

TWENTY-NINTH DAY - FEBRUARY 21, 2019**LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION****TWENTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, February 21, 2019

PRAYER

The prayer was offered by Pastor Stu Kerns, Zion Church, Lincoln.

ROLL CALL

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

The roll was called and all members were present except Senators Cavanaugh, Morfeld, and Vargas who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-eighth day was approved.

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 540:

Nebraska Natural Resources Commission
Don Kraus

Voting in the affirmative, 39:

Albrecht	DeBoer	Hansen, M.	Lathrop	Pansing Brooks
Arch	Dorn	Hilgers	Lindstrom	Quick
Blood	Friesen	Hilkemann	Linehan	Slama
Bolz	Geist	Hughes	Lowe	Stinner
Bostelman	Gragert	Hunt	McCollister	Walz
Brandt	Groene	Kolowski	McDonnell	Wayne
Brewer	Halloran	Kolterman	Moser	Williams
Chambers	Hansen, B.	La Grone	Murman	

Voting in the negative, 0.

Present and not voting, 7:

Briese	Crawford	Howard	Wishart
Clements	Erdman	Scheer	

Excused and not voting, 3:

Cavanaugh Morfeld Vargas

The appointment was confirmed with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 430. ER30, found on page 537, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 22. Considered.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 60. ER22, found on page 500, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 74. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 302. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 200. ER20, found on page 500, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 307. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 256. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 111. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 192. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 192A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 80. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 81. Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 48. Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 112. Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

NOTICE OF COMMITTEE HEARING(S)
Executive Board

Room 1525

Thursday, February 28, 2019 12:00 p.m.

LR16 (cancel)

(Signed) Mike Hilgers, Chairperson

General Affairs

Room 1510

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

LB137

LB149

LB397

LB734

Harry Hoch - Nebraska Liquor Control Commission

(Signed) Tom Briese, Chairperson

Agriculture

Room 1003

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

LB45
LB304
LB732

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

LB655
Dawn Caldwell - Nebraska State Fair Board
Chris Kircher - Nebraska State Fair Board

(Signed) Steve Halloran, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 309A. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 309, One Hundred Sixth Legislature, First Session, 2019.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 406. Placed on Select File with amendment.
ER28

- 1 1. On page 1, line 2, strike "69-1310,"; and in line 4 strike
- 2 "abandoned property reports,".

LEGISLATIVE BILL 159. Placed on Select File with amendment.
ER33

- 1 1. On page 3, line 9, strike "Supplement" and insert "supplement".
- 2 2. On page 15, line 24, strike "this" and insert "the".
- 3 3. On page 26, line 22, after "to" insert "the".
- 4 4. On page 28, line 20, strike the period and insert an underscored
- 5 semicolon.

LEGISLATIVE BILL 380. Placed on Select File with amendment.
ER32 is available in the Bill Room.

LEGISLATIVE BILL 469. Placed on Select File with amendment.

ER29

1 1. On page 1, strike beginning with "to" in line 4 through the first
2 semicolon in line 13 and insert "to define a term; to authorize domestic
3 surplus lines insurers as prescribed and change requirements for
4 nonadmitted insurers under the Surplus Lines Insurance Act; to eliminate
5 requirements for the adoption of certain rules and regulations and change
6 provisions relating to exemptions from policy form approval under the
7 Property and Casualty Insurance Rate and Form Act; to eliminate
8 provisions relating to employee benefit plans;".

LEGISLATIVE BILL 25. Placed on Select File.

LEGISLATIVE BILL 119. Placed on Select File with amendment.

ER31

1 1. On page 1, line 2, strike "and"; in line 3 after the comma insert
2 "and 71-7913,"; and in line 5 after the semicolon insert "to provide a
3 burden of proof relating to the protection of certain communications and
4 documents;".

LEGISLATIVE BILL 333. Placed on Select File.

LEGISLATIVE BILL 203. Placed on Select File.

LEGISLATIVE BILL 235. Placed on Select File.

LEGISLATIVE BILL 624. Placed on Select File with amendment.

ER34

1 1. On page 2, line 11, after "years" insert an underscored comma.

LEGISLATIVE BILL 4A. Placed on Select File.

LEGISLATIVE BILL 160. Placed on Select File with amendment.

