THIRTY-SEVENTH DAY - MARCH 9, 2020

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

THIRTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 9, 2020

PRAYER

The prayer was offered by Pastor Jeff Ryan, Three Timbers Church, Bennington.

ROLL CALL

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

The roll was called and all members were present except Senators Brewer, Cavanaugh, M. Hansen, McCollister, Morfeld, Slama, Stinner, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-sixth day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 755. Placed on Select File with amendment.

ER193
1 1. In the Standing Committee amendments, AM2480, on page 9, line 31,
2 2 strike "physician" and insert "podiatrist".
3 2. On page 1, strike lines 2 through 7 and insert "sections
5 38-2023, 38-2046, 38-2047, 38-2050, 38-2053, 38-2054, 38-2055, 38-2056,
638-3001, 38-3002, 71-202.01, 71-224, 71-519, and 81-6,103, Reissue
7 Revised Statutes of Nebraska, sections 81-3401, 81-3403, 81-3416.01,
8 81-3428, 81-3429, 81-3432, 81-3433, 81-3438, 81-3448, and 81-3451,
9 Revised Statutes Cumulative Supplement, 2018, and sections 38-2001 and
10 81-3453, Revised Statutes Supplement, 2019; to change home services
11 permit provisions under the Cosmetology, Electrology, Esthetics, Nail
12 Technology, and Body Art Practice Act and the Barber Act; to change
13 physician, podiatrist, and physician assistant provisions under the
14 Medicine and Surgery Practice Act and the Podiatry Practice Act; to
15 define and redefine terms; to change membership of the Board of Medicine
16 and Surgery; to change infant screening test provisions; to change
17 provisions of a Parkinson's disease drug report; to change provisions,
18 define and redefine terms, and eliminate obsolete provisions under the
19 Engineers and Architects Regulation Act; to harmonize provisions; and to
20 repeal the original sections."

LEGISLATIVE BILL 899. Placed on Select File with amendment.

ER190
1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 70-625, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 70-625 (1) Subject to the limitations of the petition for its
6 creation and all amendments to such petition, a public power district has
7 all the usual powers of a corporation for public purposes and may
8 purchase, hold, sell, and lease personal property and real property
9 reasonably necessary for the conduct of its business. No district may
10 sell household appliances at retail if the retail price of any such
11 appliance exceeds fifty dollars, except that newly developed electrical
12 appliances may be merchandised and sold during the period of time in
13 which any such appliances are being introduced to the public. New models
14 of existing appliances shall not be deemed to be newly developed
15 appliances. An electrical appliance shall be considered to be in such
16 introductory period of time until the particular type of appliance is
17 used by twenty-five percent of all the electrical customers served by
18 such district, but such period shall in no event exceed five years from
19 the date of introduction by the manufacturer of the new appliance to the
20 local market.
21 (2) In addition to its powers authorized by Chapter 70 and specified
22 in its petition for creation, as amended, a public power district may
23 sell, lease, and service satellite television signal descrambling or
24 decoding devices, satellite television programming, and equipment and
25 services associated with such devices and programming, except that this
26 section does not authorize public power districts (a) to provide signal
27 descrambling or decoding devices or satellite programming to any location
1 (i) being furnished such devices or programming on April 24, 1987, or
2 (ii) where community antenna television service is available from any
3 person, firm, or corporation holding a franchise pursuant to sections
4 18-2201 to 18-2206 or a permit pursuant to sections 23-383 to 23-388 on
5 April 24, 1987, or (b) to sell, service, or lease C-band satellite dish
6 systems or repair parts.
7 (3) In addition to the powers authorized by Chapter 70 and specified
8 in its petition for creation as amended, the board of directors of a
9 public power district may apply for and use funds available from the
10 United States Department of Agriculture or other federal agencies for
11 grants or loans to promote economic development and job creation projects
12 in rural areas as permitted under the rules and regulations of the
13 federal agency from which the funds are received. Any loan to be made by
14 a district shall only be made in participation with a bank pursuant to a
15 contract. The district and the participating bank shall determine the
16 terms and conditions of the contract. In addition, in rural areas of the
17 district, the board of directors of such district may provide technical
18 or management assistance to prospective, new, or expanding businesses,
19 including home-based businesses, provide assistance to a local or
20 regional industrial or economic development corporation or foundation
21 located within or contiguous to the district's service area, and provide
22 youth and adult community leadership training.
23 (4) In addition to the powers authorized by Chapter 70 and specified
24 in its petition for creation as amended, a public power district may sell
25 or lease its dark fiber pursuant to sections 86-574 to 86-578.
26 (5) In addition to the powers authorized by Chapter 70 and specified
27 in its petition for creation as amended, a public power district may
28 develop, manufacture, use, purchase, or sell at wholesale advanced
29 biofuels and biofuel byproducts and other fuels and fuel byproducts so
30 long as the development, manufacture, use, purchase, or sale of such
31 biofuels and biofuel byproducts and other fuels and fuel byproducts is
32 done to help offset greenhouse gas emissions.
2 (6) Notwithstanding any law, ordinance, resolution, or
3 regulation of any political subdivision to the contrary, each public
4 power district may receive funds and extend loans pursuant to the
5 Nebraska Investment Finance Authority Act or pursuant to this section. In
6 addition to the powers authorized by Chapter 70 and specified in its
7 petition for creation, as amended, and without the need for further
8 amendment thereto, a public power district may own and operate, contract
9 to operate, or lease energy equipment and provide billing, meter reading,
10 surveys, or evaluations and other administrative services, but not to
11 include natural gas services, of public utility systems within a
12 district's service territory.
13 Sec. 2. Original section 70-625, Reissue Revised Statutes of
14 Nebraska, is repealed.
15 2. On page 1, line 3, strike "biofuels and biofuel" and insert
16 "certain fuels and fuel".

