

TWELFTH DAY - JANUARY 25, 2019
LEGISLATIVE JOURNAL
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

TWELFTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 25, 2019

PRAYER

The prayer was offered by Pastor Scott Krohn, Living Word Lutheran Church, Seward.

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 McDonnell and Walz who were excused; and Senators Cavanaugh, La Grone, Morfeld, Scheer, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eleventh day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB330	Executive Board (rereferred)
LB542	Revenue
LB579	Judiciary
LB589	Judiciary
LB590	Health and Human Services
LB591	General Affairs
LB592	General Affairs
LB593	Judiciary
LB594	Agriculture
LB595	Judiciary
LB596	Executive Board
LB597	Health and Human Services
LB598	Executive Board

LB599	Executive Board
LB600	Executive Board
LB601	Revenue
LB602	Banking, Commerce and Insurance
LB603	Banking, Commerce and Insurance
LB604	Business and Labor
LB605	Revenue
LB606	Natural Resources
LB607	Health and Human Services
LB608	Government, Military and Veterans Affairs
LB609	Government, Military and Veterans Affairs
LB610	Revenue
LB611	Transportation and Telecommunications
LB612	Transportation and Telecommunications
LB613	Revenue
LB614	Revenue
LB615	Revenue
LB616	Transportation and Telecommunications
LB617	Transportation and Telecommunications
LB618	Government, Military and Veterans Affairs
LB619	Banking, Commerce and Insurance
LB620	Transportation and Telecommunications
LB621	Judiciary
LB622	Banking, Commerce and Insurance
LB623	Revenue
LB624	General Affairs
LB625	Appropriations
LB626	Government, Military and Veterans Affairs
LB627	Judiciary
LB628	Revenue
LB629	Health and Human Services
LB630	Judiciary
LB631	Executive Board
LB632	Natural Resources
LB633	Government, Military and Veterans Affairs
LB634	Transportation and Telecommunications
LB635	General Affairs
LB636	Executive Board
LB637	Government, Military and Veterans Affairs
LB638	Appropriations
LB639	Education
LB640	Education
LB641	Transportation and Telecommunications
LB642	Appropriations
LB643	Judiciary
LB644	Business and Labor
LB645	Health and Human Services
LB646	Judiciary
LB647	Education

LB648	Urban Affairs
LB649	Judiciary
LB650	Education
LB651	Judiciary
LB652	Judiciary
LB653	Health and Human Services
LB654	Health and Human Services
LB655	Agriculture
LB656	Education
LB657	Agriculture
LB658	Judiciary
LB659	Judiciary
LB660	Agriculture
LB661	Revenue
LB662	Education
LB663	Revenue
LB664	Revenue
LB665	Transportation and Telecommunications
LB666	Appropriations
LB667	Business and Labor
LB668	Education
LB669	Appropriations
LB670	Revenue
LB671	Education
LB672	Banking, Commerce and Insurance
LB673	Appropriations
LB674	Education
LB675	Education
LB676	Education
LB677	Revenue
LB678	Appropriations
LB679	Education
LB680	Judiciary
LB681	Executive Board
LB682	General Affairs
LB683	Nebraska Retirement Systems
LB684	Judiciary
LB685	Judiciary
LB686	Judiciary
LB687	Government, Military and Veterans Affairs
LB688	Revenue
LB689	Judiciary
LB690	Judiciary
LB691	Transportation and Telecommunications
LB692	Health and Human Services
LB693	Transportation and Telecommunications
LB694	Appropriations
LB695	Education
LB696	Transportation and Telecommunications

LB697 Transportation and Telecommunications
LB698 Transportation and Telecommunications
LB699 Transportation and Telecommunications
LB700 Natural Resources
LB701 Health and Human Services
LB702 Education
LB703 Appropriations
LB704 Government, Military and Veterans Affairs
LB705 Revenue
LB706 Nebraska Retirement Systems
LB707 Revenue
LB708 Judiciary
LB709 Government, Military and Veterans Affairs
LB710 Revenue
LB711 Government, Military and Veterans Affairs
LB712 Judiciary
LB713 Executive Board
LB714 Revenue
LB715 Appropriations
LB716 Health and Human Services
LB717 Government, Military and Veterans Affairs
LB718 Government, Military and Veterans Affairs
LB719 Transportation and Telecommunications
LB720 Revenue
LB721 Urban Affairs
LB722 General Affairs
LB723 General Affairs
LB724 Revenue
LB725 Education
LB726 Health and Human Services
LB727 Education
LB728 Education
LB729 Agriculture
LB730 Health and Human Services
LB731 Urban Affairs
LB732 Agriculture
LB733 Government, Military and Veterans Affairs
LB734 General Affairs
LB735 Health and Human Services
LB736 Government, Military and Veterans Affairs
LB737 Appropriations
LB738 Revenue
LB739 Judiciary
LR13 Agriculture
LR14CA Urban Affairs
LR15 Executive Board