ER35

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 18-2705, Revised Statutes Cumulative Supplement,
4 2018, is amended to read:
5 18-2705 (1) Economic development program means any project or
6 program utilizing funds derived from local sources of revenue for the
7 purpose of providing direct or indirect financial assistance to a
8 qualifying business or the payment of related costs and expenses or both,
9 without regard to whether that business is identified at the time the
10 project or program is initiated or is to be determined by specified means
11 at some time in the future.
12 (2) An economic development program may include, but shall not be
13 limited to, the following activities: Direct loans or grants to
14 qualifying businesses for fixed assets or working capital or both; loan
15 guarantees for qualifying businesses; grants for public works
16 improvements which are essential to the location or expansion of, or the

17 provision of new services by, a qualifying business; grants or loans to
 18 qualifying businesses for job training; the purchase of real estate,
 19 options for such purchases, and the renewal or extension of such options;
 20 grants or loans to qualifying businesses to provide relocation incentives
 21 for new residents; the issuance of bonds as provided for in the Local
 22 Option Municipal Economic Development Act; and payments for salaries and
 23 support of city staff to implement the economic development program or
 24 the contracting of such to an outside entity.

25 (3) For cities of the first class, cities of the ~~and~~ second class,
 26 and villages, an economic development program may also include grants or
 27 loans for the construction or rehabilitation for sale or lease of housing
 1 for persons of low or moderate income.

2 (4) For cities of the first class, cities of the ~~and~~ second class,
 3 and villages, an economic development program may also include grants,
 4 loans, or funds for rural infrastructure development as defined in
 5 section 66-2102.

6 (5) For cities of the first class, cities of the ~~and~~ second class,
 7 and villages, an economic development program may also include grants or
 8 loans for the construction or rehabilitation for sale or lease of housing
 9 as part of a workforce housing plan.

10 (6) For cities of the first class, cities of the second class, and
 11 villages, an economic development program may also include grants, loans,
 12 or funds for early childhood infrastructure development. For purposes of
 13 this subsection, early childhood infrastructure development means
 14 planning, financing, developing, acquiring, constructing, owning,
 15 operating, evaluating, or maintaining an early childhood education
 16 program of recognized quality or entering into any agreement with an
 17 existing early childhood education program to address early childhood
 18 education shortages that impair the ability of the city to attract new
 19 businesses or that impair the ability of existing businesses to recruit
 20 new employees.

21 (7) ~~(6)~~ An economic development program may be conducted jointly by
 22 two or more cities after the approval of the program by the voters of
 23 each participating city.

24 Sec. 2. Section 18-2709, Revised Statutes Cumulative Supplement,
 25 2018, is amended to read:

26 18-2709 (1) Qualifying business means any corporation, partnership,
 27 limited liability company, or sole proprietorship which derives its
 28 principal source of income from any of the following: The manufacture of
 29 articles of commerce; the conduct of research and development; the
 30 processing, storage, transport, or sale of goods or commodities which are
 31 sold or traded in interstate commerce; the sale of services in interstate
 1 commerce; headquarters facilities relating to eligible activities as
 2 listed in this section; telecommunications activities, including services
 3 providing advanced telecommunications capability; tourism-related
 4 activities; or the production of films, including feature, independent,
 5 and documentary films, commercials, and television programs.

6 (2) Qualifying business also means:

7 (a) In cities of the first class, cities of the ~~and~~ second class,

8 and villages, a business that derives its principal source of income from
9 the construction or rehabilitation of housing;
10 (b) In cities of the first class, cities of the second class, and
11 villages, a business that derives its principal source of income from
12 early childhood care and education programs;
13 (c) ~~(b)~~ A business that derives its principal source of income from
14 retail trade, except that no more than forty percent of the total revenue
15 generated pursuant to the Local Option Municipal Economic Development Act
16 for an economic development program in any twelve-month period and no
17 more than twenty percent of the total revenue generated pursuant to the
18 act for an economic development program in any five-year period,
19 commencing from the date of municipal approval of an economic development
20 program, shall be used by the city for or devoted to the use of retail
21 trade businesses. For purposes of this subdivision, retail trade means a
22 business which is principally engaged in the sale of goods or commodities
23 to ultimate consumers for their own use or consumption and not for
24 resale; and
25 (d) ~~(c)~~ In cities with a population of two thousand five hundred
26 inhabitants or less as determined by the most recent federal decennial
27 census or the most recent revised certified count by the United States
28 Bureau of the Census, a business shall be a qualifying business even
29 though it derives its principal source of income from activities other
30 than those set out in this section.
31 (3) If a business which would otherwise be a qualifying business
1 employs people and carries on activities in more than one city in
2 Nebraska or will do so at any time during the first year following its
3 application for participation in an economic development program, it
4 shall be a qualifying business only if, in each such city, it maintains
5 employment for the first two years following the date on which such
6 business begins operations in the city as a participant in its economic
7 development program at a level not less than its average employment in
8 such city over the twelve-month period preceding participation.
9 (4) A qualifying business need not be located within the territorial
10 boundaries of the city from which it is or will be receiving financial
11 assistance.
12 (5) Qualifying business does not include a political subdivision, a
13 state agency, or any other governmental entity, except as allowed for
14 cities of the first class, cities of the ~~and~~ second class, and villages
15 for rural infrastructure development as provided for in subsection (4) of
16 section 18-2705.
17 Sec. 3. Original sections 18-2705 and 18-2709, Revised Statutes
18 Cumulative Supplement, 2018, are repealed.
19 2. On page 1, line 4, strike "quality".

LEGISLATIVE BILL 195. Placed on Select File.

LEGISLATIVE BILL 124. Placed on Select File.

LEGISLATIVE BILL 127. Placed on Select File.

LEGISLATIVE BILL 139. Placed on Select File.

LEGISLATIVE BILL 319. Placed on Select File.

LEGISLATIVE BILL 699. Placed on Select File.

(Signed) Julie Slama, Chairperson

GENERAL FILE

LEGISLATIVE BILL 29. Title read. Considered.

Committee AM86, found on page 523, was offered.

Senator Kolterman offered his amendment, AM367, found on page 549, to the committee amendment.

The Kolterman amendment was adopted with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

The committee amendment, as amended, was adopted with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 575. Title read. Considered.

Committee AM175, found on page 534, was offered.

SPEAKER SCHEER PRESIDING

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

Senator Chambers moved for a call of the house. The motion prevailed with 16 ayes, 2 nays, and 31 not voting.

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

Voting in the affirmative, 44:

Albrecht	DeBoer	Hansen, M.	Lindstrom	Quick
Arch	Dorn	Hilgers	Linehan	Scheer
Blood	Erdman	Hilkemann	Lowe	Slama
Bolz	Friesen	Howard	McCollister	Stinner
Bostelman	Geist	Hughes	McDonnell	Vargas
Brandt	Gragert	Kolowski	Morfeld	Walz
Brewer	Groene	Kolterman	Moser	Williams
Briese	Halloran	La Grone	Murman	Wishart
Clements	Hansen, B.	Lathrop	Pansing Brooks	

Voting in the negative, 2:

Chambers Hunt

Present and not voting, 2:

Cavanaugh Crawford

Excused and not voting, 1:

Wayne

Advanced to Enrollment and Review Initial with 44 ayes, 2 nays, 2 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 125. Title read. Considered.

Senator Lathrop offered the following amendment:

FA13

Line 11 strike "one thousand five hundred" and insert "five thousand"

The Lathrop amendment was adopted with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

NOTICE OF COMMITTEE HEARING(S)
Nebraska Retirement Systems

Room 1507

Tuesday, March 19, 2019 5:00 p.m.

LB31

LB683

LB706

(Signed) Mark Kolterman, Chairperson

COMMITTEE REPORT(S)
Health and Human Services

LEGISLATIVE BILL 449. Placed on General File.

LEGISLATIVE BILL 590. Placed on General File with amendment.

AM330

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

2 sections:

3 Section 1. Section 43-2606, Revised Statutes Cumulative Supplement,
4 2018, is amended to read:

5 43-2606 (1) The Department of Health and Human Services shall adopt
6 and promulgate rules and regulations for mandatory training requirements
7 for providers of child care and school-age-care programs. Such
8 requirements shall include preservice orientation and at least four hours
9 of annual inservice training. All child care programs required to be
10 licensed under section 71-1911 shall show completion of a preservice
11 orientation approved or delivered by the department prior to receiving a
12 provisional license.