LEGAL BILL 848. Placed on Select File with amendment.
FER191
1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. The second Monday in October of each year shall be
4 Indigenous Peoples' Day and Columbus Day and shall be set apart to
5 recognize the historic, cultural, and contemporary significance of the
6 people indigenous to the lands that are now known as the Americas,
7 including Nebraska, and the many contributions of such people;
8 Sec. 2. Section 25-2221, Reissue Revised Statutes of Nebraska, is
9 amended to read:
10 25-2221 Except as may be otherwise more specifically provided, the
11 period of time within which an act is to be done in any action or
12 proceeding shall be computed by excluding the day of the act, event, or
13 default after which the designated period of time begins to run. The last
14 day of the period so computed shall be included unless it is a Saturday,
15 a Sunday, or a day during which the offices of courts of record may be
16 legally closed as provided in this section, in which event the period
17 shall run until the end of the next day on which the office will be open.
18 All courts and their offices may be closed on Saturdays, Sundays,
19 days on which a specifically designated court is closed by order of the
20 Chief Justice of the Supreme Court, and these holidays: New Year's Day,
21 January 1; Birthday of Martin Luther King, Jr., the third Monday in
22 January; President's Day, the third Monday in February; Arbor Day, the
23 last Friday in April; Memorial Day, the last Monday in May; Independence
24 Day, July 4; Labor Day, the first Monday in September; Indigenous
25 Peoples' Day and Columbus Day, the second Monday in October; Veterans
26 Day, November 11; Thanksgiving Day, the fourth Thursday in November; the
27 day after Thanksgiving; Christmas Day, December 25; and all days declared
28 by law or proclamation of the Governor to be holidays. Such days shall be
29 designated as nonjudicial days. If any such holiday falls on Sunday, the
30 following Monday shall be a holiday. If any such holiday falls on
31 Saturday, the preceding Friday shall be a holiday. Court services shall
32 be available on all other days. If the date designated by the state for
33 observance of any legal holiday pursuant to this section, except Veterans
34 Day, is different from the date of observance of such holiday pursuant to
35 a federal holiday schedule, the federal holiday schedule shall be
9 observed.
10 Sec. 3, Section 43-4502, Reissue Revised Statutes of Nebraska, is
11 amended to read:
12 43-4502 The purpose of the Young Adult Bridge to Independence Act is
13 to support former state or tribal wards in transitioning to adulthood, 
14 becoming self-sufficient, and creating permanent relationships. The 
15 bridge to independence program shall at all times recognize and respect 
16 the autonomy of the young adult. Nothing in the Young Adult Bridge to
17 Independence Act shall be construed to abrogate any other rights that a 
18 person who has attained eighteen or nineteen years of age may have as an 
19 adult under state or tribal law.
20 Sec. 4, Section 43-4503, Reissue Revised Statutes of Nebraska, is 
21 amended to read:
22 43-4503 For purposes of the Young Adult Bridge to Independence Act:
23 (1) Age of eligibility means:
24 (a) Nineteen years of age; or 
25 (b) Eighteen years of age if the young adult has attained the age of 
26 majority under tribal law; 
27 (2) Volunteer services and support agreement means the extended services 
28 and support available to a young adult under the Young Adult Bridge to 
29 Independence Act other than extended guardianship assistance described in 
30 section 43-4511 and extended adoption assistance described in section 
31 43-4512;
32 1 (2) Child means an individual who has not attained twenty-one 
33 years of age; 
34 (4) Department means the Department of Health and Human 
35 Services;
36 (5) Supervised independent living setting means an independent 
37 supervised setting, consistent with 42 U.S.C. 672(c). Supervised 
38 independent living settings shall include, but not be limited to, single 
39 or shared apartments, houses, host homes, college dormitories, or other 
40 postsecondary educational or vocational housing; 
41 (6) Voluntary services and support agreement means a voluntary 
42 placement agreement as defined in 42 U.S.C. 672(f) between the department 
43 and a young adult as his or her own guardian; and 
44 (7) Young adult means an individual who has attained the age of 
45 eligibility nineteen years of age but who has not attained twenty-one 
46 years of age.
47 Sec. 5, Section 43-4504, Revised Statutes Supplement, 2019, is 
48 amended to read:
49 43-4504 The bridge to independence program is available, on a 
50 voluntary basis, to a young adult:
51 (1) Who has attained the age of eligibility at least nineteen years 
52 of age; 
53 (2) Who was adjudicated to be a juvenile described in subdivision 
54 (a) of section 43-247 or the equivalent under tribal law or who was 
55 adjudicated to be a juvenile described in subdivision (8) of section 
56 43-247 or the equivalent under tribal law if the young adult’s 
57 guardianship or state-funded adoption assistance agreement was disrupted 
58 or terminated after he or she had attained the age of sixteen years and 
59 who (a) who, upon attaining the age of eligibility nineteen years of age, 
60 was in an out-of-home placement or had been discharged to independent 
61 living or (b) with respect to whom a kinship guardianship assistance 
62 agreement or an adoption assistance agreement was in effect pursuant to 
63 42 U.S.C. 673 if the young adult had attained sixteen years of age before 
64 the agreement became effective or with respect to whom a state-funded 
65 guardianship assistance agreement or a state-funded adoption assistance 
66 agreement was in effect if the young adult had attained sixteen years of 
67 age before the agreement became effective; 
68 (3) Who is:
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7 (a) Completing secondary education or an educational program leading
8 to an equivalent credential;
9 (b) Enrolled in an institution which provides postsecondary or
10 vocational education;
11 (c) Employed for at least eighty hours per month;
12 (d) Participating in a program or activity designed to promote
13 employment or remove barriers to employment; or
14 (e) Incapable of doing any of the activities described in
15 subdivisions (3)(a) through (d) of this section due to a medical
16 condition, which incapacity is supported by regularly updated information
17 in the case plan of the young adult;
18 (4) Who is a Nebraska resident, except that this requirement shall
19 not disqualify a young adult who was a Nebraska resident but was placed
20 outside Nebraska pursuant to the Interstate Compact for the Placement of
21 Children; and
22 (5) Who does not meet the level of care for a nursing facility as
23 defined in section 71-424, for a skilled nursing facility as defined in
24 section 71-429, or for an intermediate care facility for persons with
25 developmental disabilities as defined in section 71-421.
26 The changes made to subdivision (2)(b) of this section by Laws 2015,
27 LB243, become operative on July 1, 2015.
28 Sec. 6. Section 43-4510, Reissue Revised Statutes of Nebraska, is
29 amended to read:
30 43-4510 (1) If desired by the young adult, the young adult shall be
31 provided a court-appointed attorney who has received training appropriate
32 to the role. The attorney's representation of the young adult shall be
33 client-directed. The attorney shall protect the young adult's legal
34 rights and vigorously advocate for the young adult's wishes and goals,
35 including assisting the young adult as necessary to ensure that the
36 bridge to independence program is providing the young adult with the
37 services and support required under the Young Adult Bridge to
38 Independence Act. For young adults who were appointed a guardian ad litem
39 before the young adult attained the age of eligibility nineteen years of
40 age, the guardian ad litem's appointment may be continued, with consent
