

TWENTY-FIFTH DAY - FEBRUARY 13, 2019

LEGISLATIVE JOURNAL

**ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION**

TWENTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 13, 2019

PRAYER

The prayer was offered by Senator Clements.

ROLL CALL

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

The roll was called and all members were present except Senators Hilgers and Lindstrom who were excused; and Senator Vargas who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-fourth day was approved.

NOTICE OF COMMITTEE HEARING(S)
Judiciary

Warner Chamber

Friday, February 22, 2019 1:30 p.m.

Robert W. Twiss - Board of Parole

(Signed) Steve Lathrop, Chairperson

Nebraska Retirement Systems

Room 1507

Wednesday, March 27, 2019 12:00 p.m.

Presentation of the Nebraska Investment Council Annual Report to the Nebraska Retirement Systems Committee pursuant to section 72-1243(2).

Presentation of the Nebraska Public Employees Retirement Systems Annual Report to the Nebraska Retirement Systems Committee pursuant to section 84-1503(3).

(Signed) Mark Kolterman, Chairperson

MESSAGE(S) FROM THE GOVERNOR

February 11, 2019

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 reappointed to the State College System Board of Trustees:

John Chaney, 405 South 16th Street, Omaha, NE 68102
Robert Engles, 2308 McConnell Avenue, Auburn, NE 68305

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

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

MOTION(S) - Confirmation Report(s)

Senator Hughes moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 459:

Niobrara Council
Richard S. Mercure

Voting in the affirmative, 35:

- | | | | | |
|----------|-----------|------------|-------------|----------------|
| Albrecht | Cavanaugh | Halloran | Lathrop | Murman |
| Arch | Chambers | Hansen, B. | Linehan | Pansing Brooks |
| Blood | Clements | Hilkemann | Lowe | Quick |
| Bolz | Crawford | Howard | McCollister | Slama |
| Brandt | Erdman | Hughes | McDonnell | Stinner |
| Brewer | Friesen | Hunt | Morfeld | Wayne |
| Briese | Geist | Kolowski | Moser | Williams |

Voting in the negative, 0.

Present and not voting, 11:

Bostelman	Gragert	Kolterman	Walz
DeBoer	Groene	La Grone	Wishart
Dorn	Hansen, M.	Scheer	

Excused and not voting, 3:

Hilgers Lindstrom Vargas

The appointment was confirmed with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Senator Briese moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 461:

Nebraska Commission on Problem Gambling
Paul Leckband

Voting in the affirmative, 34:

Albrecht	Clements	Hansen, B.	Lathrop	Scheer
Arch	DeBoer	Hansen, M.	Linehan	Slama
Blood	Dorn	Hilkemann	McCollister	Stinner
Bolz	Erdman	Hughes	Moser	Walz
Brandt	Friesen	Hunt	Murman	Wayne
Briese	Geist	Kolowski	Pansing Brooks	Williams
Cavanaugh	Halloran	Kolterman	Quick	

Voting in the negative, 0.

Present and not voting, 12:

Bostelman	Crawford	Howard	McDonnell
Brewer	Gragert	La Grone	Morfeld
Chambers	Groene	Lowe	Wishart

Excused and not voting, 3:

Hilgers Lindstrom Vargas

The appointment was confirmed with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 4A. Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 1 nay, 16 present and not voting, and 3 excused and not voting.

COMMITTEE REPORT(S)
Education

LEGISLATIVE BILL 430. Placed on General File.

(Signed) Mike Groene, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 22. Placed on Select File.

LEGISLATIVE BILL 60. Placed on Select File with amendment.
ER22

1 1. On page 3, line 26, before "including" insert an underscored
2 comma.

LEGISLATIVE BILL 74. Placed on Select File.

LEGISLATIVE BILL 302. Placed on Select File.

LEGISLATIVE BILL 200. Placed on Select File with amendment.
ER20

1 1. On page 1, line 4, strike "alcoholism centers" and insert "mental
2 health substance use treatment centers".

3 2. On page 3, line 4, strike "an" and insert "a".

LEGISLATIVE BILL 307. Placed on Select File.

LEGISLATIVE BILL 256. Placed on Select File.

LEGISLATIVE BILL 111. Placed on Select File.

LEGISLATIVE BILL 192. Placed on Select File.

LEGISLATIVE BILL 192A. Placed on Select File.

LEGISLATIVE BILL 80. Placed on Select File.

LEGISLATIVE BILL 81. Placed on Select File.

