SEVENTEENTH DAY - FEBRUARY 3, 2020

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

SEVENTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 3, 2020

PRAYER

The prayer was offered by Pastor Dan Wiese, St. Paul's Lutheran Church, Cambridge.

ROLL CALL

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

The roll was called and all members were present except Senators DeBoer, Geist, Groene, M. Hansen, Linehan, Slama, Stinner, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixteenth day was approved.

ANNOUNCEMENT(S)

Priority designation(s) received:

Lindstrom - LB242

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 301, 302, 303, and 304 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 301, 302, 303, and 304.
MOTION(S) - Confirmation Report(s)

Senator Kolterman moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 464:
- Public Employees Retirement Board
  - Kelli M. Ackerman
  - Michael D. Jahnke
  - Allen Simpson

Voting in the affirmative, 38:
- Albrecht
- Chambers
- Hansen, B.
- La Grone
- Quick
- Blood
- Clements
- Hilgers
- Lathrop
- Scheer
- Bolz
- Crawford
- Hilkemann
- Lowe
- Vargas
- Bostelman
- Dorn
- Howard
- McCollister
- Walz
- Brandt
- Erdman
- Hughes
- McDonnell
- Williams
- Brewer
- Friesen
- Hunt
- Moser
- Wishart
- Briese
- Gragert
- Kolowski
- Murman
- Cavanaugh
- Halloran
- Kolterman
- Pansing Brooks

Voting in the negative, 0.

Present and not voting, 3:
- Arch
- Lindstrom
- Morfeld

Excused and not voting, 8:
- DeBoer
- Groene
- Linehan
- Stinner
- Geist
- Hansen, M.
- Slama
- Wayne

The appointments were confirmed with 38 ayes, 0 nays, 3 present and not voting, and 8 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 464:
- Nebraska Investment Council
  - John M. Dinkel

Voting in the affirmative, 38:
The appointment was confirmed with 38 ayes, 0 nays, 5 present and not voting, and 6 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 468:

Nebraska Commission on Problem Gambling

Cameron J. Arch

Voting in the affirmative, 36:

Albrecht Chambers Hansen, B. Lathrop Scheer
Blood Crawford Hilgers Lowe Vargas
Bolz DeBoer Hilkemann McCollister Walz
Bostelman Dorn Hughes McDonnell Wayne
Brandt Erdman Hunt Moser Williams
Breuer Friesen Kolowski Murman Wishart
Briese Gragert Kolterman Pansing Brooks
Cavanaugh Halloran La Grone Quick

Voting in the negative, 0.

Present and not voting, 7:

Arch Gragert Lindstrom Vargas
Clements Hughes Morfeld

Excused and not voting, 6:
The appointment was confirmed with 36 ayes, 0 nays, 7 present and not voting, and 6 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 468:

- Nebraska Commission on Problem Gambling
  - Claudia Louise Barthold
  - Mark R. Canada

Voting in the affirmative, 36:

- Albrecht
- Chambers
- Hansen, B.
- Lowe
- Walz
- Blood
- Clements
- Hilgers
- McCollister
- Wayne
- Bolz
- Crawford
- Hilkemann
- McDonnell
- Williams
- Bostelman
- DeBoer
- Howard
- Moser
- Wishart
- Brandt
- Erdman
- Hunt
- Murman
- Brewer
- Friesen
- Kolowski
- Pansing Brooks
- Briese
- Geist
- Kolterman
- Quick
- Cavanaugh
- Halloran
- La Grone
- Scheer

Voting in the negative, 0.

Present and not voting, 8:

- Arch
- Gragert
- Lathrop
- Morfeld
- Dorn
- Hughes
- Lindstrom
- Vargas

Excused and not voting, 5:

- Groene
- Hansen, M.
- Linehan
- Slama
- Stinner

The appointments were confirmed with 36 ayes, 0 nays, 8 present and not voting, and 5 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 on page 489:

- State Highway Commission
  - Jerome A. Fagerland
  - James W. Hawks
  - Douglas Leafgreen

Voting in the affirmative, 37:
Albrecht  Chambers  Halloran  Linehan  Scheer
Blood  Clements  Hansen, B.  Lowe  Walz
Bolz  Crawford  Howard  McCollister  Wayne
Bostelman  DeBoer  Hunt  McDonnell  Williams
Brandt  Dorn  Kolowski  Moser  Wishart
Brewer  Erdman  Kolterman  Murman
Briese  Friesen  La Grone  Pansing Brooks
Cavanaugh  Geist  Lathrop  Quick

Voting in the negative, 0.
Present and not voting, 8:
Arch  Hilgers  Hughes  Morfeld
Gragert  Hilkemann  Lindstrom  Vargas

Excused and not voting, 4:
Groene  Hansen, M.  Slama  Stinner

The appointments were confirmed with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