41 from the young adult, but under a client-directed model of
42 representation. Before entering into a voluntary services and support
43 agreement and at least sixty days prior to each permanency and case
44 review, the independence coordinator shall notify the young adult of his
45 or her right to request a client-directed attorney if the young adult
46 would like an attorney to be appointed and shall provide the young adult
47 with a clear and developmentally appropriate written notice regarding the
48 young adult's right to request a client-directed attorney, the benefits
49 and role of such attorney, and the specific steps to take to request that
50 an attorney be appointed if the young adult would like an attorney
51 appointed.
52 (2) The court has discretion to appoint a court appointed special
53 advocate volunteer or continue the appointment of a previously appointed
54 court appointed special advocate volunteer with the consent of the young
55 adult
56 Sec. 7. Section 43-4511, Reissue Revised Statutes of Nebraska, is
57 amended to read:
58 43-4511 (1) The department shall provide extended guardianship
59 assistance and medical care under the medical assistance program for a
60 young adult who has attained the age of eligibility is at least nineteen
61 years of age but is less than twenty-one years of age and with respect to
62 whom a kinship guardianship assistance agreement was in effect pursuant
63 to 42 U.S.C. 673 if the young adult had attained sixteen years of age
64 before the agreement became effective or with respect to whom a state-
65 funded guardianship assistance agreement was in effect if the young adult
66 had attained sixteen years of age before the agreement became effective
5 and if the young adult meets at least one of the following conditions for eligibility:
7 (a) The young adult is completing secondary education or an 8 educational program leading to an equivalent credential;
9 (b) The young adult is enrolled in an institution that provides 10 postsecondary or vocational education;
11 (c) The young adult is employed for at least eighty hours per month;
12 (d) The young adult is participating in a program or activity 13 designed to promote employment or remove barriers to employment; or 14 (e) The young adult is incapable of doing any part of the activities 15 in subdivisions (1)(a) through (d) of this section due to a medical 16 condition, which incapacity must be supported by regularly updated 17 information in the case plan of the young adult.
18 (2) The guardian shall ensure that any guardianship assistance funds 19 provided by the department and received by the guardian shall be used for 20 the benefit of the young adult. The department shall adopt and promulgate 21 rules and regulations defining services and supports encompassed by such 22 benefit.
23 (3) The changes made to this section by Laws 2015, LB243, become 24 operative on July 1, 2015.
25 Sec. 8. Section 43-4512, Reissue Revised Statutes of Nebraska, is 26 amended to read:
27 43-4512 (1) The department shall provide extended adoption 28 assistance and medical care under the medical assistance program for a 29 young adult who has attained the age of eligibility is at least nineteen 30 years of age but is less than twenty-one years of age and with respect to 31 whom an adoption assistance agreement was in effect if the young adult 1 had attained sixteen years of age before the agreement became effective 2 and who meets at least one of the following conditions of eligibility:
3 (a) The young adult is completing secondary education or an 4 educational program leading to an equivalent credential;
5 (b) The young adult is enrolled in an institution that provides 6 postsecondary or vocational education;
7 (c) The young adult is employed for at least eighty hours per month;
8 (d) The young adult is participating in a program or activity 9 designed to promote employment or remove barriers to employment; or 10 (e) The young adult is incapable of doing any part of the activities 11 in subdivisions (1)(a) through (d) of this section due to a medical 12 condition, which incapacity must be supported by regularly updated 13 information in the case plan of the young adult.
14 (2) The adoptive parent or parents shall ensure that any adoption 15 assistance funds provided by the department and received by the adoptive 16 parent shall be used for the benefit of the young adult. The department 17 shall adopt and promulgate rules and regulations defining services and 18 supports encompassed by such benefit.
19 Sec. 9. Section 62-301, Reissue Revised Statutes of Nebraska, is 20 amended to read:
21 62-301 (1) For the purposes of the Uniform Commercial Code and 22 section 62-301.01, the following days shall be holidays: New Year's Day, 23 January 1; Birthday of Martin Luther King, Jr., the third Monday in 24 January; President's Day, the third Monday in February; Arbor Day, the 25 last Friday in April, Memorial Day, the last Monday in May; Independence 26 Day, July 4; Labor Day, the first Monday in September; Indigenous 27 People's Day and Columbus Day, the second Monday in October; Veterans 28 Day, November 11, and the federally recognized holiday therefor, or 29 either of them; Thanksgiving Day, the fourth Thursday in November; the 30 day after Thanksgiving; and Christmas Day, December 25. If any such 31 holiday falls on Sunday, the following Monday shall be a holiday. If the 1 date designated by the state for observance of any legal holiday 2 enumerated in this section, except Veterans Day, is different from the
date of observance of such holiday pursuant to a federal holiday
4 schedule, the federal holiday schedule shall be observed.
5 (2) Any bank doing business in this state may, by a brief written
6 notice at, on, or near its front door, fully dispense with or restrict,
7 to such extent as it may determine, the hours within which it will be
8 open for business.
9 (3) Any bank may close on Saturday if it states such fact by a brief
10 written notice at, on, or near its front door. When such bank will, in
11 observance of such a notice, not be open for general business, such day
12 shall, with respect to the particular bank, be the equivalent of a
13 holiday as fully as if such day were listed in subsection (1) of this
14 section, and any act authorized, required, or permitted to be performed
15 at, by, or with respect to such bank which will, in observance of such
16 notice, not be open for general business, acting in its own behalf or in
17 any capacity whatever, may be performed on the next succeeding business
18 day and no liability or loss of rights on the part of any person shall
19 result from such delay.
20 (4) Any bank which, by the notice provided for by subsection (3) of
21 this section, has created the holiday for such bank may, without
22 destroying the legal effect of the holiday for it and solely for the
23 convenience of its customers, remain open all or part of such day in a
24 limited fashion by treating every transaction with its customers on such
25 day as though the transaction had taken place immediately upon the
26 opening of such bank on the first following business day.
27 (5) Whenever the word bank is used in this section it includes
28 building and loan association, savings and loan association, credit
29 union, savings bank, trust company, investment company, and any other
30 type of financial institution.
31 Sec. 10. Original sections 25-2221, 43-4502, 43-4503, 43-4510,
1 43-4511, 43-4512, and 62-301, Reissue Revised Statutes of Nebraska, and
2 section 43-4504, Revised Statutes Supplement, 2019, are repealed.
3 2. On page 1, strike beginning with "and" in line 1 through line 3
4 and insert ", 43-4502, 43-4503, 43-4510, 43-4511, 43-4512, and 62-301,
5 Reissue Revised Statutes of Nebraska, and section 43-4504, Revised
6 Statutes Supplement, 2019; to rename Columbus Day as Indigenous Peoples'
7 Day and Columbus Day; to change the Young Adult Bridge to Independence
8 Act as it relates to young adult members of Indian tribes; to harmonize
9 provisions; and to repeal the original sections."

