

THIRTY-FIFTH DAY - MARCH 4, 2019**LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION****THIRTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, March 4, 2019

PRAYER

The prayer was offered by Pastor Paul Warneke, Zion Lutheran Church, Hastings.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Scheer presiding.

The roll was called and all members were present except Senators Hilgers, Hughes, and Lathrop who were excused; and Senators Cavanaugh, DeBoer, Friesen, Morfeld, Stinner, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-fourth day was approved.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LR26 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR26.

MOTION(S) - Confirmation Report(s)

Senator Briese moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 608:

Nebraska Commission on Problem Gambling
Todd Zohner

Voting in the affirmative, 33:

Albrecht	Crawford	Hansen, M.	Linehan	Quick
Arch	Dorn	Hilkemann	Lowe	Scheer
Bolz	Geist	Howard	McCollister	Slama
Brandt	Gragert	Hunt	McDonnell	Vargas
Brewer	Groene	Kolowski	Moser	Wishart
Briese	Halloran	Kolterman	Murman	
Clements	Hansen, B.	La Grone	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 7:

Blood	Chambers	Lindstrom	Williams
Bostelman	Erdman	Walz	

Excused and not voting, 9:

Cavanaugh	Friesen	Hughes	Morfeld	Wayne
DeBoer	Hilgers	Lathrop	Stinner	

The appointment was confirmed with 33 ayes, 0 nays, 7 present and not voting, and 9 excused and not voting.

Senator Howard moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 636:

Nebraska Rural Health Advisory Commission

Cherlyn Hunt
 Kyle Klammer
 Michael Allen Sitorius

Voting in the affirmative, 34:

Albrecht	Cavanaugh	Hansen, B.	Lowe	Scheer
Arch	Clements	Hilkemann	McCollister	Slama
Blood	Crawford	Howard	McDonnell	Vargas
Bostelman	Dorn	Hunt	Moser	Walz
Brandt	Geist	Kolowski	Murman	Williams
Brewer	Gragert	La Grone	Pansing Brooks	Wishart
Briese	Halloran	Linehan	Quick	

Voting in the negative, 0.

Present and not voting, 7:

Bolz	Erdman	Hansen, M.	Lindstrom
Chambers	Groene	Kolterman	

Excused and not voting, 8:

DeBoer	Hilgers	Lathrop	Stinner
Friesen	Hughes	Morfeld	Wayne

The appointments were confirmed with 34 ayes, 0 nays, 7 present and not voting, and 8 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 284. Title read. Considered.

Committee AM392, found on page 578, was offered.

Senator Linehan offered the following amendment to the committee amendment:

AM540

(Amendments to Standing Committee amendments, AM392)

1 1. On page 15, strike lines 17 through 24.

The Linehan amendment was adopted with 44 ayes, 0 nays, 2 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 43 ayes, 0 nays, 3 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 44 ayes, 0 nays, 2 present and not voting, and 3 excused and not voting.

NOTICE OF COMMITTEE HEARING(S)

Appropriations

Room 1524

Monday, March 18, 2019 1:30 p.m.

LB199

LB625

Agency 5 - Supreme Court

Agency 94 - Public Advocacy, Commission on

Agency 15 - Parole, Nebraska Board of

Agency 46 - Correctional Services, Department of

Agency 11 - Attorney General

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

LB292

Agency 13 - Education, Department of

Agency 32 - Educational Lands and Funds, Board of

Agency 69 - Arts Council, Nebraska

Agency 34 - Library Commission, Nebraska
Agency 47 - Educational Telecommunications Commission, Nebraska

Room 1003

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

LB678
Agency 71 - Nebraska Energy Office
Agency 33 - Game and Parks Commission
Agency 18 - Agriculture, Department of
Agency 29 - Natural Resources, Department of
Agency 84 - Environmental Quality, Department of

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

LB129
LB394
LB494
Agency 27 - Transportation, Department of
Agency 31 - Military Department
Agency 36 - Racing Commission, Nebraska State

(Signed) John Stinner, Chairperson

Government, Military and Veterans Affairs

Room 1507

Wednesday, March 13, 2019 1:30 p.m.

LB98
LB210
LB436
LR9

Thursday, March 14, 2019 1:30 p.m.

LB718
LB733
LB687

Friday, March 15, 2019 1:30 p.m.

LB704
LB709

(Signed) Tom Brewer, Chairperson

EXPLANATION(S) OF VOTE(S)

Had I been present, I would have voted "aye" on final passage of LBs 82e, 117, 190, 11, 32, 42, 56, 57, 61, 63e, 65, 70, 75, 78, 102, 115, 121, 193, 194, 196, 258e, 259e, 355, 71, 122e, 301e, 359, 7, 55, 146, 154, and 264.

(Signed) Justin Wayne

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Wayne has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

GENERAL FILE

LEGISLATIVE BILL 318. Senator Brewer withdrew his motion, MO20, found on page 693, to indefinitely postpone.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 443. Title read. Considered.