AMENDMENT(S) - Print in Journal

Senator Blood filed the following amendment to LB752:
AM2102
1. Strike sections 14 to 17 and insert the following new sections:
2 Sec. 14. (1) The Veterans' Health Task Force is created. The task
3 force shall consist of the following members:
4 (a) The chairperson of the Government, Military and Veterans Affairs
5 Committee of the Legislature or another member of the committee as such
6 chairperson's designee;
7 (b) One additional member of the Government, Military and Veterans
8 Affairs Committee of the Legislature designated by the chairperson of
9 such committee;
10 (c) The chairperson of the Health and Human Services Committee of
11 the Legislature or another member of the committee as such chairperson's
12 designee;
13 (d) One additional member of the Health and Human Services Committee
14 of the Legislature designated by the chairperson of such committee;
15 (e) One representative from the Department of Health and Human
16 Services designated by the chief executive officer of the Department of
17 Health and Human Services;
18 (f) One representative from the Department of Veterans' Affairs
19 designated by the Director of Veterans' Affairs; and
20 (g) One practicing psychologist in private practice appointed by the
21 chairperson of the Health and Human Services Committee of the
22 Legislature.
23 (2) Members of the task force shall serve without compensation but
24 shall be reimbursed for their actual and necessary expenses as provided
25 in sections 81-1174 to 81-1177.
26 (3) The chairperson of the Government, Military and Veterans Affairs
27 Committee of the Legislature or such chairperson's designee shall serve
1 as chairperson of the task force. Administrative and staff support for
2 the task force shall be provided by the Government, Military and Veterans
3 Affairs Committee of the Legislature and the Health and Human Services
4 Committee of the Legislature.
5 Sec. 15. (1) The Veterans' Health Task Force shall undertake a
6 study regarding development and implementation of a veteran health care
7 navigator program, administered by the Department of Veterans' Affairs,
8 as provided in this section.
9 (2) The program, if implemented, should provide for the hiring of a
10 suitable number of veteran health care navigators. Navigators should be
11 full-time employees of the department. Navigators should have direct
12 knowledge of the veteran communities they serve. The mission of the
13 navigators should be to:
14 (a) Increase access by veterans and their families to health care
15 coverage and services;
16 (b) Leverage existing resources and structures where veterans and
17 their families are likely to be found;
18 (c) Ensure that the needs of veterans and their families are
19 incorporated in all state efforts to expand access to affordable, quality
20 healthcare; and
21 (d) Ensure that veterans and their families have access to mental
22 health treatment, including for posttraumatic stress disorder,
23 depression, and suicide prevention.
24 (3) The program, if implemented, should provide the following duties
25 for veteran health care navigators:
26 (a) Identifying all federal and other health benefits, coverage, and
27 services available to veterans and their families;
28 (b) Coordinating with other local, state, and federal agencies and
29 departments, health care providers, and health insurance programs to help
30 veterans and their beneficiaries apply for coverage under such programs,
31 including helping veterans overcome barriers within the health care
32 system, to ensure enrollment in health plans and effective delivery and
33 coordination of health services;
34 (c) Ensuring that access to mental health coverage, services, and
35 treatment is a primary focus of their activities under the program;
36 (d) Connecting veterans to trained mental health care providers,
37 including those trained in veteran suicide prevention; and
38 (e) Carrying out such other duties as the Director of Veterans’
39 Affairs may assign to carry out the program.
40 (4) If the program is implemented, when carrying out their duties
41 under the program, the Department of Veterans' Affairs and the veteran
42 health care navigators should coordinate and collaborate with other
43 relevant local, state, and federal departments and agencies, including
44 but not limited to, the behavioral health regions established in section
45 71-807, county veterans service officers, and the Department of Health
46 and Human Services.
47 (5) As part of the study required by this section, the Veterans’
48 Health Task Force shall also conduct an examination of all existing
49 health care and veterans' programs to:
50 (a) Evaluate whether the needs of veterans and their families are
51 met by such programs;
52 (b) Determine any necessary and appropriate steps that could be
53 taken to increase access to affordable, quality health care, including by
54 rule and regulation pursuant to existing statutory authority or through
55 new legislation; and
56 (c) Evaluate how the veteran health care navigator program proposed
57 under this section could improve access to affordable, quality health
58 care for veterans and their families.
59 (6) On or before January 1, 2022, the Veterans' Health Task Force
29 shall electronically submit a report to the Legislature regarding
30 development and implementation of a veteran health care navigator program
31 as provided in this section. The report shall include any recommended
1 legislation necessary to implement the program. The report shall also
2 summarize the task force's findings from the examination under subsection
3 (5) of this section.
4 Sec. 16. (1) The Veterans' Health Task Force shall conduct an
5 analysis of the impact medicaid expansion has had on veterans and their
6 families.
7 (2) On or before January 1, 2022, the task force shall
8 electronically submit a report to the Legislature summarizing its
9 findings under this section. The report shall include any changes made or
10 proposed to be made through rule and regulation and any recommended
11 legislation.
12 Sec. 17. (1) The Veterans' Heath Task Force shall undertake a study
13 regarding development and implementation of a program to reduce barriers
14 to access to mental health services and treatment for veterans and their
15 families. If implemented, the program should provide for:
16 (a) Identifying structural and logistical barriers to accessing
17 treatment, including perceived stigma, long travel distances to receive
18 care, and any other barriers;
19 (b) Resolving all barriers identified in subdivision (1)(a) of this
20 section that can be resolved without legislative or budgetary action;
21 including through increased coordination between departments, nonprofit
22 organizations, service providers, and the federal government, application
23 for and use of private and federal grants, and any other actions;
24 (c) Enhancing and strengthening veteran suicide prevention programs
25 in keeping with proven best practices and research, including by;
26 (i) Identifying and applying for federal and private grants focused
27 on veteran suicide prevention;
28 (ii) Coordinating local, state, federal, and nonprofit programs that
29 include community-based approaches for at-risk veterans and veterans at
30 larger;
31 (d) Providing technical assistance to communities to develop
1 strategic plans to reduce veteran suicide, including through coordination
2 and participation by local leaders, faith communities, schools, 3 workplaces, and other stakeholders; and
4 (iv) Evaluating community strategic plans within Nebraska and
5 disseminating findings and best practices to optimize the impact of
6 efforts by all partners and stakeholders;
7 (d) Creating a centralized provider data base which identifies, by
8 region, mental health providers with the expertise and ability to assist
9 veterans and their families. The data base should highlight providers
10 with training or experience in the prevention and treatment of veteran
11 suicide;
12 (e) Using the report created by the Department of Health and Human
13 Services under section 13 of this act to compile data on the locations of
14 residency and death, length and location of service, branch of service,
15 and occupation and industry or business of each veteran included in such
16 report;
17 (f) Using the compilation provided for in subdivision (1)(e) of this
18 section in the Department of Veterans' Affairs' efforts to prevent
19 veteran suicides; and
20 (g) Identifying evidence-based best practices to increase awareness
21 of veteran suicide prevention hotlines in Nebraska and elsewhere and
22 other crisis resources with proven effectiveness to reduce veteran
23 suicide.
24 (2) If the program is implemented, when carrying out its duties
25 under the program, the Department of Veterans' Affairs should coordinate
26 and consult with:
27 (a) Other relevant local, state, and federal agencies and
28 departments, including, but not limited to, the behavioral health regions
29 established in section 71-807, county veterans service officers, and the
30 Department of Health and Human Services;
31 (b) Nonprofit organizations and service providers; and
32 (c) Other localities and cities that have effective mental health
33 treatment and prevention systems;
34 (3) On or before January 1, 2022, the Veterans' Health Task
35 Force shall electronically submit a report to the Legislature regarding
36 development and implementation of the program to reduce barriers to
37 access to mental health services and treatment for veterans and their
38 families. The report shall include any recommended legislation necessary
39 to implement the program.
40 Sec. 18. (1) On or before January 1, 2022, the Veterans' Health Task
41 Force shall develop a continuing education course for mental health
42 providers in Nebraska to obtain expertise in veteran suicide assessment,
43 prevention, treatment, and risk management. The course shall incorporate
44 best practices and research from the United States Department of
45 Veterans' Affairs and service providers in Nebraska and elsewhere. The
46 course shall be made available at no cost to health care providers in
47 areas of the state the Department of Veterans' Affairs has identified as
48 lacking sufficient trained mental health care providers.
49 (2) On or before January 1, 2022, the Veterans' Health Task
50 Force shall electronically submit a report to the Legislature regarding the
51 continuing education course developed under this section.
52 (3) On or before January 1, 2023, the Veterans' Health Task
53 Force shall electronically submit a report to the Legislature regarding
54 utilization of the course by mental health providers.
55 2. Renumber the remaining sections accordingly.