(Signed) Julie Slama, Chairperson

AMENDMENT(S) - Print in Journal

Senator Linehan filed the following amendment to LB288:
AM268

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

2 sections:

3 Section 1. Section 77-2716.01, Reissue Revised Statutes of Nebraska,
4 is amended to read:

5 77-2716.01 (1)(a) Through tax year 2017, every individual shall be
6 allowed to subtract from his or her income tax liability an amount for
7 personal exemptions. The amount allowed to be subtracted shall be the
8 credit amount for the year as provided in this subdivision multiplied by
9 the number of exemptions allowed on the federal return. For tax year
10 1993, the credit amount shall be sixty-five dollars; for tax year 1994,
11 the credit amount shall be sixty-nine dollars; for tax year 1995, the
12 credit amount shall be sixty-nine dollars; for tax year 1996, the credit
13 amount shall be seventy-two dollars; for tax year 1997, the credit amount
14 shall be eighty-six dollars; for tax year 1998, the credit amount shall
15 be eighty-eight dollars; for tax year 1999, and each year thereafter
16 through tax year 2017, the credit amount shall be adjusted for inflation
17 by the method provided in section 151 of the Internal Revenue Code of
18 1986, as it existed prior to December 22, 2017. The eighty-eight-dollar
19 credit amount shall be adjusted for cumulative inflation since 1998. If
20 any credit amount is not an even dollar amount, the amount shall be
21 rounded to the nearest dollar. For nonresident individuals and partial-
22 year resident individuals, the personal exemption credit shall be
23 subtracted as specified in subsection (3) of section 77-2715.

24 (b) Beginning with tax year 2018, every individual, except an
25 individual that can be claimed for a child credit or dependent credit on
26 the federal return of another taxpayer, shall be allowed to subtract from
27 his or her income tax liability an amount for personal exemptions. The
1 amount allowed to be subtracted shall be the credit amount for the year
2 as provided in this subdivision multiplied by the sum of the number of
3 child credits and dependent credits taken on the federal return, plus two
4 for a married filing jointly return or plus one for a single or head of
5 household return. For tax year 2018, the credit amount shall be one
6 hundred thirty-four dollars. For tax year 2019 and each tax year
7 thereafter, the credit amount shall be adjusted for inflation based on
8 the percentage change in the Consumer Price Index for All Urban Consumers
9 published by the federal Bureau of Labor Statistics from the twelve
10 months ending on August 31, 2017, to the twelve months ending on August
11 31 of the year preceding the taxable year. If any credit amount is not an
12 even dollar amount, the amount shall be rounded to the nearest dollar.
13 For nonresident individuals and partial-year resident individuals, the
14 personal exemption credit shall be subtracted as specified in subsection
15 (3) of section 77-2715.

16 (2)(a) For tax years beginning or deemed to begin on or after
17 January 1, 2003, and before January 1, 2004, under the Internal Revenue
18 Code of 1986, as amended, every individual who did not itemize deductions
19 on his or her federal return shall be allowed to subtract from federal
20 adjusted gross income a standard deduction based on the filing status
21 used on the federal return except as the amount is adjusted under section
22 77-2716.03. The standard deduction shall be the smaller of the federal
23 standard deduction actually allowed or (i) for single taxpayers four

24 thousand seven hundred fifty dollars, (ii) for head of household
25 taxpayers seven thousand dollars, (iii) for married filing jointly
26 taxpayers seven thousand nine hundred fifty dollars, and (iv) for married
27 filing separately taxpayers three thousand nine hundred seventy-five
28 dollars. Taxpayers who are allowed additional federal standard deduction
29 amounts because of age or blindness shall be allowed an increase in the
30 Nebraska standard deduction for each additional amount allowed on the
31 federal return. The additional amounts shall be for married taxpayers,
1 nine hundred fifty dollars, and for single or head of household
2 taxpayers, one thousand one hundred fifty dollars.

3 (b) For tax years beginning or deemed to begin on or after January
4 1, 2007, and before January 1, 2018, under the Internal Revenue Code of
5 1986, as amended, every individual who did not itemize deductions on his
6 or her federal return shall be allowed to subtract from federal adjusted
7 gross income a standard deduction based on the filing status used on the
8 federal return. The standard deduction shall be the smaller of the
9 federal standard deduction actually allowed or (i) for single taxpayers
10 three thousand dollars and (ii) for head of household taxpayers four
11 thousand four hundred dollars. The standard deduction for married filing
12 jointly taxpayers shall be double the standard deduction for single
13 taxpayers, and for married filing separately taxpayers, the standard
14 deduction shall be the same as single taxpayers. Taxpayers who are
15 allowed additional federal standard deduction amounts because of age or
16 blindness shall be allowed an increase in the Nebraska standard deduction
17 for each additional amount allowed on the federal return. The additional
18 amounts shall be for married taxpayers six hundred dollars and for single
19 or head of household taxpayers seven hundred fifty dollars. The amounts
20 in this subdivision will be indexed using 1987 as the base year.

21 (c) For tax years beginning or deemed to begin on or after January
22 1, 2007, and before January 1, 2018, the standard deduction amounts,
23 including the additional standard deduction amounts, in this subsection
24 shall be adjusted for inflation by the method provided in section 151 of
25 the Internal Revenue Code of 1986, as it existed prior to December 22,
26 2017. If any amount is not a multiple of fifty dollars, the amount shall
27 be rounded to the next lowest multiple of fifty dollars.

