THIRTY-SIXTH DAY - MARCH 6, 2020

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

THIRTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 6, 2020

PRAYER

The prayer was offered by Dean Craig Loya, Trinity Episcopal Cathedral, Omaha.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Lindstrom presiding.

The roll was called and all members were present except Senators Hunt and Kolowski who were excused; and Senators B. Hansen, Lathrop, Linehan, Morfeld, Scheer, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-fifth day was approved.

REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 5, 2020, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Antonello, Dustin
Lincoln Independent Business Association (LIBA) (Withdrawn 02/28/2020)
SELECT FILE

LEGISLATIVE BILL 944. Senator Friesen withdrew his amendment, AM2396, found on page 669 and considered on page 690.

Senator Friesen offered his amendment, AM2612, found on page 786.

The Friesen amendment was adopted with 39 ayes, 0 nays, 2 present and not voting, and 8 excused and not voting.

Senator Bolz offered the following amendment:

AM2761  (Amendments to Standing Committee amendments, AM2307)

1 1. Insert the following new section:
2 Sec. 10. Section 60-331.02, Revised Statutes Cumulative Supplement,
3 2018, is amended to read:
4 60-331.02 Handicapped or disabled person means any individual with a
5 severe visual, neurological, or physical impairment which limits personal
6 mobility and results in an inability to travel more than two hundred feet
7 without stopping or without the use of a wheelchair, crutch, walker, or
8 prosthetic, orthotic, or other assistant device, any individual whose
9 personal mobility is limited as a result of respiratory problems, any
10 individual who has a cardiac condition to the extent that his or her
11 functional limitations are classified in severity as being Class III or
12 Class IV, according to standards set by the American Heart Association,
13 and any individual who has permanently lost all or substantially all the
14 use of one or more limbs.
15 2. On page 100, line 20, after the first comma insert "60-331.02.,"
16 3. Renumber the remaining sections and correct internal references
17 accordingly.

The Bolz amendment was adopted with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 909. ER172, found on page 661, was adopted.

Senator Williams offered his amendment, AM2544, found on page 697.

The Williams amendment was adopted with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1016. ER174, found on page 698, was adopted.

Advanced to Enrollment and Review for Engrossment.
LEGISLATIVE BILL 858. ER176, found on page 726, was adopted.

Senator Hughes offered his amendment, AM2633, found on page 748.

The Hughes amendment was adopted with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 790. ER178, found on page 740, was adopted.

Senator Blood offered her amendment, AM2768, found on page 842.

The Blood amendment was adopted with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

Senator Hilgers offered his amendment, AM2758, found on page 847.

The Hilgers amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Senator Pansing Brooks offered the following amendment:

1. On page 3, after line 30; and page 5, after line 21, insert the following new subsection:

   "Nothing in this section shall be interpreted to allow for the privatization of the administration of facilities operated by the Department of Health and Human Services under section 83‑101.06 or the Department of Correctional Services under section 83‑171."

2. On page 5, after line 2, insert the following new paragraph:

   "Nothing in this section shall be interpreted to allow for the privatization of the administration of facilities operated by the Department of Health and Human Services under section 83‑101.06 or the Department of Correctional Services under section 83‑171."

Senator Chambers offered the following motion:

Bracket until April 12, 2020.

Senator Chambers withdrew his motion to bracket.

Senator Chambers offered the following amendment to the Pansing Brooks amendment:

Amend AM2797
If any section in this act or any part of any section is declared invalid or unconstitutional, the declaration shall not affect the validity or constitutionality of the remaining portions.

SENATOR HILGERS PRESIDING
SENATOR LINDSTROM PRESIDING

Pending.

**LEGISLATIVE BILL 996.** Senator Hilgers withdrew his amendment, [AM2783](#), found on page 841.

Senator Hilgers offered his amendment, [AM2792](#), found on page 848.

The Hilgers amendment was adopted with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 997.** [ER173](#), found on page 698, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1061.** [ER175](#), found on page 730, was adopted.

Senator Crawford offered her amendment, [AM2744](#), found on page 809.

**SENATOR HUGHES PRESIDING**

The Crawford amendment was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1014.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 962.** [ER177](#), found on page 749, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 344.** [ER181](#), found on page 797, was adopted.

Senator Halloran offered his amendment, [AM2705](#), found on page 833.

The Halloran amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.
LEGISLATIVE BILL 870. Senator Clements offered his amendment, AM2613, found on page 811.

The Clements amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 963. ER179, found on page 797, was adopted.