Senator Chambers filed the following amendment to LB518:

AM2243

(Amendments to Standing Committee amendments, AM899)

1. On page 1, line 20, strike "and"; in line 23 strike the period
2 and insert "; and"; and after line 23 insert the following new
3 subdivision:
4 "(g) Given the subject matter and intent of this legislative bill,
5 it shall be considered within the context of the sordid history of
6 America relative to human trafficking and sexual exploitation. Therefore
7 it is appropriate to recognize and acknowledge some of the more renowned
8 members of the "All American Pantheon and Register of Human Traffickers",
9 which is hereby created. Charter members shall include (i) President
10 George Washington, (ii) President Thomas Jefferson ["all men are created
11 equal..."], (iii) President James Madison, (iv) President Andrew Jackson,
13 ["give me liberty or give me death"], (viii) Francis Scott Key ["the land
14 of the free and the home of the brave..."], and (ix) John Hancock [slave
15 smuggler]. Such register shall be kept, maintained, and prominently
16 displayed on a wall of the Governor's meeting room. Additional names
17 accompanied by factual documentation supporting placement on such
18 register may be submitted by any person to the Governor for consideration
19 for such placement. Following a public hearing in accordance with the
20 Open Meetings Act, at a location determined by the Governor at which
21 public comments shall be taken, a determination shall be made whether or
22 not a suggested name, or names, shall be included in such register. The
23 Governor, the Attorney General, and the Secretary of State, serving as a
24 committee of three, shall make such determination by majority vote.
25 Rejection of placement of a name shall not be a bar to resubmission of
26 such name if it is accompanied by additional supportive facts."
COMMITTEE REPORT(S)
Education

The Education 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.

Glenn R. Wilson - Board of Educational Lands and Funds


The Education 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.

Dorothy C. Anderson - Nebraska Educational Telecommunications Commission
Jacque Carter - Nebraska Educational Telecommunications Commission


(Signed) Mike Groene, Chairperson

NOTICE OF COMMITTEE HEARING(S)
Education
Room 1525

Monday, February 10, 2020 1:30 p.m.
LB1111
LB1153
LB1151
LB1217

(Signed) Mike Groene, Chairperson

GENERAL FILE

LEGISLATIVE BILL 267. Committee AM1245, found on page 1258, First Session, 2019, and considered on page 491, was renewed.