28 (3)(a) For tax years beginning or deemed to begin on or after
29 January 1, 2018, every individual who did not itemize deductions on his
30 or her federal return shall be allowed to subtract from federal adjusted
31 gross income a standard deduction based on the filing status used on the
1 federal return. The standard deduction shall be the smaller of the
2 federal standard deduction actually allowed or (i) six thousand seven
3 hundred fifty dollars for single taxpayers and (ii) nine thousand nine
4 hundred dollars for head of household taxpayers. The standard deduction
5 for married filing jointly taxpayers shall be double the standard
6 deduction for single taxpayers, and the standard deduction for married
7 filing separately taxpayers shall be the same as the standard deduction
8 for single taxpayers. Taxpayers who are allowed additional federal
9 standard deduction amounts because of age or blindness shall be allowed
10 an increase in the Nebraska standard deduction for each additional amount

11 allowed on the federal return. The additional amounts shall be one
 12 thousand three hundred dollars for married taxpayers and one thousand six
 13 hundred dollars for single or head of household taxpayers.

14 (b) For tax years beginning or deemed to begin on or after January
 15 1, 2019, the standard deduction amounts, including the additional
 16 standard deduction amounts, in this subsection shall be adjusted for
 17 inflation based on the percentage change in the Consumer Price Index for
 18 All Urban Consumers published by the federal Bureau of Labor Statistics
 19 from the twelve months ending on August 31, 2017, to the twelve months
 20 ending on August 31 of the year preceding the taxable year. If any amount
 21 is not a multiple of fifty dollars, the amount shall be rounded to the
 22 next lowest multiple of fifty dollars.

23 (4)(a) For tax years beginning or deemed to begin before January 1,
 24 2019, every (4) Every individual who itemized deductions on his or her
 25 federal return shall be allowed to subtract from federal adjusted gross
 26 income the greater of either:

27 (i) The standard deduction allowed in this section; or
 28 (ii) His his or her federal itemized deductions as defined in
 29 section 63(d) of the Internal Revenue Code of 1986, as amended, except
 30 for the amount for state or local income taxes included in federal
 31 itemized deductions before any federal disallowance.

1 (b) For tax years beginning or deemed to begin on or after January
 2 1, 2019, and before January 1, 2020, every individual who itemized
 3 deductions on his or her federal return shall be allowed to subtract from
 4 federal adjusted gross income the greater of either:

5 (i) The standard deduction allowed in this section; or

6 (ii) The sum of:
 7 (A) His or her federal itemized deductions as defined in section
 8 63(d) of the Internal Revenue Code of 1986, as amended, except for the
 9 amount for state or local income taxes included in federal itemized
 10 deductions before any federal disallowance;

11 (B) The total amount of state and local property taxes reported on
 12 his or her federal return before any federal disallowance or cap, less
 13 the amount of state and local property taxes actually included in federal
 14 itemized deductions; and

15 (C) The total amount of state and local property taxes reported on
 16 his or her federal return for the immediately preceding tax year before
 17 any federal disallowance or cap, less the amount of state and local
 18 property taxes actually included in federal itemized deductions for such
 19 tax year.

20 (c) For tax years beginning or deemed to begin on or after January
 21 1, 2020, every individual who itemized deductions on his or her federal
 22 return shall be allowed to subtract from federal adjusted gross income
 23 the greater of either:

24 (i) The standard deduction allowed in this section; or

25 (ii) The sum of:
 26 (A) His or her federal itemized deductions as defined in section
 27 63(d) of the Internal Revenue Code of 1986, as amended, except for the
 28 amount for state or local income taxes included in federal itemized

29 deductions before any federal disallowance; and
 30 (B) The total amount of state and local property taxes reported on
 31 his or her federal return before any federal disallowance or cap, less
 1 the amount of state and local property taxes actually included in federal
 2 itemized deductions.
 3 Sec. 2. Original section 77-2716.01, Reissue Revised Statutes of
 4 Nebraska, is repealed.

NOTICE OF COMMITTEE HEARING(S)

Natural Resources

Room 1525

Wednesday, February 20, 2019 1:30 p.m.

Lana S. Arrowsmith - Niobrara Council
 LB368

(Signed) Dan Hughes, Chairperson

Revenue

Room 1524

Wednesday, February 20, 2019 1:30 p.m.

LB615
 LB661
 LB664
 AM268

Note: Amendment to LB288

Thursday, February 21, 2019 1:30 p.m.

LB444
 LB420
 LB530
 LB663
 LB483

Friday, February 22, 2019 1:30 p.m.

LB187
 LB242
 LB218
 LB236
 LB237

(Signed) Lou Ann Linehan, Chairperson

COMMITTEE REPORT(S)
Banking, Commerce and Insurance

LEGISLATIVE BILL 116. Placed on General File with amendment.
AM266

- 1 1. On page 2, line 22, after the comma insert "certificate of
- 2 mailing"; and strike beginning with "A" in line 22 through the period in
- 3 line 23.
- 4 2. On page 5, line 24, strike "An insurer" and insert "A producer".
- 5 3. On page 6, lines 1 and 4, before "property" insert "life
- 6 insurance policies, annuity contracts, and"; in line 11 strike "insurer"
- 7 and insert "producer"; and in line 17 after "insured" insert "and
- 8 producer of record".