Senator McDonnell offered his amendment, AM2776, found on page 844.

SENDER LINDSTROM PRESIDING

Senator McDonnell moved for a call of the house. The motion prevailed with 22 ayes, 3 nays, and 24 not voting.

The McDonnell amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator McDonnell offered his amendment, AM2734, found on page 844.

The McDonnell amendment was adopted with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 963A. Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 1056. Title read. Considered.

Committee AM2595, found on page 791, was offered.

Senator Lowe offered his amendment, AM2795, found on page 851, to the committee amendment.

Pending.
LEGISLATIVE BILL 632. Placed on General File with amendment.  
AM2766
1 The original sections and insert the following new section:
2 Section 1. Section 2-1504, Revised Statutes Cumulative Supplement,  
3 2018, is amended to read:
4 2-1504 (1) The Nebraska Natural Resources Commission is established.  
5 The commission shall advise the department as requested by the director  
6 and shall perform such other functions as are specifically conferred on  
7 the commission by law. The commission shall have no jurisdiction over  
8 matters pertaining to water rights.  
9 (2) Each member of the commission shall be a resident of the State  
10 of Nebraska and shall have attained the age of majority. The voting  
11 members of the commission, all of whom shall have attained the age of  
12 majority, shall be:
13 (a) One resident of each of the following river basins, with  
14 delineations being those on the Nebraska river basin map officially  
15 adopted by the commission and on file with the department: (i) The  
16 Niobrara River, White River, and Hat Creek basin, (ii) the North Platte  
17 River basin, (iii) the South Platte River basin, (iv) the middle Platte  
18 River basin, (v) the lower Platte River basin, (vi) the Loup River basin,  
19 (vii) the Elkhorn River basin, (viii) the Missouri tributaries basin,  
20 (ix) the Republican River basin, (x) the Little Blue River basin, (xi)  
21 the Big Blue River basin, and (xii) the Nemaha River basin;  
22 (b) One additional resident of each river basin which encompasses  
23 one or more cities of the metropolitan class; and  
24 (c) Fourteen members appointed by the Governor, subject to  
25 confirmation by the Legislature. Of the members appointed by the  
26 Governor, one shall represent each of the following categories:
27 (1) Agribusiness interests; agricultural interests; ground water irrigators;  
28 irrigation districts; manufacturing interests; metropolitan utilities  
29 districts; municipal users of water from a city of the primary class;  
30 municipal users of water from a city of the first or second class or a  
31 village; outdoor recreation users; public power districts; public power  
32 and irrigation districts; range livestock owners; surface water  
33 irrigators; and wildlife conservation interests.
34 (3) Members of the commission described in subdivision (2)(a) of  
35 this section shall be selected for four-year terms at individual caucuses  
36 of the natural resources district directors residing in the river basin  
37 from which the member is selected. Such caucuses shall be held for each  
38 basin within ten days following the first Thursday after the first  
39 Tuesday of the year the term of office of the member from that basin  
40 expires. The dates and locations for such caucuses shall be established  
41 by the commission, and the commission shall provide notice to the public  
42 by issuing press releases for publication in a newspaper of general  
43 circulation in each county that comprises the river basin for which a  
44 member is selected. Each member of the commission representing a  
45 river basin shall qualify by filing with the other members of the  
46 commission an acceptance in writing of his or her selection.
28 (4) Members of the commission described in subdivision (2)(b) of
29 this section shall be residents of natural resources districts which
30 encompass one or more cities of the metropolitan class and shall be
31 selected in the same manner, at the same time, and for a four-year term
32 having the same term sequence as provided for the other members from such
33 basin under subsection (3) of this section.
34 (5) For members of the commission described in subdivision (2)(c) of
35 this section:
36 (a) The Governor shall appoint the eleven additional members added
37 by Laws 2014, LB1098, within thirty days after April 17, 2014. The eleven
38 additional appointments shall be for staggered four-year terms, as
39 determined by the Governor. The Governor shall also set the terms of the
40 current members of the commission appointed under such subdivision and
41 serving on April 17, 2014, to staggered four-year terms. Future
42 appointments shall be for four-year terms. Members whose terms have
43 expired shall continue to serve until their successors have been
44 appointed. In the case of a vacancy, the Governor shall appoint a
45 successor for the unexpired term. Members may be removed for cause.
46 Initial appointees shall begin serving immediately following notice of
47 16 (3)(c) or (d), except that the member appointed representing municipal
48 users of water from the class of city or a village that is being