(Signed) Mike Hilgers, Chairperson
Executive Board

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 24, 2019, 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

Bromm Nielsen & Mines
Douglas County West Community Schools
Springfield Platteview Community Schools
TransparentBusiness, Inc.
Verizon Communications, Inc.
Bromm, Curt
Bromm Nielsen & Mines
Bromm, Jason
Bromm Nielsen & Mines
Goldwater, Barry M.
Nationwide Mutual Insurance Company
Jensen Rogert Associates, Inc.
Impossible Foods, Inc.
Meckler, Mark
Convention of States Action
Nielsen, Coleen J.
Bromm Nielsen & Mines
O'Hara Lindsay & Associates, Inc.
Imagine Nebraska Coalition
League Association of Risk Management
Self Storage Association
Peetz & Company
Imagine Nebraska Coalition
Radcliffe, Walter H. of Radcliffe and Associates
Imagine Nebraska Coalition
Reece, Marc
Aetna
Roque, Matthew
ProRail Nebraska, Inc.
Schneider, David
Convention of States Action
Smith, Morgan
Tri-State Generation and Transmission Association
Weaver, Colin
Secure Democracy

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 12. Title read. Considered.

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, 1 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 26. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 77. Title read. Considered.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 49. Title read. Considered.

Committee AM9, found on page 316, was adopted with 40 ayes, 0 nays, 4 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, 2 present and not voting, and 4 excused and not voting.

COMMITTEE REPORT(S)

Nebraska Retirement Systems

LEGISLATIVE BILL 33. Placed on General File with amendment.

AM4

1 1. Strike original section 4 and insert the following new sections:

2 Sec. 4. Section 79-934, Revised Statutes Cumulative Supplement,

3 2018, is amended to read:

4 79-934 (1) In lieu of the school retirement allowance provided by
5 section 79-933, any member who is not an employee of a Class V school
6 district and who becomes eligible to make application for and receive a
7 school retirement allowance under section 79-931 may receive a formula
8 annuity retirement allowance if it is greater than the school retirement
9 allowance provided by section 79-933.

10 (2) Subject to the other provisions of this section, the monthly
11 formula annuity in the normal form shall be determined by multiplying the
12 number of years of creditable service for which such member would
13 otherwise receive the service annuity provided by section 79-933 by (a)
14 one and one-quarter percent of his or her final average compensation for
15 a member who has acquired the equivalent of one-half year of service or
16 more as a school employee under the retirement system following August
17 24, 1975, (b) one and one-half percent of his or her final average
18 compensation for a member who has acquired the equivalent of one-half
19 year of service or more as a school employee under the retirement system