LEGISLATIVE BILL 145. Placed on General File with amendment.
AM282

- 1 1. Insert the following new section:
- 2 Section 1. Section 30-4020, Reissue Revised Statutes of Nebraska, is
- 3 amended to read:
- 4 30-4020 (1) Except as otherwise provided in subsection (2) of this
- 5 section:
- 6 (a) A person shall either accept an acknowledged power of attorney
- 7 or request a certification, a translation, or an opinion of counsel under
- 8 subsection (4) of section 30-4019 no later than seven business days after
- 9 presentation of the power of attorney for acceptance;
- 10 (b) If a person requests a certification, a translation, or an
- 11 opinion of counsel under subsection (4) of section 30-4019, the person
- 12 shall accept the power of attorney no later than five business days after
- 13 receipt of the certification, translation, or opinion of counsel; and
- 14 (c) A person may not require an additional or different form of
- 15 power of attorney for authority granted in the power of attorney
- 16 presented, except as provided in section 30-4031.
- 17 (2) A person is not required to accept an acknowledged power of
- 18 attorney if:
- 19 (a) The person is not otherwise required to engage in a transaction
- 20 with the principal in the same circumstances;
- 21 (b) Engaging in a transaction with the agent or the principal in the
- 22 same circumstances would be inconsistent with state or federal law;
- 23 (c) The person has actual knowledge of the termination of the
- 24 agent's authority or of the power of attorney before exercise of the
- 25 power;
- 26 (d) A request for a certification, a translation, or an opinion of
- 27 counsel under subsection (4) of section 30-4019 is refused;
- 1 (e) The person in good faith believes that the power is not valid or
- 2 that the agent does not have the authority to perform the act requested,
- 3 whether or not a certification, a translation, or an opinion of counsel
- 4 under subsection (4) of section 30-4019 has been requested or provided;
- 5 (f) The person makes, or has actual knowledge that another person

6 has made, a report to the local adult protective services office stating
 7 a good faith belief that the principal may be subject to physical or
 8 financial abuse, neglect, exploitation, or abandonment by the agent or a
 9 person acting for or with the agent;

10 (g) The person brought, or has actual knowledge that another person
 11 has brought, a judicial proceeding for construction of a power of
 12 attorney or review of the agent's conduct; or

13 (h) The power of attorney becomes effective upon the occurrence of
 14 an event or contingency, and neither a certification nor evidence of the
 15 occurrence of the event or contingency is presented to the person being
 16 asked to accept the power of attorney.

17 (3) A person may not refuse to accept an acknowledged power of
 18 attorney if any of the following applies:

19 (a) The person's reason for refusal is based exclusively upon the
 20 date the power of attorney was executed; or

21 (b) The person's refusal is based exclusively on a mandate that an
 22 additional or different power of attorney form must be used.

23 (4) A person that refuses in violation of this section to accept an
 24 acknowledged power of attorney is subject to:

25 (a) A court order mandating acceptance of the power of attorney; and

26 (b) Liability for reasonable attorney's fees and costs incurred in
 27 any action or proceeding that confirms the validity of the power of
 28 attorney or mandates acceptance of the power of attorney.

29 2. On page 3, line 18, strike "section" and insert "sections 30-4020
 30 and"; and in line 19 strike "is" and insert "are".

31 3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 384. Placed on General File with amendment.
 AM272

1 1. On page 2, line 14, strike "five" and reinstate the stricken
 2 "two"; and in line 24 strike "five" and insert "two".

3 2. On page 3, line 7, strike "(3)(a)(ii)" and insert "(3)(b)(ii)".

(Signed) Matt Williams, Chairperson

GENERAL FILE

LEGISLATIVE BILL 160. Title read. Considered.

SPEAKER SCHEER PRESIDING

SENATOR WILLIAMS PRESIDING

Senator Wayne offered the following amendment:

FA6

On page 3, line 12 strike "of known quality".

On page 3, strike lines 16-18.

On page 4, line 10 strike "quality".

On page 4, line 10 strike "For purposes of this".

On page 4, strike lines 11-13.