Senator La Grone offered the following motion:

MO143
Bracket until April 23, 2020.

SENATOR WILLIAMS PRESIDING

Senator La Grone withdrew his motion to bracket.
Senator La Gram offered the following amendment to the committee amendment:

AM2265

(Amendments to Standing Committee amendments, AM1245)

1. Strike amendment 1 and insert the following new amendment:
2. 1. Strike the original sections and insert the following new
3. Sections:
4. Section 1. Section 13-1304, Reissue Revised Statutes of Nebraska, is
5. amended to read:
6. 13-1304 Any commission established under sections 13-1301 to 13-1312
7. shall have power to:
8. (1) Sue and be sued;
9. (2) Have a seal and alter the seal;
10. (3) Acquire, hold, and dispose of personal property for its
11. corporate purposes;
12. (4) Acquire in the name of the city and county, by gift, grant,
13. bequest, purchase, or condemnation, real property or rights and easements
14. therein necessary or convenient for its corporate purposes and use such
15. property or rights and easements so long as its corporate existence
16. continues;
17. (5) Make bylaws for the management and regulation of its affairs and
18. make rules and regulations for the use of its projects;
19. (6) With the consent of the city or the county, as the case may be,
20. use the services of agents, employees, and facilities of the city or
21. county, for which the commission may reimburse the city or the county its
22. proper proportion of the compensation or cost thereof, and use the
23. services of the city attorney as legal advisor to the commission;
24. (7) Appoint officers, agents, and employees and fix their
25. compensation, except that the county treasurer shall be the ex officio
26. treasurer of the commission;
27. (8) Design, acquire, construct, maintain, operate, improve, remodel,
28. reconstruct, so long as its corporate existence continues,
29. such projects for the use both by the city and county as are approved by
30. the city and the county and all facilities necessary or convenient in
31. connection with any such projects;
32. (9) Enter into agreements with the city or county, or both, as to
33. the operation, maintenance, repair, and use of its projects. Such
34. agreements may provide that the city or county, or both, has
35. responsibility for a certain area within any building, structure, or
36. facility, including the maintenance, repair, use, furnishing, or
37. management of such area;
38. (10) With the approval of both the city and the county, enter into
39. agreements with the United States of America, the State of Nebraska, any
40. body, board, agency, corporation, or other governmental entity of either
41. of them, or other governmental units for use by them of any projects to
42. the extent that such use is not required by the city or the county;
43. (11) Make all other contracts, leases, and instruments necessary or
44. convenient to the carrying out of the corporate purposes or powers of the
45. commission;
46. (12) Annually levy, assess, and certify to the governing body of the
47. county the amount of tax to be levied for the purposes of the commission
48. subject to section 77-3443, not to exceed one and seven-tenths cents on
49. each one hundred dollars upon the taxable valuation of all the taxable
50. property in the county. The governing body of the county shall collect
51. the tax so certified at the same time and in the same manner as other
52. county taxes are levied and collected, and the proceeds of such taxes
53. when due and as collected shall be set aside and deposited in the special
54. account or accounts in which other revenue of the commission is
55. deposited;
30 (13) Accept grants, loans, or contributions from the United States
31 of America, the State of Nebraska, any agency or instrumentality of
1 either of them, the city, the county, any other governmental unit, or any
2 private person, firm, or corporation and expend the proceeds thereof for
3 any corporate purposes;
4 (14) Subject to section 13-1306, incur indebted debt, issue bonds and
5 notes and provide for the rights of the holders thereof, and pledge and
6 apply to the payment of such bonds and notes the taxes and other
7 receipts, income, revenue, profits, and money of the commission;
8 (15) Enter on any lands, waters, and premises for the purpose of
9 making surveys, findings, and examinations; and
10 (16) Do all things necessary or convenient to carry out the powers
11 specially conferred on the commission by sections 13-1301 to 13-1312.
12 Sec. 2. Section 13-1306, Reissue Revised Statutes of Nebraska, is
13 amended to read:
14 13-1306 (1)(a) With the prior approval of both the city and the
15 county for which the commission was created, the commission shall have
16 the power and is hereby authorized from time to time to issue its bonds
17 for any corporate purpose in such amounts as may be required to carry out
18 the purposes for which such commission is established.
19 No bonds shall be issued by any commission on or after the effective date
20 of this act until the question has been submitted to the qualified
21 electors of the county at an election called for that purpose as provided
22 in this subsection and a majority of the qualified electors voting on the
23 question voted in favor of issuing the same.
24 (b) The county board shall give notice of the election at least