LEGISLATIVE BILL 247. Placed on Select File with amendment.

ER189
1 1. On page 1, line 1, strike "advance", strike "directives", and
2 after the semicolon insert "to amend sections 30-3402, 30-3405, 30-3406,
3 30-3408, and 30-3423, Reissue Revised Statutes of Nebraska;" and in line
4 2 after "Act" insert ", to change and harmonize power of attorney for
5 health care provisions; and to repeal the original sections".

LEGISLATIVE BILL 865. Placed on Select File with amendment.

ER187
1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 77-2701, Revised Statutes Supplement, 2019, is
4 amended to read:
5 77-2701 Sections 77-2701 to 77-27,135.01, 77-27,222, 77-27,235,
6 77-27,236, 77-27,238, and 77-27,239 and section 2 of this act shall be
7 known and may be cited as the Nebraska Revenue Act of 1987.
8 Sec. 2. (1) Beginning with tax year 2021, the Tax Commissioner
9 shall include space on the individual income tax return form in which the
10 individual taxpayer may, if a refund is due, designate any amount of such
refund as a contribution to an account established under the Nebraska educational savings plan trust.

(2) The Tax Commissioner shall determine the total amount of contributions designated pursuant to this section each year, and the State Treasurer shall transfer such amount from the General Fund to the College Savings Plan Program Fund for deposit into the appropriate accounts within the College Savings Plan Program Fund.

Sec. 3. This act becomes operative on January 1, 2021.

Sec. 4. Original section 77-2701, Revised Statutes Supplement, 2019, is repealed.

2. On page 1, strike beginning with "the" in line 1 through line 10 and insert "income tax refunds to accounts established under the Nebraska educational savings plan trust; to harmonize provisions; to provide an operative date; and to repeal the original section."

LEGISLATIVE BILL 865A. Placed on Select File.
LEGISLATIVE BILL 797. Placed on Select File.

LEGISLATIVE BILL 832. Placed on Select File with amendment.

LEGISLATIVE BILL 1152. Placed on Select File with amendment.