20 following July 17, 1982, (c) one and sixty-five hundredths percent of his
21 or her final average compensation for a member who has acquired the
22 equivalent of one-half year of service or more as a school employee under
23 the retirement system following July 1, 1984, (d) one and seventy-three
24 hundredths percent of his or her final average compensation for a member
25 actively employed as a school employee under the retirement system or
26 under contract with an employer on or after June 5, 1993, (e) one and
27 eight-tenths percent of his or her final average compensation for a
1 member who has acquired the equivalent of one-half year of service or
2 more as a school employee under the retirement system following July 1,
3 1995, and was employed as a school employee under the retirement system
4 or under contract with an employer on or after April 10, 1996, (f) one
5 and nine-tenths percent of his or her final average compensation for a
6 member who has acquired the equivalent of one-half year of service or
7 more as a school employee under the retirement system following July 1,
8 1998, and was employed as a school employee under the retirement system
9 or under contract with an employer on or after April 29, 1999, (g) two
10 percent of his or her final average compensation for a member who has
11 acquired the equivalent of one-half year of service or more as a school
12 employee under the retirement system following July 1, 2000, who was
13 employed as a school employee under the retirement system or under
14 contract with an employer on or after May 2, 2001, and hired prior to
15 July 1, 2016, and who has not retired prior to May 2, 2001, or (h) two
16 percent of his or her final average compensation for a member initially
17 hired on or after July 1, 2016, or a member who has taken a refund or
18 retirement and is rehired or hired by a separate employer covered by the
19 retirement system on or after July 1, 2016, and has acquired the
20 equivalent of five years of service or more as a school employee under
21 the retirement system or under contract with an employer on or after July
22 1, 2016. Subdivision (2)(f) of this section shall not apply to a member
23 who is retired prior to April 29, 1999. Subdivision (2)(g) of this
24 section shall not apply to a member who is retired prior to May 2, 2001.
25 (3) If the annuity begins on or after the member's sixty-fifth
26 birthday, the annuity shall not be reduced.
27 (4) If the annuity begins prior to the member's sixtieth birthday
28 and the member has completed thirty-five or more years of creditable
29 service, the annuity shall be actuarially reduced on the basis of age
30 sixty-five.
31 (5)(a) For a member who has acquired the equivalent of one-half year
1 of creditable service or more as a school employee under the retirement
2 system following July 1, 1997, and who was a school employee on or after
3 March 4, 1998, and who was hired prior to July 1, 2016, if the annuity
4 begins at a time when the sum of the member's attained age and creditable
5 service totals eighty-five and the member is at least fifty-five years of
6 age, the annuity shall not be reduced. This subdivision shall not apply
7 to a member who is retired prior to March 4, 1998.
8 (b) For a member hired on or after July 1, 2016, and prior to July
9 1, 2018, or for a member who has taken a retirement or refund that
10 relinquished all prior service credit and who has not repaid the full

11 amount of the refund pursuant to section 79-921 and is rehired or hired
12 by any employer covered by the retirement system on or after July 1,
13 2016, and prior to July 1, 2018, if the annuity begins at a time when the
14 sum of the member's attained age and creditable service totals eighty-
15 five and the member is at least fifty-five years of age, the annuity
16 shall not be reduced.

17 (c) For a member hired on or after July 1, 2018, or for a member or
18 former member who has taken a retirement or refund that relinquished all
19 prior service credit and who has not repaid the full amount of the refund
20 pursuant to section 79-921 and is rehired or hired by any employer
21 covered by the retirement system on or after July 1, 2018, if the annuity
22 begins at a time when the sum of the member's attained age and creditable
23 service totals eighty-five and the member is at least sixty years of age,
24 the annuity shall not be reduced.

25 (6) If the annuity begins on or after the member's sixtieth birthday
26 and the member has completed at least a total of five years of creditable
27 service including eligibility and vesting credit but has not yet
28 qualified for an unreduced annuity as specified in this section, the
29 annuity shall be reduced by three percent for each year after the
30 member's sixtieth birthday and prior to his or her sixty-fifth birthday.

31 (7) Except as provided in section 42-1107, the normal form of the
1 formula annuity shall be an annuity payable monthly during the remainder
2 of the member's life with the provision that in the event of his or her
3 death before sixty monthly payments have been made the monthly payments
4 will be continued to his or her estate or to the beneficiary he or she
5 has designated until sixty monthly payments have been made. Except as
6 provided in section 42-1107, a member may elect to receive in lieu of the
7 normal form of annuity an actuarially equivalent annuity in any optional
8 form provided by section 79-938.

9 (8) All formula annuities shall be paid from the School Retirement
10 Fund.

11 ~~(9)(a)~~ ~~(9)(a)(i)~~ For purposes of this section, in the determination
12 of compensation for members on or after July 1, 2005, that part of a
13 member's compensation for the plan year which exceeds the member's
14 compensation with the same employer for the preceding plan year by more
15 than seven percent of the compensation base during the sixty months
16 preceding the member's retirement shall be excluded unless (A) the member
17 experienced a substantial change in employment position, (B) as verified
18 by the school board, the excess compensation above seven percent occurred
19 as the result of a collective bargaining agreement between the employer
20 and a recognized collective bargaining unit or category of school
21 employee, and the percentage increase in compensation above seven percent
22 shall not be excluded for employees outside of a collective bargaining
23 unit or within the same category of school employee, or (C) the excess
24 compensation occurred as the result of a districtwide permanent benefit
25 change made by the employer for a category of school employee in
26 accordance with subdivision (4)(a)(iv) of section 79-902. (ii) For
27 purposes of subdivision (9)(a) of this section: (A) Category of school
28 employee means either all employees of the employer who are