The Wayne amendment was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

COMMITTEE REPORT(S)
Education

LEGISLATIVE BILL 399. Placed on General File with amendment.
AM286

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 79-724, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 79-724 It is the responsibility of society to ensure that youth are
6 given the opportunity to become competent, responsible, patriotic, and
7 civil citizens to ensure An informed, loyal, just, and patriotic
8 citizenry is necessary to a strong, stable, just, and prosperous America.
9 Such a citizenry necessitates that every member thereof be fully literate
10 about our acquainted with the nation's history, government, geography,
11 and economic system. The youth in our state should be committed to the
12 ideals and values of our country's democracy and the constitutional
13 republic established by the people. Schools should help prepare our youth
14 to make informed and reasoned decisions for the public good. Civic
15 competence is necessary to sustain and improve our democratic way of life
16 and must be taught in all public, private, denominational, and parochial
17 schools. A central role of schools is to impart civic knowledge and
18 skills that help our youth to see the relevance of a civic dimension for
19 their lives. Students should be made and that he or she be in full accord
20 with our form of government and fully aware of the liberties,
21 opportunities, and advantages we possess of which we are possessed and
22 the sacrifices and struggles of those through whose efforts these
23 benefits were gained. Since youth is the time people are most susceptible
24 to the acceptance of principles and doctrines that will influence them
25 men and women throughout their lives, it is one of the first duties of
26 our educational system to conduct its activities, choose its textbooks,
27 and arrange its curriculum in such a way that the youth of our state have
1 the opportunity to become competent, responsible, patriotic, and civil
2 American citizens love of liberty, justice, democracy, and America will
3 be instilled in the hearts and minds of the youth of the state.
4 (1) The Every school board of each school district shall, at the
5 beginning of each calendar school year, appoint from its members a
6 committee of three, to be known as the committee on American civics
7 Americanism. The committee on American civics Americanism shall:
8 (a) Hold no fewer than two public meetings annually, at least one
9 where public testimony is accepted;
10 (b) Keep minutes of each meeting showing the time and place of the

11 meeting, which members were present or absent, and the substance and
12 details of all matters discussed;

13 (c) Carefully examine and ensure that the social studies curriculum
14 used in the district is aligned to the social studies standards adopted
15 pursuant to section 79-760.01 and teaches foundational knowledge in
16 civics, history, economics, financial literacy, and geography;

17 (d) Review and approve the social studies curriculum to ensure that
18 it adequately stresses ~~(a) Carefully examine, inspect, and approve all~~
19 ~~textbooks used in the teaching of American history and civil government~~
20 ~~in the school. Such textbooks shall adequately stress the services of the~~
21 ~~men and women who achieved our national independence, established our~~
22 ~~constitutional government, and preserved our union and is shall be so~~
23 ~~written to include the incorporation of multicultural education as set~~
24 ~~forth in sections 79-719 to 79-723 so contributions by ethnic groups as~~
25 ~~to develop a pride and respect for our institutions and not be a mere~~
26 ~~recital of events and dates;~~

27 (e) Ensure that any curriculum recommended or approved by the
28 committee on American civics is made readily accessible to the public and
29 contains a reference to this section;

30 (f) Ensure that the district develops and utilizes formative,
31 interim, and summative assessments to measure student mastery of the
1 social studies standards adopted pursuant to section 79-760.01;

2 (g) Ensure that the social studies curriculum in the district
3 incorporates one or more of the following for each student:

4 (i) Administration of a written test that is identical to the entire
5 civics portion of the naturalization test used by United States
6 Citizenship and Immigration Services prior to the completion of eighth
7 grade and again prior to the completion of twelfth grade with the
8 individual score from each test for each student made available to a
9 parent or guardian of such student; or

10 (ii) Attendance or participation between the commencement of eighth
11 grade and completion of twelfth grade in a meeting of a public body as
12 defined by section 84-1409 followed by the completion of a project or
13 paper in which each student demonstrates or discusses the personal
14 learning experience of such student related to such attendance or
15 participation; or
16 (iii) Completion of a project or paper and a class presentation
17 between the commencement of eighth grade and the completion of twelfth
18 grade on a person or persons or an event commemorated by a holiday listed
19 in subdivision (6) of this section or on a topic related to such person
20 or persons or event;

21 ~~(h) (b)~~ Assure themselves as to the character of all teachers
22 employed and their knowledge and acceptance of the American form of
23 government; and

24 ~~(i) (e)~~ Take all such other steps as will assure the carrying out of
25 the provisions of this section and provide a report to the school board
26 regarding the committee's findings and recommendations.

27 (2) All social studies ~~American history~~ courses approved for grade
28 levels as provided by this section shall include and adequately stress

29 contributions of all ethnic groups (a) to the development and growth of
 30 America into a great nation, (b) to art, music, education, medicine,
 31 literature, science, politics, and government, and (c) to the war
 1 services in all wars of this nation.

2 (3) All grades of all public, private, denominational, and parochial
 3 schools, below the sixth grade, shall devote at least one hour per week
 4 to exercises or teaching periods for the following purpose:

5 (a) The discussion ~~recital~~ of stories having to do with American
 6 history or the deeds and exploits of American heroes;

7 (b) The historical background, memorization, and singing of
 8 patriotic songs such as ~~and the insistence that every pupil memorize the~~
 9 Star-Spangled Banner and America the Beautiful; ~~and~~

10 (c) The development of respect ~~reverence~~ for the American flag as a
 11 symbol of freedom and the sacrifices of those who secured that freedom;
 12 and

13 (d) Instruction ~~instruction~~ as to proper conduct in the ~~its~~
 14 presentation of the American flag.

15 (4) In at least two of the three grades from the fifth grade to the
 16 eighth grade in all public, private, denominational, and parochial
 17 schools, time at least three periods per week shall be set aside for ~~to~~
 18 be devoted to the teaching of American history from the social studies
 19 curriculum approved textbooks, which shall be taught in such a way that
 20 all students are given the opportunity to (a) become competent,
 21 responsible, patriotic, and civil citizens who possess a deep
 22 understanding of and respect for the United States Constitution and the
 23 Constitution of Nebraska and (b) prepare to preserve, protect, and defend
 24 freedom and democracy in our nation and our world as to make the course
 25 interesting and attractive and to develop a love of country.