25 fifty days prior to the election. The question of issuing bonds may be
26 submitted at the statewide primary or general election. The election
27 shall be conducted in accordance with the Election Act.
28 (1) The question of bond issues, when defeated, shall not be
29 resubmitted in substance for a period of six months from and after the
30 date of such election.
31 (2) Before the issuance of bonds pursuant to sections 13-1301 to
32 13-1312, the commission shall make a written statement of all proceedings
33 relative to the vote upon the issuance of such bonds and the notice of
34 the election, the manner and time of giving notice, the question
35 submitted, and the result of the canvass of the vote on the proposition
36 pursuant to which it is proposed to issue such bonds, together with a
37 full statement of the taxable valuation and the total bonded indebtedness
38 of the county. Such statement shall be certified to under oath.
39 (2) The commission shall have power from time to time and when
40 refunding is deemed expedient to issue bonds in amounts sufficient to
41 refund any bonds, including any premiums payable upon the redemption of
42 the bonds to be refunded and interest to their redemption date upon the
43 bonds to be refunded, by the issuance of new bonds, whether the bonds to
44 be refunded have or have not matured. It may issue bonds partly to refund
45 bonds then outstanding and partly for any other corporate purpose subject
46 to approval by the voters if required under subsection (1) of this
47 section. The refunding bonds may be exchanged for the bonds to be
48 refunded with such cash adjustment as may be agreed or may be sold and
49 the proceeds applied to the purchase, redemption, or payment of the bonds
50 to be refunded.
51 (3) All bonds shall be general obligations of the commission issuing
52 the same and shall be payable out of the tax and other receipts, revenue,
53 income receipts, profits, or other money of the commission.
54 (4) A commission shall have power from time to time to issue bond
55 anticipation notes referred to as notes in this section and from time to
56 time to issue renewal notes, such notes in any case to mature not later
57 than thirty months from the date of incurring the indebtedness
58 represented thereby in an amount not exceeding in the aggregate at any
59 time outstanding the amount of bonds then or theretofore authorized. Such
29 notes shall be general obligations of the commission. Payment of such
30 notes shall be made from any money or revenue which the commission may
31 have available for such purpose or from the proceeds of the sale of bonds
32 of the commission or such notes may be exchanged for a like amount of
33 such bonds.
3 (5) All such bonds and notes shall be authorized by a resolution or
4 resolutions of the board, after approval by the voters if required under
5 subsection (1) of this section, and shall bear such date or dates, mature
6 at such time or times, bear interest at such rate or rates, be in such
7 denominations, be in such form, either coupon or registered, carry such
8 exchange privileges, be executed in such manner, be payable in such
9 medium of payment at such place or places within or without the State of
10 Nebraska and be subject to such terms of redemption and at such
11 redemption premiums, as such resolution or resolutions may provide and
12 the provisions of section 10-126, shall not be applicable to such bonds
13 or notes. The bonds and notes may be sold at public or private sale for
14 such price or prices as the commission shall determine. No proceedings
15 for the issuance of bonds or notes of a commission shall be required
16 other than those required by the provisions of sections 13-1301 to
17 13-1312 and the provisions of all other laws and city charters, if any,
18 relative to the terms and conditions for the issuance, payment,
19 redemption, registration, sale or delivery of bonds of public bodies,
20 corporations or political subdivisions of this state shall not be
21 applicable to bonds and notes issued by commissions pursuant to sections
22 13-1301 to 13-1312.
23 (6) The full faith and credit of the commission shall be pledged to
24 the payment and security of the bonds and notes issued by it, whether or
25 not such pledge shall be set forth in the bonds or notes. So long as any
26 of its bonds or notes are outstanding, the commission shall have the
27 power and be obligated to levy taxes within the limitation as provided in
28 section 13-1304 to the extent required, together with any other money
29 available to the commission therefor to pay the principal of and interest
30 and premium, if any, on such bonds and notes as the same become due and
31 payable.
1 (7) All bonds and notes issued pursuant to the provisions of
2 sections 13-1301 to 13-1312 shall be and are hereby made negotiable
3 instruments within the meaning of and for all the purposes of the Uniform
4 Commercial Code subject only to any provisions contained in such bonds
5 and notes for the registration of the principal thereof.
6 (8) A commission shall have power to purchase bonds or notes of the
7 commission out of any money available therefor. Any bonds so purchased
8 shall be canceled by the commission.
9 Sec. 3. Original sections 13-1304 and 13-1306, Reissue Revised
10 Statutes of Nebraska, are repealed.