49 represented by the current member representing municipal users of water
50 and the members representing surface water irrigators and ground water
51 irrigators shall not begin serving until the term of the current member
52 representing those classes expires or such member resigns or is
53 otherwise removed; and
54 (b) In appointing such members, the Governor shall:
55 (i) Create a broad-based commission which has knowledge of, has
56 experience with, and is representative of Nebraska's water use and
57 economy;
58 (ii) Give recognition to the importance of both water quantity and
59 water quality; and
60 (iii) Appoint members who represent diverse geographic regions of
61 the state, including urban and rural areas, and represent, to the extent
62 possible, the racial and ethnic diversity of the state.
63 (6) After the members have been appointed as required under this
64 section, the commission shall revise or adopt and promulgate rules and
65 regulations as necessary to administer the Water Sustainability Fund
66 pursuant to sections 2-1506 to 2-1513.
67 Sec. 2. Section 13-2001, Reissue Revised Statutes of Nebraska, is
68 amended to read:
69 13-2001 Sections 13-2001 to 13-2043 and section 4 of this act shall
70 be known and may be cited as the Integrated Solid Waste Management Act.
71 Sec. 3. Section 13-2003, Reissue Revised Statutes of Nebraska, is
72 amended to read:
73 13-2003 For purposes of the Integrated Solid Waste Management Act,
74 the definitions found in sections 13-2004 to 13-2016.01 and section 4 of
75 this act shall be used.
76 Sec. 4. Container means a bag, cup, can, pouch, package, container,
77 bottle, or other packaging that is (1) designed to be reusable;
78 recyclable, or single-use; (2) made of cloth, paper, plastic, including
79 foamed or expanded plastic, cardboard, corrugated material, aluminum,
80 glass, or postconsumer recycled or similar material or substrates,
81 including coated, laminated, or multilayer substrates, and (3) designed
82 for consuming, protecting, or transporting merchandise, food, or
83 beverages from or at a food service or retail facility.
84 Sec. 5. Section 13-2017, Reissue Revised Statutes of Nebraska, is
85 amended to read:
86 13-2017 It is the policy of this state:
87 (1) To encourage the development of integrated solid waste
management programs, including waste volume reduction and recycling
programs and education, at the local governmental level through
incentives, technical assistance, grants, and other practical measures;
(2) To support and encourage the development of new uses and markets
for recycled goods, placing emphasis on the development in Nebraska of
businesses relating to waste reduction and recycling;
(3) To provide education concerning the components of integrated
solid waste management, at the elementary level through the high school
level and through community organizations, to enhance the success of
local programs requiring public involvement, and
(4) To support and encourage manufacturing methods which are
environmentally sustainable, technologically safe, and ecologically sound
and which enhance waste reduction by creating products which have longer
usage life and which are adaptable to secondary uses through processes
such as pyrolysis or biomass, require less input material, and decrease
resource consumption; and
(5) To encourage uniform regulation of containers in order to avoid
the burden on retailers of having to comply with varying regulatory
policies in multiple jurisdictions.
Sec. 6. Section 13-2023, Reissue Revised Statutes of Nebraska, is
amended to read:
13-2023 (1) A county, municipality, or agency may, by ordinance or
resolution, adopt regulations governing collection, source separation,
storage, transportation, transfer, processing, treatment, and disposal of
solid waste within its solid waste jurisdiction area as necessary to
protect the public health and welfare and the environment. Regulations
authorized by this section shall be equal to or more stringent than the
provisions of the Integrated Solid Waste Management Act and rules and
regulations adopted and promulgated by the council as authorized by the
act. Any person who violates any such regulation shall be subject to a
noncompliance fee not to exceed five hundred dollars.
(2) A county, municipality, or agency shall not adopt, enforce, or
otherwise administer an ordinance or resolution that prohibits the use of
programs, except that in no event shall such programs prohibit or have
the effect of prohibiting the sale, use, or marketing of containers. This subsection shall not apply to
county, municipality, or agency recycling or solid waste collection
programs, except that in no event shall such programs prohibit or have
the effect of prohibiting the sale, use, or marketing of any containers.
Sec. 7. Section 70-1605, Reissue Revised Statutes of Nebraska, is
amended to read:
70-1605 No public or private utility company, other than a municipal
utility owned and operated by a village, furnishing water, natural gas,
or electricity at retail in this state shall discontinue service to any
domestic subscriber for nonpayment of any past-due account unless the
utility company first gives notice to any subscriber whose service is
proposed to be terminated. Such notice shall be given in person, by
10 first-class mail, or by electronic delivery, except that electronic