26 (5) In at least two courses in grades of every high school, time at
 27 least three periods per week shall be devoted to the teaching of civics
 28 and American history as outlined in the social studies standards adopted
 29 pursuant to section 79-760.01, during which ~~courses~~ specific attention
 30 shall be given to the following matters:

31 (a) The Declaration of Independence, the United States Constitution,
 1 and the Constitution of Nebraska, and the structure and function of local
 2 government in this state;

3 (b) The benefits and advantages of our form of government, and the
 4 rights and responsibilities of citizenship in our government, and the
 5 dangers and fallacies of forms of government that restrict individual
 6 freedoms or possess antidemocratic ideals such as, but not limited to,
 7 Nazism and communism; dangers and fallacies of Nazism, Communism, and
 8 similar ideologies; and

9 (c) The duties of citizenship, including active participation in the
 10 improvement of a citizen's community, state, country, and world and the
 11 value and practice of civil discourse between opposing interests; and -

12 (d) The application of knowledge in civics, history, economics,
 13 financial literacy, and geography in order to address meaningful issues
 14 within our society.

15 (6) Appropriate patriotic exercises suitable to the occasion shall

16 be held under the direction of the superintendent in every public,
 17 private, denominational, and parochial school on George Washington's
 18 birthday, Abraham Lincoln's birthday, Dr. Martin Luther King, Jr.'s
 19 birthday, Native American Heritage Day, Constitution Day, Memorial Day,
 20 Veterans Day, and Thanksgiving Day, or on the day or week Lincoln's
 21 birthday, Washington's birthday, Flag Day, Memorial Day, and Veterans
 22 Day, or on the day preceding or following such holiday, if the school is
 23 in session.

24 (7) Every school board, the State Board of Education, and the
 25 superintendent of each school district in the state shall be held
 26 directly responsible in the order named for carrying out this section,
 27 and neglect thereof by any employee or appointed official shall be
 28 considered a dereliction of duty and may be considered a cause for
 29 dismissal.

30 Sec. 2. Section 79-727, Reissue Revised Statutes of Nebraska, is
 31 amended to read:

1 79-727 The State Board of Education shall adopt and promulgate
 2 rules and regulations to carry out the provisions of sections 79-724
 3 through 79-726. The State Department of Education shall ensure that all
 4 requirements of such sections and such rules and regulations are carried
 5 out by each school district ~~Any person violating the provisions of~~
 6 ~~sections 79-724 to 79-726 is guilty of a Class III misdemeanor.~~

7 Sec. 3. Original sections 79-724 and 79-727, Reissue Revised
 8 Statutes of Nebraska, are repealed.

(Signed) Mike Groene, Chairperson

GENERAL FILE

LEGISLATIVE BILL 195. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 124. Title read. Considered.

Committee AM199, found on page 464, was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 1 nay, 10 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 127. Title read. Considered.

Committee AM184, found on page 465, was adopted with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 139. Title read. Considered.

Committee AM170, found on page 467, was offered.

Senator Lathrop offered his amendment, AM260, found on page 494, to the committee amendment.

The Lathrop amendment was adopted with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

The committee amendment, as amended, 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 42 ayes, 0 nays, 2 present and not voting, and 5 excused and not voting.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 214. Placed on Select File.

LEGISLATIVE BILL 52. Placed on Select File with amendment.

ER21

- 1 1. Strike the original sections and all amendments thereto and
- 2 insert the following new sections:
- 3 Section 1. (1) For purposes of this section:
- 4 (a) Public funds means money belonging to the state by operation of
- 5 general state law and collected by virtue of state-imposed taxes, fees,
- 6 and similar charges;
- 7 (b) Special purpose funds means money in the state treasury which is
- 8 received from an outside source, which is held in trust or escrow or
- 9 segregated for a particular purpose, and which must be used for purposes
- 10 defined by the source of the funds; and
- 11 (c) Trust funds means all trust funds identified by Nebraska
- 12 statutes, all funds pledged for the payment of bonds, all accounts held
- 13 by a trustee related to a bond issue, and all funds held related to a
- 14 lease financing or other similar financing.
- 15 (2) The State Treasurer shall have custody in the state treasury of
- 16 all public funds and all special purpose funds, other than pension and
- 17 trust funds, of all state officials, state agencies, state boards, state
- 18 commissions, and other state entities. Each state official, agency,
- 19 board, commission, or other entity shall remit all public funds and all
- 20 special purpose funds, other than pension and trust funds, to the State
- 21 Treasurer for credit to the appropriate fund as provided in section
- 22 84-602.
- 23 (3) Each state official, agency, board, commission, or other entity
- 24 shall record all revenue, fund balances, and expenditures from all public
- 25 funds and all special purpose funds, other than pension and trust funds,

26 in the state accounting system administered by the accounting division of
27 the Department of Administrative Services pursuant to section 81-1110.01.

