 2017; and

WHEREAS, every day, 100 Americans are killed by gun violence and countless others are wounded; and

WHEREAS, Americans are 25 times more likely to be killed with guns than people in other high-income countries; and



WHEREAS, protecting public safety in the state is among a governor's highest responsibilities; and

WHEREAS, support for the second amendment rights of law-abiding citizens goes hand-in-hand with keeping guns away from people that shouldn't have them; and

WHEREAS, June 2019 would have marked the twenty-second birthday of Hadiya Pendleton, a teenager who marched in President Obama's second inaugural parade and was tragically shot and killed just weeks later; and

WHEREAS, to help honor Hadiya and the 100 Americans whose lives are cut short and the countless others who are wounded by gun violence every day, June 7, 2019, has been designated as the fifth National Gun Violence Awareness Day; and

WHEREAS, the idea was inspired by a group of Hadiya's friends, who asked their classmates to commemorate her life by wearing orange. They chose this color because hunters wear orange to protect themselves and others, and orange is a color that has been embraced by the gun safety movement because it symbolizes the value of human life; and

WHEREAS, by wearing orange and commemorating National Gun Violence Awareness Day on June 7, Americans will raise awareness about gun violence and honor the lives and lost human potential stolen by gun violence in America; and

WHEREAS, we renew our commitment to reduce gun violence and pledge to do all we can to keep firearms out of the wrong hands and encourage responsible gun ownership to help keep our children safe.

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

1. That the Legislature recognizes June 7, 2019, as National Gun Violence Awareness Day and encourages all Nebraskans to support their communities' efforts to prevent the tragic effects of gun violence and to honor and value human lives.

Laid over.

#### REFERENCE COMMITTEE REPORT

2019 Resolution calling for an Interim Study

LR262	Interim study to examine issues under the jurisdiction of the Revenue Committee	Revenue
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(Signed) Mike Hilgers, Chairperson  
Executive Board

**MOTION(S) - Return LB470 to Select File**

Senator Chambers moved to return LB470 to Select File for the following specific amendment:

FA90

Strike the enacting clause.

Senator Chambers withdrew his motion to return.

**BILLS ON FINAL READING****Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB470 with 38 ayes, 6 nays, and 5 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 470.** With Emergency Clause.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-103, 77-105, 77-202, 77-3,110, 77-1374, 77-1375, 77-2716, 77-5007, 85-1807, 85-1808, and 85-1810, Reissue Revised Statutes of Nebraska; to redefine terms; to exempt dwelling complexes and any related amenities located on a United States Department of Defense military installation from property taxes as prescribed; to provide for payments in lieu of taxes as prescribed; to change provisions relating to the Department of Revenue Miscellaneous Receipts Fund and the College Savings Plan Expense Fund; to change provisions relating to the assessment of improvements on leased lands; to provide tax deductions for certain contributions to the Nebraska educational savings plan trust as prescribed; to provide that certain contributions to the Nebraska educational savings plan trust not be recognized as income for certain purposes; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide operative dates; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 43:

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

Voting in the negative, 2:

Chambers      Hunt

Present and not voting, 4:

Albrecht      Erdman      Howard      Kolowski

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

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 470A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 470, One Hundred Sixth Legislature, First Session, 2019; and to declare an emergency.

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

Voting in the affirmative, 43:

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

Voting in the negative, 1:

Chambers

Present and not voting, 5:

Albrecht      Cavanaugh      Erdman      Hunt      Kolowski

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

**MOTION(S) - Return LB209 to Select File**

Senator Wishart moved to return LB209 to Select File for her specific amendment, FA64, found on page 1379.

**SPEAKER SCHEER PRESIDING**

Senator Wishart withdrew her motion to return.

**MOTION(S) - Recommit LB209 to Committee**

Senator Hunt offered the following motion to LB209:

MO109

Recommit to the Judiciary Committee.