Pending.

NOTICE OF COMMITTEE HEARING(S)
Appropriations
Room 1003

Thursday, February 13, 2020 1:30 p.m.
LB1154
LB762
LB780
Agency 69 - Arts Council, Nebraska
Agency 13 - Education, Department of
Agency 47 - Educational Telecommunications Commission, Nebraska
The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Jan K. tenBensel - Nebraska Ethanol Board
Aye: 7. Albrecht, Bostelman, Gragert, Halloran, Hughes, Moser, Quick. 
Nay: 0. Absent: 1. Geist. Present and not voting: 0.

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

Norris Marshall - Environmental Quality Council

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

(Signed) Dan Hughes, Chairperson

The Revenue 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.

James D. Kuhn - Tax Equalization and Review Commission

Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Lou Ann Linehan, Chairperson

AMENDMENT(S) - Print in Journal

Senator Kolterman filed the following amendment to LB1084:

AM2211

1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Sections 1 to 26 of this act shall be known and may be 
4 cited as the Nebraska Transformational Projects Act.
5 Sec. 2. For purposes of the Nebraska Transformational Projects Act,
6 the definitions found in sections 3 to 14 of this act shall be used.
7 Sec. 3. Applicant means a postsecondary institution having a 
8 college of medicine located in the State of Nebraska.
9 Sec. 4. Continuation period means the period of five years 
10 immediately following the end of the transformational period.
11 Sec. 5. Date of application means the date that a completed 
12 application is filed under the Nebraska Transformational Projects Act.
13 Sec. 6. Director means the Director of Economic Development.
14 Sec. 7. Investment means the amount paid by the applicant for:
15 (1) Real property that is (a) constructed after the date of 
16 application, (b) owned by the applicant, (c) located at the qualified 
17 location, and (d) used to carry out the project; or 
18 (2) Equipment that is (a) purchased after the date of application, 
19 (b) owned by the applicant, (c) located at the qualified location; and 
20 (d) used to carry out the project.
21 Sec. 8. Matching funds means the funds provided toward investment 
22 at a project by the State of Nebraska pursuant to section 18 of this act.
23 Sec. 9. (1) Private dollars means dollars donated to the applicant.
24 specifically for the project by any combination of one or more of the
25 following:
26 (a) An individual;
27 (b) An organization that is exempt from income tax under section
28 501(c) of the Internal Revenue Code; or
29 (c) Any nongovernmental organization.
30 (2) Private dollars does not include any direct or indirect funding
31 from any federal, state, or local government.
32 Sec. 10. Project means an investment by the applicant of at least
33 one billion six hundred million dollars at one qualified location which
34 is made to carry out the requirements for the qualified location to be
35 included in the program described in Title VII, Subtitle C, section 740
36 of Public Law 116-92.
37 Sec. 11. Qualified location means any parcel of real property, or
38 contiguous or adjacent parcels of real property, within the State of
39 Nebraska that is or are owned by the applicant, and such other parcels
40 owned by the applicant that are necessary to support the applicant's
41 project at such parcel or parcels. Except to the extent required for a
42 project to be included in the program described in Title VII, Subtitle C,
43 section 740 of Public Law 116-92, the award made for a qualified location
44 may not be used for athletic or recreational purposes, except that a
45 qualified location may contain space, totaling less than ten percent of
46 the facility square footage at the project, that may be used for food
47 service or for exercise or recreational purposes as is commonly used for
48 the health and well-being of employees, students, and patients.
49 Sec. 12. Related entity means any entity which is a subsidiary or
50 affiliated entity of the applicant or which has, as one of its purposes
51 for existence, the financial support of the applicant.
52 Sec. 13. Transformational period means the period of time from the
53 date of the complete application through the earlier of (1) the end of
54 the tenth year after the year in which the complete application was filed
55 with the director or (2) the end of the year in which the applicant
56 attains the one billion six hundred million dollar investment
57 requirement.
58 Sec. 14. Year means the fiscal year of the State of Nebraska.
59 Sec. 15. (1) In order to be eligible to receive the matching funds
60 allowed in the Nebraska Transformational Projects Act, the applicant
61 shall file an application with the director, on a form developed by the
62 director, requesting an agreement.
63 (2) The application shall:
64 (a) Identify the project, including the qualified location of such
65 project, and state that the applicant is pursuing a partnership with the
66 federal government pursuant to Title VII, Subtitle C, section 740 of
67 Public Law 116-92 for the project;
68 (b) State the estimated, projected amount of total new investment at
69 the project, which shall not be less than one billion six hundred million
70 dollars, including the estimated, projected amount of private dollars and
71 matching funds;
72 (c) Include an independent assessment of the economic impact to
73 Nebraska from the project and its construction, which shall be performed
74 by a professional economist or economics firm which is not in the regular
75 employ of the applicant. The assessment must show, to the reasonable
76 satisfaction of the director, an economic impact to Nebraska of at least
77 two billion seven hundred million dollars during the planning and
78 construction period and at least four billion nine hundred million
79 dollars during the ten-year period beginning either when construction is
80 commenced or when the application is approved;
81 (d) Include approval of the project and of submission of the
82 application by the governing body of the applicant. Approval of the
83 project may be subject to other federal, state, and local government
26 approvals needed to complete the project and subject to obtaining the
27 funding, financing, and donations needed for the project;
28 (e) State the E-Verify number or numbers that will be used by the
29 applicant for employees at the qualified location as provided by the
30 United States Citizenship and Immigration Services; and
31 (f) Contain a nonrefundable application fee of twenty-five thousand
1 dollars. The fee shall be remitted to the State Treasurer for credit to
2 the Nebraska Transformational Project Fund.
3 (3) An application must be complete to establish the date of the
4 application. An application shall be considered complete once it contains
5 the items listed in subsection (2) of this section.
6 (4) Once satisfied that the application is complete and that the
7 applicant is eligible to receive the matching funds allowed in the