29 administrators or certificated teachers, or all employees of the employer
30 who are not administrators or certificated teachers, or both; (B)
31 Compensation base means (I) for current members, employed with the same
1 employer, the member's compensation for the plan year ending June 30,
2 2005, or (II) for members newly hired or hired by a separate employer on
3 or after July 1, 2005, the member's compensation for the first full plan
4 year following the member's date of hiring. Thereafter, the member's
5 compensation base shall be increased each plan year by the lesser of
6 seven percent of the member's preceding plan year's compensation base or
7 the member's actual annual compensation increase during the preceding
8 plan year; and (C) Recognized collective bargaining unit means a group of
9 employees similarly situated with a similar community of interest
10 appropriate for bargaining recognized as such by a school board. (b)(i)
11 In the determination of compensation for members whose retirement date is
12 on or after July 1, 2012, through June 30, 2013, that part of a member's
13 compensation for the plan year which exceeds the member's compensation
14 with the same employer for the preceding plan year by more than nine
15 percent of the compensation base shall be excluded. (ii) For purposes of
16 subdivision (9)(b) of this section, compensation base means (A) for
17 current members employed with the same employer, the member's
18 compensation for the plan year ending June 30, 2012, or (B) for members
19 newly hired or hired by a separate employer on or after July 1, 2012, the
20 member's compensation for the first full plan year following the member's
21 date of hiring. (c)(i) In the determination of compensation for members
22 whose retirement date is on or after July 1, 2013, that part of a
23 member's compensation for the plan year which exceeds the member's
24 compensation for the preceding plan year by more than eight percent
25 during the capping period shall be excluded. Such member's compensation
26 for the first plan year of the capping period shall be compared to the
27 member's compensation received for the plan year immediately preceding
28 the capping period.
29 (b) (ii) For purposes of subdivision (9)(e) of this subsection
30 section:
31 (i) (A) Capping period means the five plan years preceding the later
1 of (A) (H) such member's retirement date or (B) (H) such member's final
2 compensation date; and
3 (ii) (B) Final compensation date means the later of (A) (H) the date
4 on which a retiring member's final compensation is actually paid or (B)
5 (H) if a retiring member's final compensation is paid in advance as a
6 lump sum, the date on which such final compensation would have been paid
7 to the member in the absence of such advance payment.
8 Sec. 10. Since an emergency exists, this act takes effect when
9 passed and approved according to law.
10 2. Correct the repealer accordingly.

(Signed) Mark Kolterman, Chairperson

NOTICE OF COMMITTEE HEARING(S)

Nebraska Retirement Systems

Room 1507

Tuesday, February 5, 2019 12:00 p.m.

LB34

LB35

(Signed) Mark Kolterman, Chairperson

Urban Affairs

Room 1510

Tuesday, February 5, 2019 1:30 p.m.

LB317

LB23

LB124

LB107

LB195

Tuesday, February 12, 2019 1:30 p.m.

LB348

LB405

LB96

LB95

LB130

LB409

Tuesday, February 19, 2019 1:30 p.m.

LB424

LB136

LB87

LB234

LB68

LB197

Tuesday, February 26, 2019 1:30 p.m.

LB492

LB476

LB574

LB445

LB520

(Signed) Justin Wayne, Chairperson

Government, Military and Veterans Affairs

Room 1507

Friday, February 1, 2019 1:30 p.m.

LR7
LB451

(Signed) Tom Brewer, Chairperson

Transportation and Telecommunications

Warner Chamber

Monday, February 4, 2019 1:30 p.m.

LB270
LB184
LB208
LB549

Tuesday, February 5, 2019 1:30 p.m.