delivery shall only be used if the subscriber has specifically elected to
receive such notices by electronic delivery. If notice is given by first-
class mail or electronic delivery, such notice shall be conspicuously
marked as to its importance. Service shall not be discontinued for at
least seven days after notice is sent or given. Holidays and weekends
shall be excluded from the seven days. A public or private utility
company shall not charge a fee for the discontinuance or reconnection of
utility service that exceeds the reasonable costs of providing such
service.
Sec. 8. Section 70-1606, Reissue Revised Statutes of Nebraska, is
amended to read:
70-1606 (1) The notice required by section 70-1605 shall contain
the following information:
24 (g) (1) The reason for the proposed disconnection;
25 (h) (2) A statement of intention to disconnect unless the domestic
26 subscriber either pays the bill or reaches an agreement with the utility
27 regarding payment of the bill;
28 (i) (3) The date upon which service will be disconnected if the
29 domestic subscriber does not take appropriate action;
30 (j) (4) The name, address, and telephone number of the utility's
31 employee or department to whom the domestic subscriber may address any
1 inquiry or complaint;
2 (k) (5) The domestic subscriber's right, prior to the disconnection
3 date, to request a conference regarding any dispute over such proposed
4 disconnection;
5 (l) (6) A statement that the utility may not disconnect service
6 pending the conclusion of the conference;
7 (m) (7) A statement to the effect that disconnection shall map be
8 postponed or prevented upon presentation of a duly licensed physician's,
9 physician assistant's, or advanced practice registered nurse's
10 certificate, which shall certify that a domestic subscriber or resident
11 within such subscriber's household has an existing illness or handicap
12 which would cause such subscriber or resident to suffer an immediate and
13 serious health hazard by the disconnection of the utility's service to
14 that household. Such certificate shall be filed with the utility within
15 five days of receiving notice under this section, excluding holidays and
16 weekends, and will prevent the disconnection of the utility's service for
17 a period of at least thirty days from such filing. Only one postponement
18 of disconnection shall be required allowed under this subdivision for
19 each incidence of nonpayment of any past-due account;
20 (n) (8) The cost that will be borne by the domestic subscriber for
21 restoration of service;
22 (o) (9) A statement that the domestic subscriber may arrange with
23 the utility for an installment payment plan;
24 (p) (10) A statement to the effect that those domestic subscribers
25 who are welfare recipients may qualify for assistance in payment of their
26 utility bill and that they should contact their caseworker in that
27 regard, and
28 (q) (11) Any additional information not inconsistent with this
29 section which has received prior approval from the board of directors or
30 administrative board of any utility.
31 (2) (1) A public or private utility company, other than a municipal
1 utility owned and operated by a village, shall make the service
2 termination information required under subdivisions (d), (e), (f), (g),
3 (i), (j), and (k) of subsection (1) of this section readily accessible to
4 the public on the web site of the utility company and available by mail
5 upon request.
6 Sec. 9. The Legislature finds and declares that the State of
7 Nebraska experienced a historic flood event in 2019. This flood event
8 significantly impacted numerous communities and individual Nebraskans,
9 Coordination and communication between state and local entities
10 implementing flood mitigation strategies is essential to maximize federal
11 funds for flood mitigation efforts.
12 Sec. 10. The Department of Natural Resources shall develop a state
13 flood mitigation plan as a stand-alone document to be annexed into the
14 state hazard mitigation plan maintained by the Nebraska Emergency
15 Management Agency. Such plan shall be structured in accordance with
16 Federal Emergency Management Agency guidelines, and shall be
17 comprehensive, collaborative, and statewide in scope with opportunities
18 for input from diverse stakeholders.
19 Sec. 11. The Department of Natural Resources shall convene a plan
20 development group which shall be housed and staffed for administrative
21 purposes within such department. The Department of Natural Resources
shall engage with federal, state, and local agency and community stakeholders in the development of the state flood mitigation plan, including, but not limited to, the Department of Transportation, the Department of Environment and Energy, the Department of Economic Development, the Department of Agriculture, the Nebraska Emergency Management Agency, natural resources districts, the United States Department of Agriculture, the United States Army Corps of Engineers, the United States Geological Survey, the Federal Emergency Management Agency, the University of Nebraska, representatives of counties, municipalities, and other political subdivisions, and the Natural Resources Committee of the Legislature. The Department of Natural Resources may engage other sources to provide technical expertise as needed.