8 Nebraska Transformational Projects Act, the director shall approve the
9 application.
10 (5) There shall be no new applications filed under this section
11 after December 31, 2021. Any complete application filed on or before
12 December 31, 2021, shall be considered by the director and approved if
13 the location and applicant qualify for approval. Agreements may be
14 executed with regard to any complete application filed on or before
15 December 31, 2021.
16 Sec. 16. (1) Within ninety days after approval of the application,
17 the director shall prepare and deliver a written agreement to the
18 applicant for the applicant’s signature. The applicant and the director,
19 on behalf of the State of Nebraska, shall enter into such written
20 agreement. Under the agreement, the applicant shall agree to undertake
21 the project and report all investment at the project to the director
22 annually. The director, on behalf of the State of Nebraska, shall agree
23 to fund the applicant to receive the matching funds allowed in the
24 Nebraska Transformational Projects Act, subject to appropriation of such
25 funds by the Legislature. The application, and all supporting
26 documentation, to the extent approved, shall be considered a part of the
27 agreement. The agreement shall state:
28 (a) The qualified location;
29 (b) The type of documentation the applicant will need to document
30 its investment and receipt of private dollars under the act;
31 (c) The date the application was complete;
1 (d) A requirement that the applicant be and will stay registered for
2 the E-Verify Program provided by the United States Citizenship and
3 Immigration Services for the duration of the project;
4 (e) A requirement that the applicant update the director within
5 sixty days of the following events:
6 (i) Execution of an agreement for construction of real property at
7 the project;
8 (ii) Local approval for construction of real property at the
9 project;
10 (iii) A binding commitment for financing of the project by a private
11 lender, to the extent applicable;
12 (iv) Commencement of construction of real property at the project;
13 and
14 (v) The issuance of a certificate of occupancy for real property at
15 the project;
16 (f) A requirement that the applicant provide any information needed
17 by the director to perform his or her responsibilities under the Nebraska
18 Transformational Projects Act, in the manner specified by the director;
19 (g) A requirement that the applicant provide an annually updated
20 timetable showing the private dollars donated and received and the
21 investment at the project, in the manner specified by the director; and
22 (h) A requirement that the applicant update the director annually,
23 with its timetable or in the manner specified by the director, on any
24 changes in plans or circumstances which it reasonably expects will affect
25 the investment or expected donations for the project.
26 (2) Any failure by the applicant to timely provide the updates or
27 information required by the director or the act shall result in the loss
28 of the right to receive matching funds or may, in the discretion of the
29 director, result in the deferral of matching fund disbursements until
30 such updates and information have been provided to the director by the
31 applicant.
1 (3) The applicant shall provide documentation to the director
2 validating the receipt of private dollars.
3 (4) An agreement under the Nebraska Transformational Projects Act
4 shall have a duration of no more than fifteen years after the date of
5 application, consisting of up to the ten years of the transformational
6 period followed by the five-year continuation period, except such
7 agreement shall remain effective until all matching fund payments have
8 been received as provided for under the act.
9 (5) An agreement under the Nebraska Transformational Projects Act
10 must be approved by the governing body of the applicant to be valid.
11 Sec. 17. The following transactions or activities shall not create
12 investment under the Nebraska Transformational Projects Act except as
13 specifically allowed by this section:
14 (1) The renegotiation of any private donor commitment in existence
15 before the date of application, except to the extent of additional
16 donation commitments;
17 (2) The purchase of any property which was previously owned by the
18 applicant or a related entity. The first purchase by either the applicant
19 or a related entity shall be treated as investment if the item was first
20 placed in service in the state after the date of the application;
21 (3) The renegotiation of any agreement in existence on the date of
22 application which does not materially change any of the material terms of
23 the agreement shall be presumed to be a transaction entered into for the
24 purpose of facilitating benefits under the act and shall not be allowed
25 in the meeting of the required investment level under the act; and
26 (4) Any purchase of property from a related entity, except that the
27 applicant will be considered to have made investment under the act to the
28 extent the related entity would have been considered to have made
29 investment on the purchase of the property if the related entity was
30 considered the applicant.
1 Sec. 18. (1) Subject to section 21 of this act, an applicant shall,
2 upon the applicant's project being selected for the program established
3 under Title VII, Subtitle C, section 740 of Public Law 116-92 and the
4 receipt of federal dollars, be entitled to receive, from the State of
5 Nebraska, three hundred million dollars as matching funds for the three
6 hundred million dollars of private dollars received by the applicant
7 between the date of application and the end of the continuation period.
8 (2) Subject to section 21 of this act, the state shall pay the
9 available matching funds to the applicant on an annual basis.
10 Sec. 19. (1) The right to matching funds prescribed in section 18
10 of this act shall be established by filing the forms required by the
11 director. The matching funds may only be used by the applicant to make
12 investments at the project or to pay off debt financing for such
13 investments. Matching funds and private dollars shall be counted towards
14 the attainment of the one billion six hundred million dollar investment
15 requirement.
16 (2) Interest shall be due by the applicant on any repayment of
17 matching funds.
18 (3) All interpretations of the Nebraska Transformational Projects
19 Act shall be made by the director.
20 (4) An audit of a project shall be made by the director to the
21 extent and in the manner determined by the director. The director may
22 recover any matching funds which were erroneously allowed by issuing a
23 repayment determination within the later of three years from the date the
24 matching funds were paid or three years after the end of the continuation
25 period.
26 (5) Any determination by the director that the applicant does not
27 qualify, that a location is not a qualified location, that a project does