1 (4) As provided in section 72-1243, the state investment officer
2 shall invest all funds available for investment pursuant to the Nebraska
3 Capital Expansion Act and the Nebraska State Funds Investment Act.

4 (5) The accounting division shall notify the budget division of the
5 Department of Administrative Services if any state official, agency,
6 board, commission, or other entity has failed to comply with this
7 section. The budget division shall withhold up to ten percent of any
8 appropriation to such state official, agency, board, commission, or other
9 entity until it complies with this section.

10 Sec. 2. Section 85-1807, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 85-1807 (1) The State Treasurer shall deposit money received by the
13 Nebraska educational savings plan trust into three funds: The College
14 Savings Plan Program Fund, the College Savings Plan Expense Fund, and the
15 College Savings Plan Administrative Fund. The State Treasurer shall
16 deposit money received by the trust into the appropriate fund. The State
17 Treasurer and Accounting Administrator of the Department of
18 Administrative Services shall determine the state fund types necessary to
19 comply with section 529 of the Internal Revenue Code and state policy.
20 The money in the funds shall be invested by the state investment officer
21 pursuant to policies established by the Nebraska Investment Council. The
22 program fund, the expense fund, and the administrative fund shall be
23 separately administered. The Nebraska educational savings plan trust
24 shall be operated with no General Fund appropriations.

25 (2) The College Savings Plan Program Fund is created. All money paid
26 by participants in connection with participation agreements and all
27 investment income earned on such money shall be deposited as received
28 into separate accounts within the program fund. Contributions to the
29 trust made by participants may only be made in the form of cash. All
30 funds generated in connection with participation agreements shall be
31 deposited into the appropriate accounts within the program fund. A
1 participant or beneficiary shall not provide investment direction
2 regarding program contributions or earnings held by the trust. Money
3 accrued by participants in the program fund may be used for payments to
4 any eligible educational institution. Any money in the program fund
5 available for investment shall be invested by the state investment
6 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
7 State Funds Investment Act.

8 (3) The College Savings Plan Administrative Fund is created. Money
9 from the trust transferred from the expense fund to the administrative
10 fund in an amount authorized by an appropriation from the Legislature
11 shall be utilized to pay for the costs of administering, operating, and
12 maintaining the trust, to the extent permitted by section 529 of the
13 Internal Revenue Code. The administrative fund shall not be credited with
14 any money other than money transferred from the expense fund in an amount
15 authorized by an appropriation by the Legislature or any interest income
16 earned on the balances held in the administrative fund. Any money in the

17 administrative fund available for investment shall be invested by the
 18 state investment officer pursuant to the Nebraska Capital Expansion Act
 19 and the Nebraska State Funds Investment Act.

20 (4) The College Savings Plan Expense Fund is created. The expense
 21 fund shall be used to pay costs associated with the Nebraska educational
 22 savings plan trust and shall be funded with fees assessed to the program
 23 fund. The State Treasurer shall transfer from the expense fund to the
 24 State Investment Officer's Cash Fund an amount equal to the pro rata
 25 share of the budget appropriated to the Nebraska Investment Council as
 26 permitted in section 72-1249.02, to cover reasonable expenses incurred
 27 for investment management of the Nebraska educational savings plan trust.
 28 Annually and prior to such transfer to the State Investment Officer's
 29 Cash Fund, the State Treasurer shall report to the budget division of the
 30 Department of Administrative Services and to the Legislative Fiscal
 31 Analyst the amounts transferred during the previous fiscal year. The
 1 report submitted to the Legislative Fiscal Analyst shall be submitted
 2 electronically. ~~Transfers may be made from the expense fund to the~~
 3 ~~General Fund at the direction of the Legislature.~~ Any money in the
 4 expense fund available for investment shall be invested by the state
 5 investment officer pursuant to the Nebraska Capital Expansion Act and the
 6 Nebraska State Funds Investment Act.

7 Sec. 3. Section 85-1813, Reissue Revised Statutes of Nebraska, is
 8 amended to read:

9 85-1813 The assets of the Nebraska educational savings plan trust,
 10 including the program fund and excluding the administrative fund and the
 11 expense fund, shall at all times be preserved, invested, and expended
 12 solely and only for the purposes of the trust and shall be held in trust
 13 for the participants and beneficiaries. No property rights in the trust
 14 shall exist in favor of the state. ~~Assets~~ ~~Such assets~~ of the trust,
 15 including the program fund, the administrative fund, and the expense
 16 fund, shall not be transferred or used by the state for any purposes
 17 other than the purposes of the trust.

18 Sec. 4. Original sections 85-1807 and 85-1813, Reissue Revised
 19 Statutes of Nebraska, are repealed.

20 2. On page 1, line 1, after the first semicolon insert "to amend
 21 sections 85-1807 and 85-1813, Reissue Revised Statutes of Nebraska;"; in
 22 line 3 strike the second "and"; and in line 4 after "enforcement" insert
 23 "; to change and eliminate provisions relating to the transfer and use of
 24 funds under the Nebraska educational savings plan trust; and to repeal
 25 the original sections".