(Signed) Julie Slama, Chairperson

GENERAL FILE

LEGISLATIVE BILL 848A. Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 3 nays, 10 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 774. Title read. Considered.

Committee AM2558, found on page 750, was adopted with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.
LEGISLATIVE BILL 705. Title read. Considered.

SPEAKER SCHEER PRESIDING

Committee AM162, found on page 488, was adopted with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

Senator Murman offered the following amendment:

AM2778

(Amendments to Standing Committee amendments, AM162)

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 77-1403, Reissue Revised Statutes of Nebraska, is 5 amended to read:

6. 77-1403 (1) Unless otherwise permitted under section 529A, the owner 7 of an account shall be the designated beneficiary of the account, except 8 that if the designated beneficiary of the account is a minor or has a 9 custodian or other fiduciary appointed for the purposes of managing such 10 beneficiary's financial affairs, a custodian or fiduciary for such 11 designated beneficiary may serve as the account owner if such form of 12 ownership is permitted or not prohibited under section 529A.

13 (2) Unless otherwise permitted under section 529A, the designated 14 beneficiary of an account shall be a resident of the state or of a 15 contracting state. The State Treasurer shall determine residency of 16 Nebraska residents for such purpose in such manner as may be required or 17 permissible under section 529A or, in the absence of any guidance under 18 section 529A, by such other means as the State Treasurer shall consider 19 advisable for purposes of satisfying the requirements of section 529A.

20 (3) To the extent permitted by federal law, upon the death of a 21 designated beneficiary of an account, the owner of the account or the 22 personal representative of the designated beneficiary may have the 23 balance of the account transferred to another account under the program 24 specified by the owner of the account, the designated beneficiary, or the 25 estate of the designated beneficiary.

26 (4) At the time an account is established under the program and 27 prior to any transfer pursuant to subsection (3) of this section, the 28 State Treasurer shall notify the owner of the account, the designated 29 beneficiary, and the estate of the designated beneficiary, if applicable, 30 of the potential tax consequences of transferring funds pursuant to 31 subsection (3) of this section.

32 (5) Upon the death of a designated beneficiary and after the 33 Department of Health and Human Services has received approval from the 34 Centers for Medicare and Medicaid Services of the United States 35 Department of Health and Human Services:

36 (a) The state shall not seek recovery of any amount remaining in the 37 account of the designated beneficiary for any amount of medical 38 assistance received by the designated beneficiary or his or her spouse or 39 dependent under the medical assistance program pursuant to the Medical 40 Assistance Act after the establishment of the account; and 41 (b) The state shall not file a claim for the payment under 42 subdivision (f) of section 529A of the Internal Revenue Code, as amended.

43 Sec. 2. Original section 77-1403, Reissue Revised Statutes of 44 Nebraska, is repealed.

The Murman amendment was adopted with 39 ayes, 0 nays, and 10 present and not voting.
Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, and 10 present and not voting.

RESOLUTION(S)
Pursuant to Rule 4, Sec. 5(b), LR328 was adopted.

SPEAKER SIGNED
While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR328.

GENERAL FILE
LEGISLATIVE BILL 1028. Title read. Considered.
Committee AM2525, found on page 776, was adopted with 40 ayes, 0 nays, and 9 present and not voting.
Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, and 9 present and not voting.

LEGISLATIVE BILL 1130. Title read. Considered.
Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 911. Title read. Considered.
Senator Quick withdrew his amendment, AM2735, found on page 846.

Senator Quick offered the following amendment:
AM2818
1. Insert the following new section:
2 Sec. 5. Since an emergency exists, this act takes effect when
3 passed and approved according to law.
4 2. On page 2, line 7, strike the new matter and strike "a facility
5 in Sarpy County" and show as stricken; in line 21 strike "three" and show
6 as stricken; and strike lines 25 through 31 and insert the following new
7 subdivision:
8 *(b) Beginning on the effective date of this act, the Director of
9 Veterans' Affairs shall negotiate with the city of Grand Island to
10 acquire an exclusive option for the transfer of title to the former
11 Nebraska Veterans' Memorial Cemetery in the city of Grand Island and land
12 adjacent to the cemetery, as identified in the required program
13 statement, owned by the city of Grand Island. After being granted funding
14 assistance from the National Cemetery Administration, the director shall
15 accept from the city of Grand Island, at no cost, title to the real
16 estate described in this subdivision in order to establish a state
17 cemetery for veterans. The director shall prepare an initial program
18 statement and make a request to the Legislature for funding as required
The expenses of the initial program statement shall be paid from the Nebraska Veteran Cemetery System Operation Fund.

The Quick amendment was adopted with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 889. Title read. Considered.

Senator Hilgers offered his amendment, AM2690, found on page 847.

The Hilgers amendment was adopted with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 1166. Title read. Considered.

Committee AM2310, found on page 558, was adopted with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 1080. Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 1185. Title read. Considered.

Committee AM2668, found on page 788, was adopted with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 1060. Title read. Considered.

SENATOR LINDSTROM PRESIDING

Pending.
Senator Lathrop filed the following amendment to LB1148:

AMENDMENT(S) - Print in Journal

AM2810 (Amendments to Standing Committee amendments, AM2637)

1. On page 33, lines 24 through 28, strike the new matter.

Senator Hughes filed the following amendment to LB803:

AM2772

1. On page 3, strike beginning with "Voting" in line 23 through the 2 period in line 25.
2. On page 4, lines 19 and 20, strike "actual and necessary".
3. On page 5, line 2, insert "voting" before each occurrence of 5 "members".
4. On page 6, line 5, strike "program" and insert "Pulse Crop 7 Resources Act".
5. On page 7, line 22, after "Nebraska" insert "during the prior 9 month".