28 not qualify, that a private dollar donation does not qualify, or that
29 matching funds must be repaid may be protested by the applicant to the
30 director within sixty days after the mailing to the applicant of the
31 written notice of the proposed determination by the director. If the
32 notice of proposed determination is not protested in writing by the
33 applicant within the sixty-day period, the proposed determination is a
34 final determination. If the notice is protested, the director, after a
35 formal hearing by the director or by an independent hearing officer
36 appointed by the director, if requested by the applicant in such protest,
37 shall issue a written order resolving such protest.
38 Sec. 20. (1) The applicant must make an investment of one billion
39 six hundred million dollars at the project before the end of the
40 transformational period. If the applicant fails to reach such threshold,
41 all of the matching funds paid to the applicant under the Nebraska
42 Transformational Projects Act shall be repaid by the applicant to the
43 director, and the applicant shall be entitled to no matching funds for
44 the project.
45 (2) The applicant must maintain the required level of investment for
46 the entire continuation period. If the applicant fails to maintain the
47 required level of investment for the entire continuation period, all of
48 the matching funds paid to the applicant under the act shall be repaid by
49 the applicant to the director, and the applicant shall be entitled to no
50 matching funds for the project.
51 (3) If the applicant fails to receive, before the end of the
52 continuation period, three hundred million dollars of donations of
53 private dollars to be used for the project, then all matching funds paid
54 to the applicant under the act shall be repaid by the applicant to the
55 director.
56 (4) The repayment required by this section shall not occur if the
57 failure to receive a donation, or achieve or maintain the required level
58 of investment, was caused by an act of God or national emergency.
59 Sec. 21. The right to receive matching funds under the Nebraska
60 Transformational Projects Act:
61 (1) Shall be subject to the limitations provided in the act;
62 (2) Shall be subject to funds being appropriated by the Legislature;
63 and
64 (3) Shall not be transferable.
65 Sec. 22. If the applicant cannot be paid in full in any given
66 fiscal year, then the matching funds shall be paid in later years until
67 fully funded.
68 Sec. 23. Any complete application shall be considered a valid
69 application on the date submitted for the purposes of the Nebraska
70 Transformational Projects Act.
71 Sec. 24. (1) No later than October 1, 2022, and no later than
72 October 1 of each year thereafter, the director shall submit
73 electronically an annual report for the previous fiscal year to the
74 Legislature. The report shall be on a fiscal year, accrual basis that
75 satisfies the requirements set by the Governmental Accounting Standards
76 Board. The director shall, on or before December 15, 2022, and on or
77 before December 15 of each year thereafter, appear at a joint hearing of
78 the Appropriations Committee of the Legislature and the Revenue Committee
79 of the Legislature and present the report. Any supplemental information
80 requested by three or more committee members shall be presented within
81 thirty days after the request.
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20 (2) The report shall state (a) the payment of matching funds made by
21 the State of Nebraska, (b) the expected payments of matching funds still
22 to be made by the State of Nebraska, and (c) the investment made by the
23 applicant.
24 (3) The report shall provide an explanation of the audit and review
25 processes of the Department of Economic Development in approving and
26 rejecting the provision of matching funds and in enforcing matching funds
27 repayment.
28 (4) No information shall be provided in the report or in
29 supplemental information that is protected by state or federal
30 confidentiality laws. The identity of private donors shall not be
31 included in the report.
1 Sec. 25. Except as otherwise provided in the Nebraska
2 Transformational Projects Act, the director may adopt and promulgate all
3 procedures and rules and regulations necessary to carry out the purposes
4 of the act.
5 Sec. 26. (1) The Nebraska Transformational Project Fund is hereby
6 created. The fund shall receive money from application fees paid under
7 the Nebraska Transformational Projects Act and from appropriations from
8 the Legislature, grants, private contributions, repayments of matching
9 funds, and all other sources. Any money in the fund available for
10 investment shall be invested by the state investment officer pursuant to
11 the Nebraska Capital Expansion Act and the Nebraska State Funds
12 Investment Act.
13 (2) It is the intent of the Legislature that the State Treasurer
14 shall transfer an amount not to exceed three hundred million dollars to
15 the Nebraska Transformational Project Fund no later than fiscal year
16 2020-21. No transfer shall be made to the fund until the applicant has
17 been selected for participation in the program described in Title VII.
18 Subtitle C, section 740 of Public Law 116-92 and commitments of at least
19 one billion three hundred million dollars in total investment, including
20 only federal dollars and private donations, have been secured.
21 Distributions may be made from the fund in amounts equal to the amount of
22 private dollars received by the applicant for the project.
23 (3) Any money remaining in the fund after all obligations have been
24 met shall be transferred to the General Fund.
25 Sec. 27. This act becomes operative on January 1, 2021.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 387. Placed on Select File with amendment.

FR163

1 1. On page 18, line 25, strike "subdivision" and insert
2 "subsection"
3 2. On page 19, line 23, after "g" insert "juror".
4 3. On page 34, line 25, strike "2020" and insert "2021".

(Signed) Julie Slama, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Blood name added to LB106.
Senator Blood name added to LB607.
Senator Kolterman name added to LB770.
Senator Blood name added to LB803.
Senator Blood name added to LB825.
Senator Blood name added to LB850.
Senator Blood name added to LB911.
Senator Blood name added to LB945.
Senator Blood name added to LB972.
Senator Blood name added to LB1189.

WITHDRAW - Cointroducer(s)

Senator Murman name withdrawn from LB205.
Senator Brewer name withdrawn from LR284CA.

VISITOR(S)

Visitors to the Chamber were Reverend Michael Holder from Liberia and Pastor Jason Kirsch from Lincoln; a group from the Nebraska State Bar Association Leadership Academy from across the state; and a group from the Nebraska Children and Families Foundation from across the state.

ADJOURNMENT

At 11:43 a.m., on a motion by Senator Blood, the Legislature adjourned until 9:00 a.m., Tuesday, February 4, 2020.

Patrick J. O'Donnell
Clerk of the Legislature