LEGISLATIVE BILL 152. Placed on Select File.

LEGISLATIVE BILL 186. Placed on Select File with amendment.

ER23

1 1. On page 1, line 1, strike "notaries public" and insert
 2 "documents"; in line 2 strike "and 64-205" and insert "64-205, and
 3 86-611"; and in line 6 after the first semicolon insert "to provide
 4 duties relating to real estate documents;".

5 2. On page 17, line 10, strike "and 64-205" and insert "64-205, and 6 86-611".

LEGISLATIVE BILL 186A. Placed on Select File.

(Signed) Julie Slama, Chairperson

GENERAL FILE

LEGISLATIVE BILL 319. Title read. Considered.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 2 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 699. Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 8. Title read. Considered.

Committee AM33, found on page 484, was adopted with 34 ayes, 0 nays, 10 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.

LEGISLATIVE BILL 156. Title read. Considered.

Committee AM19, found on page 484, was adopted with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 301. Senator Lathrop asked unanimous consent to withdraw his amendment, AM257, found on page 494, and replace it with his substitute amendment, AM299. No objections. So ordered.

AM299

1 1. On page 19, line 31, strike "an amount", show as stricken, and
2 insert "amounts" and strike "amount per occurrence as", show as stricken,
3 and insert "amounts".

4 2. On page 20, line 1, strike "amount", show as stricken, and insert
5 "amounts"; in line 3 strike "amount", show as stricken, and insert
6 "amounts"; and in line 4 strike "greater", show as stricken, and insert
7 "less" and after "occurrence" insert "and three million dollars
8 aggregate".

The Lathrop amendment was adopted with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

Senator Lowe offered the following amendment:

AM165

- 1 1. Insert the following new section:
- 2 Sec. 80. Any appropriation and salary limit provided in any
- 3 legislative bill enacted by the One Hundred Sixth Legislature, First
- 4 Session, to Agency No. 23 — Department of Labor, in any of the following
- 5 program classifications, shall be null and void, and any such amounts are
- 6 hereby appropriated to Agency No. 21, State Fire Marshal, Program 230 —
- 7 Safety Inspection Program; Program No. 194, Division for Protection of
- 8 People and Property, Subprogram 009 — Conveyance; and Program No. 194,
- 9 Division for Protection of People and Property, Subprogram 010 — Boiler
- 10 Inspection. Any financial obligations of the Department of Labor that
- 11 remain unpaid as of June 30, 2019, and that are subsequently certified as
- 12 valid encumbrances to the accounting division of the Department of
- 13 Administrative Services pursuant to sections 81-138.01 to 81-138.04,
- 14 shall be paid by the State Fire Marshal, Program 230 — Safety Inspection
- 15 Program from the unexpended balance of appropriations existing in such
- 16 program classifications on June 30, 2019.
- 17 2. On page 47, line 27, strike "80" and insert "81".
- 18 3. Renumber the remaining sections accordingly.

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

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 359. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 306. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 122. ER15, found on page 468, was adopted.

Senator Crawford offered her amendment, AM247, found on page 487.

The Crawford amendment was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE RESOLUTION 1CA. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 71. Advanced to Enrollment and Review for Engrossment.

NOTICE OF COMMITTEE HEARING(S)

Agriculture

Room 1524

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

LB201

LB229

LB157

LB382

(Signed) Steve Halloran, Chairperson

COMMITTEE REPORT(S)

Agriculture

LEGISLATIVE BILL 660. Placed on General File.

(Signed) Steve Halloran, Chairperson

AMENDMENT(S) - Print in Journal

Senator La Grone filed the following amendment to LB294:

AM308

1 1. Strike original section 3.

2 2. Renumber the remaining sections accordingly.

Senator La Grone filed the following amendment to LB294:

AM309

1 1. Strike original section 4.

2 2. Renumber the remaining sections accordingly.

BILL ON FIRST READING

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

LEGISLATIVE BILL 25A. Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 25, One Hundred Sixth Legislature, First Session, 2019.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Blood name added to LB160.

Senator Hunt name added to LB230.

VISITOR(S)

Visitors to the Chamber were Judy Garlock and Tex Richters from Lincoln; former Senator Paul Hartnett from Bellevue, Joan Hartnett from Kansas City, and Debbie Burchard from Bellevue; Lillian Butler-Hale; students from Syracuse-Dunbar-Avoca High School; Aaron Nygren from Wahoo, Melissa Bartels from Lincoln, and Sandy Archuleta from Brainard; members of the Nebraska Association of County Extension Boards from across the state; and students, teachers, and sponsors from the Family and Consumer Sciences of Nebraska Legislative Workshop.

The Doctor of the Day was Dr. John R. Jacobsen from Kearney.

ADJOURNMENT

At 12:00 p.m., on a motion by Senator Erdman, the Legislature adjourned until 9:00 a.m., Thursday, February 14, 2019.

Patrick J. O'Donnell
Clerk of the Legislature