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Blood name added to LB1060.

VISITOR(S)

Visitors to the Chamber were students and teachers from Morrill Public Schools; students from St. Thomas More Catholic School, Omaha; students from Everett Elementary, Park Middle School, Scott Middle School, Lincoln High, Lincoln Northeast, and Lincoln Southwest; students from Trumble Park Elementary, Papillion; and group of Lincoln and Omaha area teachers.

RECESS

At 11:52 a.m., on a motion by Senator Kolowski, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Scheer presiding.

ROLL CALL

The roll was called and all members were present except Senators Arch, Bolz, Brewer, Hilkemann, Lowe, Morfeld, Pansing Brooks, and Wishart who were excused until they arrive.
LEGISLATIVE BILL 1060. Considered.

Senator Hunt moved for a call of the house. The motion prevailed with 28 ayes, 2 nays, and 19 not voting.

Senator Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 26:

Blood DeBoer Kolowski Morfeld Wayne
Bolz Dorn Kolterman Pansing Brooks Wishart
Brandt Hansen, M. Lathrop Quick
Cavanaugh Hilkenmann Lindstrom Scheer
Chambers Howard McCollister Vargas
Crawford Hunt McDonnell Walz

Voting in the negative, 9:

Albrecht Erdman Hilgers La Grone Murman
Bostelman Hansen, B. Hughes Moser

Present and not voting, 10:

Arch Clements Geist Halloran Stinner
Briese Friesen Gragert Slama Williams

Excused and not voting, 4:

Brewer Groene Linehan Lowe

Advanced to Enrollment and Review Initial with 26 ayes, 9 nays, 10 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORT(S)

Executive Board

LEGISLATIVE BILL 1207. Placed on General File.

LEGISLATIVE BILL 937. Placed on General File with amendment.

AM2805

1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 72-2201, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 72-2201 Sections 72-2201 to 72-2214 and section 2 of this act shall
6 be known and may be cited as the Nebraska State Capitol Preservation and
7 Restoration Act.
8 Sec. 2. (1)(a) The Clerk of the Legislature shall cause to be
9 displayed within the Warner Legislative Chamber flags representing the
10 four federally recognized tribes with headquarters in Nebraska: the Omaha
11 Tribe of Nebraska, the Ponca Tribe of Nebraska, the Santee Sioux Nation,
12 and the Winnebago Tribe of Nebraska.
13 (b) The Commission on Indian Affairs shall obtain such flags, as
14 well as poles and bases, through donations from the tribes. The
15 Commission on Indian Affairs shall be responsible for replacing such
16 flags, poles, and bases.
17 (c) The Clerk of the Legislature shall approve placement locations
18 within the Warner Legislative Chamber. The size, proportion, and
19 placement of such flags shall be similar to that of the flag of the
20 United States and the flag of the State of Nebraska.
21 (2)(a) The State Capitol Administrator shall cause to be displayed
22 in the Memorial Chamber on the fourteenth floor of the State Capitol the
23 flags of any Indian tribes with historic and regional connections to
24 Nebraska.
25 (b) The Commission on Indian Affairs shall designate the tribes with
26 historic and regional connections to Nebraska and the flags to be
27 displayed under subdivision (2)(a) of this section. The Commission on
28 Indian Affairs shall obtain such flags, as well as poles and bases,
29 through donations from the tribes. The Commission on Indian Affairs shall
30 be responsible for replacing such flags, poles, and bases.
31 (c) The Nebraska Capitol Commission shall approve placement
32 locations in the Memorial Chamber.
6 Sec. 3. Original section 72-2201, Reissue Revised Statutes of
7 Nebraska, is repealed.

LEGISLATIVE BILL 1144. Placed on General File with amendment. AM2785 is available in the Bill Room.

(Signed) Mike Hilgers, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1183. Title read. Considered.

Committee AM2607, found on page 809, was offered.

SENATOR HUGHES PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with
27 ayes, 5 nays, and 17 not voting.

Senator Chambers requested a roll call vote on the committee amendment.

Voting in the affirmative, 45:
Voting in the negative, 0.

Excused and not voting, 4:

Brewer  Groene  Linehan  Lowe

The committee amendment was adopted with 45 ayes, 0 nays, and 4 excused and not voting.

The Chair declared the call raised.

Pending.

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

Senator Brandt filed the following amendment to LB1188:

AM2769

(Amendments to Standing Committee amendments, AM2736)

1. Insert the following new section:

   2 Sec. 17. Section 83-107.01, Revised Statutes Cumulative Supplement, 2018, is amended to read:

   3 (1) The official names of the state institutions under the supervision of the Department of Health and Human Services shall be as follows: (a) Beatrice State Developmental Center, (b) Lincoln Regional Center, (c) Norfolk Regional Center, (d) Youth Rehabilitation and Treatment Center-Kearney, and (e) Youth Rehabilitation and Treatment Center-Geneva.

   4 (2)(a) This subsection applies beginning July 1, 2021.

   5 (b) Except as provided in subdivision (2)(e) of this section, so long as the department operates the Youth Rehabilitation and Treatment Center-Kearney, such institution shall be used for the treatment of boys only.

   6 (c) Except as provided in subdivision (2)(e) of this section, so long as the department operates the Youth Rehabilitation and Treatment Center-Geneva, such institution shall be used for the treatment of girls only.