LB38
LB128
LB138
LB696
LB697
LB215
LB356
LB546
LB691
LB699

(Signed) Curt Friesen, Chairperson

AMENDMENT(S) - Print in Journal

Senator Wishart filed the following amendment to LB110:
AM21 is available in the Bill Room.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 16. Introduced by Hunt, 8; Blood, 3; Bolz, 29; Cavanaugh, 6; Chambers, 11; Crawford, 45; DeBoer, 10; Dorn, 30; Gragert, 40; Hansen, M., 26; Lathrop, 12; McCollister, 20; Morfeld, 46; Pansing Brooks, 28; Quick, 35; Vargas, 7; Wayne, 13; Wishart, 27.

WHEREAS, the federal government has been partially shut down since December 22, 2018, the longest government shutdown in this country's history; and

WHEREAS, on January 25, 2019, approximately eight hundred thousand federal workers will miss their second paycheck since the shutdown began; and

WHEREAS, the shutdown of the federal government has weakened national and state security; and

WHEREAS, the shutdown of the federal government has negatively impacted Nebraska's economy and small business community.

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

1. That the Legislature recognizes the contributions and applauds the generosity of Nebraska businesses that are supporting federal workers through donations of goods and services.

2. That the Legislature urges the President of the United States and members of Congress to reopen the federal government immediately.

3. That a copy of this resolution be sent to the President of the United States and each member of Nebraska's congressional delegation.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR16 was referred to the Reference Committee.

EXECUTIVE BOARD REPORT

Senator Hilgers, Chairperson of the Executive Board, reported the appointments of the following members of the Legislature to the following special committees:

Building Maintenance

Senator Brandt

Senator Bostelman

Senator Erdman (Chairperson)

Senator Lowe

Senator McDonnell

Senator Stinner

Education Commission of the States

Senator Groene

Senator Morfeld

Senator Murman

Homeland Security Policy Group

Senator Lowe
Senator McDonnell

Interstate Compact for Adult Offender Supervision

Senator Cavanaugh

Legislative Performance Audit

Senator Crawford
Senator Friesen
Senator Geist
Senator B. Hansen
Senator Hilgers
Senator Scheer
Senator Stinner

Legislature's Planning

Senator Clements
Senator DeBoer
Senator M. Hansen
Senator Hilgers
Senator McCollister
Senator Scheer
Senator Stinner
Senator Vargas
Senator Williams

Midwestern Higher Education Commission

Senator Kolowski
Senator Slama

Nebraska Economic Development Task Force

Senator Arch
Senator Bolz
Senator Quick
Senator Groene (Chairperson, Education)
Senator M. Hansen (Chairperson, Business and Labor)
Senator Linehan (Chairperson, Revenue)
Senator Stinner (Chairperson, Appropriations)
Senator Wayne (Chairperson, Urban Affairs)
Senator Williams (Chairperson, Banking, Commerce and Insurance)
Senator _____ (Chairperson, Legislature's Planning)

Nebraska Information Technology Commission

Senator Bostelman

State Council for Interstate Juvenile Supervision

Senator Quick

State-Tribal Relations

Senator Albrecht
 Senator Brewer
 Senator Gragert
 Senator Hilkemann (Chairperson)
 Senator Hunt
 Senator Walz
 Senator Wishart (Vice Chairperson)

Streamlined Sales and Use Tax System

Senator Friesen
 Senator Lindstrom

(Signed) Mike Hilgers, Chairperson
 Legislative Council, Executive Board

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Slama name added to LB7.
 Senator Cavanaugh name added to LB13.
 Senator McDonnell name added to LB39.
 Senator McDonnell name added to LB40.
 Senator Briese name added to LB77.
 Senator McDonnell name added to LB85.
 Senator Slama name added to LB154.
 Senator Pansing Brooks name added to LB314.
 Senator Dorn name added to LB594.
 Senator McDonnell name added to LB634.
 Senator Hunt name added to LB711.
 Senator Briese name added to LB734.
 Senator Lowe name added to LR1CA.
 Senator Slama name added to LR1CA.

WITHDRAW - Cointroducer(s)

Senator Brewer name withdrawn from LB573.

VISITOR(S)

Visitors to the Chamber were participants in the U.S. Department of State's International Visitor Leadership Program from the European Union.

The Doctor of the Day was Dr. Jeff Harrison from Papillion.

ADJOURNMENT

At 10:44 a.m., on a motion by Senator Hughes, the Legislature adjourned until 9:00 a.m., Monday, January 28, 2019.

Patrick J. O'Donnell
Clerk of the Legislature