13 (2) Beginning January 1, 2020, for programs that report to the
14 Nebraska Early Childhood Professional Record System created under section
15 71-1962, the department shall use the Nebraska Early Childhood
16 Professional Record System to (a) document the training levels of staff
17 in specific child care settings to assist parents in selecting optimal
18 care settings and (b) verify minimum training requirements of employees
19 of such programs ~~The department shall initiate a system of documenting~~
20 ~~the training levels of staff in specific child care settings to assist~~
21 ~~parents in selecting optimal care settings.~~

22 (3) The training requirements shall be designed to meet the health,
23 safety, and developmental needs of children and shall be tailored to the
24 needs of licensed providers of child care programs. Preservice
25 orientation and the training requirements for providers of child care
26 programs shall include, but not be limited to, information on sudden
27 unexpected infant death syndrome, shaken baby syndrome, and child abuse.

1 (4) The department shall provide or arrange for training
2 opportunities throughout the state and shall provide information
3 regarding training opportunities to all providers of child care programs
4 at the time of registration or licensure, when renewing a registration,
5 or on a yearly basis following licensure.

6 (5) Each provider of child care and school-age-care programs
7 receiving orientation or training shall provide his or her social
8 security number to the department.

9 (6) The department shall review and provide recommendations to the
10 Governor for updating rules and regulations adopted and promulgated under
11 this section at least every five years.

12 Sec. 2. Original section 43-2606, Revised Statutes Cumulative
13 Supplement, 2018, is repealed.

(Signed) Sara Howard, Chairperson

Business and Labor

LEGISLATIVE BILL 400. Placed on General File.

LEGISLATIVE BILL 217. Placed on General File with amendment.
AM387

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

2 sections:

3 Section 1. Section 48-1114, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 48-1114 It shall be an unlawful employment practice for an employer
6 to discriminate against any of his or her employees or applicants for
7 employment, for an employment agency to discriminate against any
8 individual, or for a labor organization to discriminate against any
9 member thereof or applicant for membership, because he or she (1) has
10 opposed any practice made an unlawful employment practice by the Nebraska
11 Fair Employment Practice Act, (2) has made a charge, testified, assisted,
12 or participated in any manner in an investigation, proceeding, or hearing
13 under the act, ~~or~~ (3) has opposed any practice or refused to carry out
14 any action unlawful under federal law or the laws of this state, or (4)
15 has inquired about, discussed, or disclosed information regarding
16 employee compensation. This subdivision (4) shall not apply to instances
17 in which an employee who has authorized access to the information
18 regarding compensation of other employees as a part of such employee's
19 job functions discloses such information to a person who does not
20 otherwise have authorized access to such information, unless such
21 disclosure is in response to a charge or complaint or in furtherance of
22 an investigation, proceeding, hearing, or other action, including an
23 investigation conducted by the employer.

24 Sec. 2. Original section 48-1114, Reissue Revised Statutes of
25 Nebraska, is repealed.

(Signed) Matt Hansen, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 112A. Introduced by Howard, 9.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 112, One Hundred Sixth Legislature, First Session, 2019.

AMENDMENT(S) - Print in Journal

Senator Williams filed the following amendment to LB622:
AM406

(Amendments to E&R amendments, ER 24)

- 1 1. On page 5, lines 17, 20, 25, and 29, strike "exchange, or
2 release" and insert "or exchange"; and in line 19 strike "exchanged, or
3 released" and insert "or exchanged".
- 4 2. On page 12, line 15, after "77-2398" insert an underscored comma;
5 and in line 16 after "director" insert "acting for the benefit of the
6 governmental units having public money or public funds on deposit with
7 such bank, capital stock financial institution, or qualifying mutual

8 financial institution".

9 3. On page 13, line 7, strike "custodial officials", show as
10 stricken, and insert "the governmental units having public money or
11 public funds on deposit with such bank, capital stock financial
12 institution, or qualifying mutual financial institution".

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Wayne name added to LB137.

Senator Hilkemann name added to LB439.

Senator McDonnell name added to LB511.

Senator Moser name added to LB605.

Senator Hilkemann name added to LB643.

VISITOR(S)

Visitors to the Chamber were members of the Nebraska Petroleum Producers from across the state; and members from Preserve the Sandhills.

The Doctor of the Day was Dr. Michael Keralis from Lincoln.

ADJOURNMENT

At 11:42 a.m., on a motion by Senator Morfeld, the Legislature adjourned until 9:00 a.m., Friday, February 22, 2019.

Patrick J. O'Donnell
Clerk of the Legislature