   7 (d) For any other facility operated and utilized as a youth rehabilitation and treatment center under state law, the department shall ensure safe and appropriate gender separation.

   8 (e) In the event of an emergency, the department may use either the Youth Rehabilitation and Treatment Center-Kearney or the Youth Rehabilitation and Treatment Center-Geneva for the treatment of juveniles of both genders for up to seven days. During any such use the department shall ensure safe and appropriate gender separation.
For purposes of this section, emergency means a situation including fire, flood, tornado, natural disaster, or damage to the institution that renders an institution uninhabitable. Emergency does not include inadequate staffing.

2. Renumber the remaining sections and correct the repealer accordingly.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 1055. Placed on Select File with amendment. ER195 is available in the Bill Room.

LEGISLATIVE BILL 808. Placed on Select File with amendment. ER196 is available in the Bill Room.

LEGISLATIVE BILL 1186. Placed on Select File.

LEGISLATIVE BILL 881. Placed on Select File with amendment. ER197
1. On page 1, line 3, strike "a duty" and insert "duties".

LEGISLATIVE BILL 850. Placed on Select File with amendment. ER194
1. On page 1, line 3, strike "a duty" and insert "duties".

LEGISLATIVE BILL 751. Placed on Select File.

(Signed) Julie Slama, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1183. Senator Chambers offered the following motion:
MO162
Indefinitely postpone.
THIRTY-SEVENTH DAY - MARCH 9, 2020

Senator Chambers withdrew his motion to indefinitely postpone.

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

LEGISLATIVE BILL 912. Title read. Considered.

Committee AM2620, found on page 785, was offered.

Senator La Grone requested a division of the question on the committee amendment.

The Chair sustained the division of the question.

The first committee amendment is as follows: AM2832 is available in the Bill Room.

The second committee amendment is as follows: AM2831 (Amendments to Standing Committee amendments, AM2620)
1 1. Strike amendment 1 and insert the following new amendment:
2 1. Strike the original sections and all amendments thereto and
3 insert the following new section:
4 Sec. 14. Section 25-21,185.11, Reissue Revised Statutes of Nebraska,
5 is amended to read:
6 25-21,185.11 (1) A release, covenant not to sue, or similar
7 agreement entered into by a claimant and a person liable shall discharge
8 that person from all liability to the claimant but shall not discharge
9 any other persons liable upon the same claim unless it so provides. The
10 claim of the claimant against other persons liable shall be reduced by
11 the amount of the released person's share of the obligation as determined
12 by the trier of fact.
13 (2) A release, covenant not to sue, or similar agreement entered
14 into by a claimant and a person liable shall preclude that person from
15 being made a party or, if an action is pending, shall be a basis for that
16 person's dismissal, but the person's negligence, if any, shall be
17 considered in accordance with section 25-21,185.09.
18 (3) A release, covenant not to sue, or similar agreement entered
19 into by a claimant and one or more persons liable shall not abrogate the
20 joint and several liability of any other person or persons liable upon
21 the same claim.

The first committee amendment, AM2832, found in this day's Journal, was offered.

The first committee amendment was adopted with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

The second committee amendment, AM2831, found in this day's Journal, was offered.

SPEAKER SCHEER PRESIDING

Pending.
RESOLUTION(S)

LEGISLATIVE RESOLUTION 337. Introduced by Brandt, 32.

PURPOSE: It has been ten years since Legislative Resolution 42 (2009) first explored the statewide economic and educational potential of a "farm to school" program in Nebraska. In the intervening decade, notable progress has been made in instituting the methods and systems necessary to assist Nebraska producers in providing local schools with fresh and minimally processed foods for school meals and snacks. The addition of a local foods coordinator and introduction of "Nebraska Thursdays" and "Harvest of the Month" programs from the Department of Education have resulted in more school districts sourcing from local farmers and market gardeners. Interest has increased on the federal level as well, with the United States Department of Agriculture's Farm to School Grant Program receiving more requests than it has available funding, and additional federal legislation currently under consideration by Congress, the "Farm to School Act" and the "Kids Eat Local Act", both cosponsored by Rep. Jeff Fortenberry. A follow-up legislative interim study examining the status of Nebraska's farm to school activities and the needs of the stakeholders involved shall ensure that the necessary coordination and strategic planning is in place for further growth.

This interim study shall reexamine which Nebraska-grown food products can feasibly be used for school meals and snacks, including use of appropriate preservation methods of local foods by school nutrition staff for use later in the school year, and shall review existing regulations of the Department of Agriculture, Department of Education, Department of Health and Human Services, and other authorities that may impact the supply of Nebraska-grown foods provided to local schools. In addition, the study shall assemble a catalog of where farm to school activities are happening in the state, along with volume and cost totals for foods locally sourced, to provide insight into best practices as well as barriers that are impeding participation.

To reflect the interests and needs of the various stakeholders concerned with creating successful statewide farm to school opportunities, this interim study shall include input from:

1. Producers of agricultural products marketed at Nebraska food markets, including producers of fruits and vegetables, agricultural protein products, and grains;
2. Suppliers of agricultural products, including grocers and school suppliers;
3. Meat processors;
4. Food distributors;
5. Food assistance agencies;
6. Resource conservation and development organizations;
7. Representatives of school food services from rural and urban public school districts;
8. Representatives from a summer food service program and from a child and adult care food program;
9. Tribal organizations;
An agricultural education extension organization;
(11) A member-based agricultural marketing promotion and education program;
(12) Representatives from the Department of Agriculture, State Department of Education, and Department of Health and Human Services; and
(13) Any other interested parties or organizations.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

AMENDMENT(S) - Print in Journal

Senator Wayne filed the following amendment to LB918:
AM2622

1. On page 4, strike beginning with "in" in line 4 through line 5 and insert "of areas such as government contracting, health, education, and other relevant areas on or before December 1, 2022, and on or before December 1 of every fifth year thereafter."