Sec. 12. The Department of Natural Resources shall:

(1) Evaluate the flood issues that occurred in 2019, and identify cost-effective flood mitigation strategies that should be adopted to reduce the disruption of lives and livelihoods and prioritize making Nebraska communities more resilient;

(2) Identify opportunities to implement flood hazard mitigation strategies with the intent to reduce the impact of flood events;

(3) Work to improve knowledge and understanding of available recovery resources while identifying potential gaps in current disaster program delivery;

(4) Identify potential available funding sources that can be accessed to improve the resiliency of the state through flood mitigation and post-flood disaster recovery. The funding sources shall include, but not be limited to, assistance from (a) the Federal Emergency Management Agency's Flood Mitigation Assistance Grant Program, Building Resilient Infrastructure and Communities Grant Program, Hazard Mitigation Grant Program, Public Assistance Program, and Individual Assistance Program,

(b) the United States Department of Housing and Urban Development's Community Development Block Grant Program and Community Development Block Grant Disaster Recovery Program, and (c) programs of the United States Department of Agriculture's Natural Resources Conservation Service.

(5) Identification of such funding sources shall be in addition to grants and cost-sharing programs available through other agencies that support flood hazard mitigation planning in communities;

(6) Compile a centralized list of critical infrastructure and state-owned facilities and identify those with the highest risk of flooding. In developing such list, the Department of Natural Resources shall consult and collaborate with other state and local agencies that have information that identifies vulnerable facilities;

(7) Evaluate state laws, rules, regulations, policies, and programs related to flood hazard mitigation and development in flood hazard-prone areas to support the state's administration of the Federal Emergency Management Agency's National Flood Insurance Program, Community Rating System, and Risk Mapping, Assessment, and Planning Program;

(8) Examine existing law and, if necessary, recommend statutory or administrative changes to help ensure collaboration and coordination between state and local entities in statewide flood mitigation planning; and

(9) Hold two public hearings, one prior to the first state flood mitigation plan development meeting and one prior to the completion of such plan. Notice of each hearing shall be published at least thirty days prior to the hearing date.

Sec. 13. The state flood mitigation plan shall be completed and reported to the Governor and electronically to the Legislature on or before December 31, 2021.

LEGISLATIVE BILL  53. Indefinitely postponed.
LEGISLATIVE BILL 368. Indefinitely postponed.
LEGISLATIVE BILL 606. Indefinitely postponed.
LEGISLATIVE BILL 859. Indefinitely postponed.
LEGISLATIVE BILL 1071. Indefinitely postponed.

(Signed) Dan Hughes, Chairperson

Urban Affairs

LEGISLATIVE BILL 1003. Placed on General File with amendment. AM2651 is available in the Bill Room.

(Signed) Justin Wayne, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 848A. Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 848, One Hundred Sixth Legislature, Second Session, 2020.

AMENDMENT(S) - Print in Journal

Senator Williams filed the following amendment to LB1055: AM2741
(Amendments to Standing Committee amendments, AM2573)
1 1. On page 12, line 31, strike "direct pecuniary fee", show as
2 stricken, and insert "payment, fee,"
3 2. On page 13, strike lines 16 through 20 and show as stricken; in
4 line 21 strike "(7)", show as stricken, and insert "(6)"; and in line 27
5 strike "(8)", show as stricken, and insert "(7)".
6 3. On page 14, line 1, strike "(9)", show as stricken, and insert
7 "(8)"; and in line 3 strike "(10)(a)", show as stricken, and insert "(9)"
8 "(a)".

VISITOR(S)

Visitors to the Chamber were students and teachers from Nebraska City Middle School; a group from the Nebraska Occupational Therapy Association from across the state; students and teachers from Scottsbluff High School; students from Logan Middle School, Bellevue; Amber and Annabelle Bogle from Bennet; students from Whitetail Creek Elementary, Omaha; Senator Albrecht's family, Scott and Lisa Albrecht and children Isaac, Ben, and Evelyn Albrecht from Thurston, Laura Albrecht Fisher and children Keegan, Kylie, and Kessler from Scribner, and Andrea Albrecht Diehm from Presho, SD; and students from Lakeview Elementary, Lincoln.
The Doctor of the Day was Dr. Erika Rothgeb from Omaha.

**ADJOURNMENT**

At 12:02 p.m., on a motion by Senator Crawford, the Legislature adjourned until 9:00 a.m., Monday, March 9, 2020.

Patrick J. O'Donnell  
Clerk of the Legislature