**PRESIDENT FOLEY PRESIDING**

Senator Albrecht offered the following motion:

MO110

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Albrecht moved for a call of the house. The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

Senator Albrecht requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 36:

Albrecht	Crawford	Halloran	Lindstrom	Slama
Arch	DeBoer	Hansen, B.	Linehan	Stinner
Bolz	Dorn	Hilgers	Lowe	Walz
Bostelman	Erdman	Hilkemann	McDonnell	Williams
Brandt	Friesen	Hughes	Moser	
Brewer	Geist	Kolterman	Murman	
Briese	Gragert	La Grone	Quick	
Clements	Groene	Lathrop	Scheer	

Voting in the negative, 12:

Cavanaugh	Howard	McCollister	Vargas
Chambers	Hunt	Morfeld	Wayne
Hansen, M.	Kolowski	Pansing Brooks	Wishart

Present and not voting, 1:

Blood

The Albrecht motion to invoke cloture prevailed with 36 ayes, 12 nays, and 1 present and not voting.

The Hunt motion to recommit to committee failed with 8 ayes, 36 nays, and 5 present and not voting.

The Chair declared the call raised.

### **BILL ON FINAL READING**

#### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB209 with 37 ayes, 11 nays, and 1 present and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 209.**

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-327, 28-327.01, 28-345, and 28-806, Reissue Revised Statutes of Nebraska; to provide requirements for the provision of information and materials regarding finding medical assistance and continuing a viable pregnancy after taking mifepristone; to provide duties for the Department of Health and Human Services; to require a confidential reporting form as prescribed; to change provisions relating to public indecency; and to repeal the original sections.

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

Voting in the affirmative, 36:

Albrecht	Clements	Halloran	Lindstrom	Slama
Arch	Crawford	Hansen, B.	Linehan	Stinner
Blood	Dorn	Hilgers	Lowe	Walz
Bolz	Erdman	Hilkemann	McDonnell	Williams
Bostelman	Friesen	Hughes	Moser	
Brandt	Geist	Kolterman	Murman	
Brewer	Gragert	La Grone	Quick	
Briese	Groene	Lathrop	Scheer	

Voting in the negative, 12:

Cavanaugh	Howard	McCollister	Vargas
Chambers	Hunt	Morfeld	Wayne
Hansen, M.	Kolowski	Pansing Brooks	Wishart

Present and not voting, 1:

DeBoer

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

#### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 470, 470A, and 209.

#### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 104.** Read. Considered.

Committee AM1884, found on page 1697, was adopted with 45 ayes, 0 nays, 3 present and not voting, and 1 excused and not voting.

LR104, as amended, was adopted with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

**LEGISLATIVE RESOLUTION 257.** Read. Considered.

Senator Stinner offered his amendment, AM1974, found on page 1798.

The Stinner amendment was adopted with 43 ayes, 0 nays, 5 present and not voting, and 1 excused and not voting.

LR257, as amended, was adopted with 46 ayes, 0 nays, 2 present and not voting, and 1 excused and not voting.

**LEGISLATIVE RESOLUTION 13.** Read. Considered.

Committee AM435, found on page 740, was adopted with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

LR13, as amended, was adopted with 28 ayes, 3 nays, 10 present and not voting, and 8 excused and not voting.

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

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

Senator Arch name added to LR118.

**VISITOR(S)**

Visitors to the Chamber were Senator Cavanaugh's son and daughters, Barrett, Harriett, and Della Cavanaugh, and Senator Cavanaugh's parents, John and Kate Cavanaugh, from Omaha.

**MOTION - Adjournment**

Senator Lindstrom moved to adjourn until 9:00 a.m., Friday, May 31, 2019.

Senator Chambers moved for a call of the house. The motion failed with 16 ayes, 17 nays, and 16 not voting.

Senator Chambers requested a roll call vote on the motion to adjourn.

The Lindstrom motion to adjourn prevailed with 36 ayes, 1 nay, 4 present and not voting, and 8 excused and not voting, and at 6:33 p.m., the Legislature adjourned until 9:00 a.m., Friday, May 31, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature

