

TWENTY-EIGHTH DAY - FEBRUARY 15, 2018

LEGISLATIVE JOURNAL

**ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION**

TWENTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 15, 2018

PRAYER

The prayer was offered by Pastor Dorothy Smith, United Methodist Church, Humboldt.

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 Halloran and Riepe who were excused; and Senators Bolz, Briese, Groene, Hansen, Morfeld, Pansing Brooks, Vargas, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 649, line 18, strike "stuck" and insert "struck".
The Journal for the twenty-seventh day was approved as corrected.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 775. Placed on Select File.

(Signed) Anna Wishart, Chairperson

COMMITTEE REPORT(S)

Appropriations

LEGISLATIVE BILL 379. Placed on General File with amendment.

AM1452

1 1. Strike the original sections and insert the following new

2 sections:

3 Section 1. The Legislature finds and declares that:

4 (1) Willa Cather is a significant historical and literary figure of

5 Nebraska;

6 (2) There exist many Cather-related properties in Webster County

7 that provide irreplaceable historical value to the ongoing interpretation

8 of the significance of Cather:

9 (3) These properties also spur economic activity by means of
 10 national and international tourism and annual literary conferences; and
 11 (4) It is the intent of the Legislature to preserve these properties
 12 for future generations.

13 Sec. 2. The Willa Cather Historical Building Cash Fund is created.
 14 The fund shall be administered by the Nebraska State Historical Society.
 15 The fund shall consist of any funds appropriated by the Legislature and
 16 money donated as gifts, bequests, or other contributions from public or
 17 private entities. The fund shall be used to preserve and restore the real
 18 property described in section 82-130. Any money in the fund available for
 19 investment shall be invested by the state investment officer pursuant to
 20 the Nebraska Capital Expansion Act and the Nebraska State Funds
 21 Investment Act.

22 Sec. 3. Section 13-2704.01, Revised Statutes Cumulative Supplement,
 23 2016, is amended to read:

24 13-2704.01 (1) The department shall use the fund to provide grants
 25 of assistance for the following purposes:

26 (a) To assist in the construction of new civic centers and
 27 recreation centers or the renovation or expansion of existing civic
 1 centers and recreation centers;

2 (b) To assist in the conversion, rehabilitation, or reuse of
 3 historic buildings; ~~or~~

4 (c) To assist in the preservation and restoration of historic
 5 buildings owned by a nonprofit organization if a contractual relationship
 6 is created between a municipality and the nonprofit organization; or

7 (d) ~~(e)~~ To upgrade community centers, including the demolition of
 8 substandard and abandoned buildings.

9 (2) Applications for grants of assistance pursuant to this section
 10 shall be evaluated by the department pursuant to section 13-2707.

11 Sec. 4. Section 82-129, Reissue Revised Statutes of Nebraska, is
 12 amended to read:

13 82-129 (1) ~~In 1978, the~~ The Nebraska State Historical Society
 14 acquired ~~may acquire,~~ without cost to the state, clear title in the name
 15 of the State of Nebraska to ~~all~~ the real and personal property ~~as~~
 16 described in section 82-130 of the Willa Cather Pioneer Memorial and
 17 Educational Foundation, now known as the Willa Cather Foundation, except
 18 the foundation's trust account and investments which ~~are~~ ~~shall be~~
 19 retained by the foundation. The Nebraska State Historical Society may
 20 enter into agreements with the ~~foundation~~ ~~Willa Cather Pioneer Memorial~~
 21 and ~~Educational Foundation~~ for the operation of the Willa Cather Center
 22 and for the real property owned by the State of Nebraska, but the society
 23 shall be responsible for the general administration and continued
 24 maintenance of such property and may accept gifts, grants, and bequests
 25 for such purposes.

26 (2) The Nebraska State Historical Society may enter into an
 27 agreement with the Willa Cather Foundation to transfer clear title of any
 28 properties described in section 82-130 from the State of Nebraska to the
 29 Willa Cather Foundation at no cost to either the society or foundation
 30 other than any property transfer transactional costs to be shared equally
 31 by the parties.

1 (3) In order to carry out any agreements made according to
2 subsection (2) of this section, the Nebraska State Historical Society may
3 dispose of these real properties using the vacant building and excess
4 land process under sections 72-811 to 72-818.

5 Sec. 5. Section 82-130, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 82-130 The real property of the ~~Willa Cather Pioneer Memorial and~~
8 ~~Educational Foundation~~ authorized to be acquired pursuant to section
9 82-129 is more particularly described as follows:

10 (1) The Cather House described as lots 1, 2, and 3, block 24,
11 original town of Red Cloud, Webster County, Nebraska;

12 (2) The Garber Bank described as lot 21, block 31, original town of
13 Red Cloud, Webster County, Nebraska;

14 (3) The Grace Episcopal Church described as lots 19, 20, 21, 22, 23,
15 and 24, block 6, original town, now the city of Red Cloud, Webster
16 County, Nebraska;

17 (4) The St. Juliana Catholic Church described as lots 17, 18, 19,
18 20, 21, and 22, block 3, Railroad addition to the city of Red Cloud,
19 Webster County, Nebraska;

20 (5) The Burlington Depot described as lots 10, 11, 12, and 13, block
21 19, Railroad addition to the city of Red Cloud, Webster County, Nebraska;
22 and

23 (6) The Antonia Farmhouse described as follows: Commencing at the
24 northeast corner of the southeast quarter of section 27, township 4
25 north, range 11 west of the sixth principal meridian, Webster County,
26 Nebraska, thence south 895 feet; thence west 155 feet to the point of
27 beginning; thence west a distance of 90 feet; thence south at a right
28 angle a distance of 137 feet; thence east at a right angle a distance of
29 90 feet; thence north a distance of 137 feet to the point of beginning.

30 Sec. 6. Original sections 82-129 and 82-130, Reissue Revised
31 Statutes of Nebraska, and section 13-2704.01, Revised Statutes Cumulative
1 Supplement, 2016, are repealed.

2 Sec. 7. Since an emergency exists, this act takes effect when
3 passed and approved according to law.

(Signed) John Stinner, Chairperson

MESSAGE(S) FROM THE GOVERNOR

February 14, 2018

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 93, 96, 100, 105, 130, 135, 146, 160, 177,
193, 198, 304, 347, 377, 399, 614, 668, and 669 were received in my office
on February 8, 2018.

These bills were signed and delivered to the Secretary of State on February 14, 2018.

Sincerely,
(Signed) Pete Ricketts
Governor

ANNOUNCEMENT(S)

Senator Halloran designates LB1058 as his priority bill.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 14, 2018, 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

Kruse Company
Neilan Strategy Group
Madon, Alexi
CompTIA Member Services, LLC
Zulkoski Weber LLC
Nature Conservancy, The
Nelnet, Inc.

REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:
<http://www.nebraskalegislature.gov/agencies/view.php>

GENERAL FILE

LEGISLATIVE BILL 838. Title read. Considered.

Pending.

LEGISLATIVE BILL 874. Title read. Considered.

Committee AM1823, found on page 587, was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

COMMITTEE REPORT(S)

Urban Affairs

LEGISLATIVE BILL 735. Placed on General File.**LEGISLATIVE BILL 1020.** Placed on General File with amendment.
AM1806

1 1. On page 2, line 29, after "indebtedness" insert "attributable to
2 any year".
3 2. On page 3, line 5, after the comma insert "(i)"; in line 6 strike
4 "in any one" and insert "to any"; in lines 7 and 8 strike "outstanding";
5 in line 8 strike "remaining"; and in line 9 after "repaid" insert "and
6 (ii) the amount of indebtedness from any direct borrowing shall only be
7 measured as of the date the ordinance or resolution providing for such
8 direct borrowing is adopted".

LEGISLATIVE BILL 95. Indefinitely postponed.**LEGISLATIVE BILL 262.** Indefinitely postponed.**LEGISLATIVE BILL 489.** Indefinitely postponed.**LEGISLATIVE BILL 846.** Indefinitely postponed.**LEGISLATIVE BILL 967.** Indefinitely postponed.**LEGISLATIVE BILL 1085.** Indefinitely postponed.

(Signed) Justin Wayne, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 742. Placed on General File.**LEGISLATIVE BILL 1121.** Placed on General File with amendment.
AM1913

1 1. On page 34, line 29; and page 35, lines 14 and 16, strike "2020"
2 and insert "2022".
3 2. On page 35, lines 1, 3, 18, 20, and 22, strike "effective" and
4 insert "operative"; in line 16, strike "one year after"; and in line 24
5 strike "2019" and insert "2021".

(Signed) Brett Lindstrom, Chairperson

ANNOUNCEMENT(S)

The Education Committee designates LB1081 as its priority bill.

Senator Kuehn designates LB1130 as his priority bill.

Senator Lindstrom designates LB738 as his priority bill.

The Legislative Performance Audit Committee designates LB935 as its
priority bill.

Senator Lowe designates LB389 as his priority bill.

NOTICE OF COMMITTEE HEARING(S)

Education

Room 1525

Monday, February 26, 2018 1:30 p.m.

LB1033
LB1125

(Signed) Mike Groene, Chairperson

MESSAGE(S) FROM THE GOVERNOR

February 15, 2018

Mr. President, Speaker Scheer
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individuals are being appointed to the Foster Care Advisory Committee:

Noelle Petersen, 6141 Lexington Avenue, Lincoln, NE 68505
Michael Aerni, 2530 E. 21 Street, Fremont, NE 68025

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

(Signed) Sincerely,
Pete Ricketts
Governor

Enclosures

February 15, 2018

Mr. President, Speaker Scheer
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Educational Telecommunications Commission:

Nicholas Baxter, 5609 Jones Street, Omaha, NE 68106

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

RESOLUTION(S)

LEGISLATIVE RESOLUTION 317. Introduced by Brasch, 16.

WHEREAS, Anna Vaughn, a member of Girl Scouts Spirit of Nebraska and a senior at Blair High School, has achieved national recognition for exemplary volunteer service as a Nebraska Distinguished Finalist for the 2018 Prudential Spirit of Community Award; and

WHEREAS, this prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, Ms. Vaughn earned this honor by giving generously of her time and energy to mobilize more than one hundred twenty volunteers to knit more than 1,200 hats for premature babies. After learning that hats issued by the hospital were too large and would fall off, Ms. Vaughn worked with her father to create special looms and distributed kits for making the tiny hats to the volunteers; and

WHEREAS, the success of the state, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Ms. Vaughn who use their considerable talents and resources to serve others.

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

1. That the Legislature congratulates and honors Anna Vaughn as a Nebraska Distinguished Finalist for the 2018 Prudential Spirit of Community Award.
2. That the Legislature recognizes Ms. Vaughn's outstanding record of volunteer service, peer leadership, and community spirit and extends best wishes for her continued success and happiness.
3. That a copy of this resolution be sent to Anna Vaughn.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Linehan filed the following amendment to LB1039:
AM1953

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Section 76-1416, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 76-1416 (1) A landlord may not demand or receive security, however
6 denominated, in an amount or value in excess of one month's periodic
7 rent, except that a pet deposit for cats or dogs in an amount not in
8 excess of ~~one-fourth~~ of one month's periodic rent may be demanded or
9 received when appropriate. No pet deposit may be demanded for an animal
10 that is a service animal or an assistance animal. This -but this
11 subsection shall not be applicable to housing agencies organized or
12 existing under the Nebraska Housing Agency Act.

13 (2) Upon termination of the tenancy, property or money held by the
14 landlord as prepaid rent and security may be applied to the payment of
15 rent and the amount of damages which the landlord has suffered by reason
16 of the tenant's noncompliance with the rental agreement or section
17 76-1421. The balance, if any, and a written itemization shall be
18 delivered or mailed to the tenant within fourteen days after demand and
19 designation of the location where payment may be made or mailed.

20 (3) If the landlord fails to comply with subsection (2) of this
21 section, the tenant may recover the property and money due him or her and
22 reasonable attorney's fees.

23 (4) This section does not preclude the landlord or tenant from
24 recovering other damages to which he or she may be entitled under the
25 Uniform Residential Landlord and Tenant Act.

26 (5) The holder of the landlord's interest in the premises at the
27 time of the termination of the tenancy is bound by this section.

1 (6) For purposes of this section:

2 (a) Assistance animal means an animal that qualifies as a reasonable
3 accommodation under the federal Fair Housing Act, 42 U.S.C. 3601 et seq.,
4 as such act existed on January 1, 2018; and

5 (b) Service animal has the same meaning as in 28 C.F.R. 36.104, as
6 such section existed on January 1, 2018.

7 Sec. 2. Original section 76-1416, Reissue Revised Statutes of
8 Nebraska, is repealed.

Senator Morfeld filed the following amendment to LB295:
AM1893

(Amendments to Standing Committee amendments, AM1418)

1 1. On page 2, strike beginning with "fulfills" in line 27 through
2 "79-318" in line 29 and insert "meets the same accreditation standards
3 applicable to public schools as established by the State Board of
4 Education pursuant to sections 79-318 and 79-703".

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Briese name added to LB299.
Senator Lowe name added to LB299.
Senator Thibodeau name added to LB308.
Senator Brewer name added to LB926.
Senator Wayne name added to LB959.
Senator Erdman name added to LB1052.
Senator Stinner name added to LB1069.
Senator Linehan name added to LB1069.
Senator Kuehn name added to LB1069.

VISITORS

Visitors to the Chamber were Loretta McCoy, Morrill County Treasurer; Davian Jones from Lincoln; and 125 members of Catholics at the Capitol from across the state.

The Doctor of the Day was Dr. Christi Keim from Lincoln.

ADJOURNMENT

At 11:38 a.m., on a motion by Senator Howard, the Legislature adjourned until 9:00 a.m., Tuesday, February 20, 2018.

Patrick J. O'Donnell
Clerk of the Legislature