Senator Slama filed the following amendment to LB1198:
AM2842

1. Insert the following new sections:

2 Sec. 2. There is hereby appropriated $125,000 from the General Fund for FY2019-20 to the Department of Natural Resources, for Program 334, to be used to provide a grant to a city with a population of less than one thousand residents to carry out an engineering study to develop cost estimates for repair of a breached levee system that resulted in the flooding of drinking water and wastewater treatment facilities.

8 Sec. 3. Since an emergency exists, this act takes effect when passed and approved according to law.

Senator Hunt filed the following amendment to LB780:
AM2838

1. Insert the following new sections:

2 Section 1. Section 82-312, Reissue Revised Statutes of Nebraska, is amended to read:
3 82-312 The duties of the council shall be:
4 (1) To stimulate and encourage throughout the state the study and presentation of the performing and fine arts and public interest and participation therein;
5 (2) To make such surveys as may be deemed advisable of public and private institutions within the state engaged in artistic and cultural activities, including, but not limited to, music, theatre, dance, painting, sculpture, architecture, and allied arts and crafts, and to make recommendations concerning appropriate methods to encourage participation in and appreciation of the arts to meet the legitimate needs and aspirations of persons in all parts of the state;
15 (3) To take such steps as may be necessary and appropriate to
16 encourage public interest in the cultural heritage of our state and to
17 expand the state's cultural resources; and
18 (4) To encourage and assist freedom of artistic expression essential
19 for the well-being of the arts; and
20 (5) To recommend to the Legislature a plan to divide the state into
21 creative districts and certify them based on geographically contiguous
22 area, artistic or cultural activities or facilities, promotion and
23 preservation of artistic or cultural sites or events, educational uses of
24 artistic or cultural activities or sites, and unique or niche areas,
25 activities, events, facilities, or sites.
26 Sec. 2. Section 82-313, Reissue Revised Statutes of Nebraska, is
27 amended to read:
1 82‑313 (1) The Nebraska Arts Council may;
2 (a) Hold 4(1)1(b)1 hold public and private hearings;
3 (b) Enter 4(2)2(2)2 into contracts, within the limit of funds
4 available therefor, with individuals, organizations, and institutions for
5 services furthering the educational objectives of the council's
6 programs;
7 (c) Enter 4(3)3(3)3 into contracts, within the limit of funds
8 available therefor, with local and regional associations for cooperative
9 endeavors furthering the educational objectives of the council's
10 programs;
11 (d) Accept 4(4)4(4)4 accept gifts, contributions, and bequests of
12 unrestricted funds from individuals, foundations, corporations, and other
13 organizations or institutions for the purpose of furthering the
14 educational objectives of the council's programs;
15 (e) Distribute 4(5)5(5)5 distribute funds appropriated by the Legislature
16 to any organization which has been designated as the state affiliate of
17 the National Endowment for the Humanities for the period covered by the
18 appropriation;
19 (f) Make 4(6)6(6)6 make and sign any agreements and do and perform any
20 acts that may be necessary to carry out the purposes of sections 82-309
21 to 82-316,
22 (g) Enter 4(7)7(7)7 into contracts, make and sign any agreements,
23 and perform any acts that may be necessary to stabilize funding for the
24 arts and humanities and to carry out the intent of sections 82-330 to
25 82-333;
26 (h) Prepare a plan that would permit, to the extent that funds are
27 available, the establishment of a competitive grant program to award a
28 grant to any creative district that is certified pursuant to the plan
29 adopted by the Legislature under subdivision (5) of section 82-312 and
30 that meets the criteria for the competitive grant, including eligibility
31 criteria, application and appeal processes, conditions on receipt of a
32 grant, and consequences of failure to meet the conditions; and
33 (i) Adopt 4(8)8(8)8 adopt and promulgate rules and regulations to
34 carry out its powers and duties.
4 (2) The council may request from any department, division, board,
5 bureau, commission, or agency of the state such assistance and data as
6 will enable it properly to carry out its powers and duties.
7 Sec. 4. Sections 1, 2, and 5 of this act become operative three
8 calendar months after the adjournment of this legislative session. The
9 other sections of this act become operative on their effective date.
10 Sec. 5. Original sections 82-312 and 82-313, Reissue Revised
11 Statutes of Nebraska, are repealed.
12 2. Renumber the remaining sections accordingly.
BILL ON FIRST READING

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

LEGISLATIVE BILL 255A. Introduced by McCollister, 20.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 255, One Hundred Sixth Legislature, Second Session, 2020.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Brewer name added to LB931.
Senator Hunt name added to LB1060.
Senator Blood name added to LB1183.

VISITOR(S)

Visitors to the Chamber were Kendal Wahlgren from Gothenburg; and Riek Bol and Azcia Fleming from Lincoln.

The Doctor of the Day was Dr. Eric Thomsen from Beatrice.

ADJOURNMENT

At 4:55 p.m., on a motion by Senator Williams, the Legislature adjourned until 9:00 a.m., Tuesday, March 10, 2020.

Patrick J. O'Donnell
Clerk of the Legislature