SENATOR WILLIAMS PRESIDING

Senator McCollister moved for a call of the house. The motion prevailed with 26 ayes, 4 nays, and 19 not voting.

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

Voting in the affirmative, 28:

Blood	DeBoer	Hunt	McDonnell	Walz
Bolz	Dorn	Kolowski	Morfeld	Wayne
Brandt	Gragert	Kolterman	Pansing Brooks	Williams
Cavanaugh	Hansen, M.	Lindstrom	Quick	Wishart
Chambers	Hilkemann	Linehan	Slama	
Crawford	Howard	McCollister	Vargas	

Voting in the negative, 11:

Albrecht	Briese	Geist	Moser
Bostelman	Clements	Halloran	Murman
Brewer	Erdman	Low	

Present and not voting, 3:

Arch Friesen Hansen, B.

Excused and not voting, 7:

Groene Hughes Lathrop Stinner
Hilgers La Grone Scheer

Advanced to Enrollment and Review Initial with 28 ayes, 11 nays, 3 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 627. Title read. Considered.

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 52. Placed on Final Reading.
LEGISLATIVE BILL 152. Placed on Final Reading.
LEGISLATIVE BILL 186. Placed on Final Reading.
LEGISLATIVE BILL 186A. Placed on Final Reading.
LEGISLATIVE BILL 214. Placed on Final Reading.
LEGISLATIVE BILL 223. Placed on Final Reading.
LEGISLATIVE BILL 442. Placed on Final Reading.
LEGISLATIVE BILL 536. Placed on Final Reading.

(Signed) Julie Slama, Chairperson

COMMITTEE REPORT(S)

Urban Affairs

LEGISLATIVE BILL 476. Placed on General File.

LEGISLATIVE BILL 68. Placed on General File with amendment.
AM334

1 1. Strike original sections 1, 2, 3, 4, 6, 7, 9, 10, 16, 17, 18, 19,
2 20, 21, 22, and 23.
3 2. Renumber the remaining sections and correct the repealer
4 accordingly.

LEGISLATIVE BILL 96. Placed on General File with amendment.
AM497

1 1. On page 2, line 28, after "village" insert ", except that such
2 code shall not apply to construction on a farm or for farm purposes".

LEGISLATIVE BILL 107. Placed on General File with amendment.

AM356

1 1. On page 5, line 19, after the period insert "The chairperson of
 2 the plumbing board shall also call a meeting of the plumbing board upon
 3 the written request of a license applicant, licensee, or another member
 4 of the plumbing board. Such meeting shall be held within four weeks of
 5 such written request.".

6 2. On page 7, line 24, after "trustees" insert ", except that such
 7 fees shall not exceed the costs of administering the licensing program".

LEGISLATIVE BILL 424. Placed on General File with amendment.

AM509

1 1. On page 3, lines 10 and 23, after "class" insert "or city of the
 2 primary class".

LEGISLATIVE BILL 445. Placed on General File with amendment.

AM520

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

2 sections:

3 Section 1. Section 18-1208, Reissue Revised Statutes of Nebraska, is
 4 amended to read:

5 18-1208 (1) Except as otherwise provided in this section, after July
 6 19, 2012, a municipality may impose a new occupation tax or increase the
 7 rate of an existing occupation tax, which new occupation tax or increased
 8 rate of an existing occupation tax is projected to generate annual
 9 occupation tax revenue in excess of the applicable amount listed in
 10 subsection (2) of this section, pursuant to section 14-109, 15-202,
 11 15-203, 16-205, or 17-525 if the question of whether to impose the tax or
 12 increase the rate of an existing occupation tax has been submitted at an
 13 election held within the municipality and in which all registered voters
 14 shall be entitled to vote on the question. The officials of the
 15 municipality shall order the submission of the question by submitting a
 16 certified copy of the resolution proposing the tax or tax rate increase
 17 to the election commissioner or county clerk at least fifty days before
 18 the election. The election shall be conducted in accordance with the
 19 Election Act. If a majority of the votes cast upon the question are in
 20 favor of the new tax or increased rate of an existing occupation tax,
 21 then the governing body of such municipality shall be empowered to impose
 22 the new tax or to impose the increased tax rate. If a majority of those
 23 voting on the question are opposed to the new tax or increased rate, then
 24 the governing body of the municipality shall not impose the new tax or
 25 increased rate but shall maintain any existing occupation tax at its
 26 current rate.

27 (2) The applicable amount of annual revenue for each new occupation

1 tax or annual revenue raised by the increased rate for an existing
 2 occupation tax for purposes of subsection (1) of this section is:

3 (a) For cities of the metropolitan class, six million dollars;

4 (b) For cities of the primary class, three million dollars;

5 (c) For cities of the first class, seven hundred thousand dollars;

6 and

7 (d) For cities of the second class and villages, three hundred
8 thousand dollars.

9 (3) After July 19, 2012, a municipality shall not be required to
10 submit the following questions to the registered voters:

11 (a) Whether to change the rate of an occupation tax imposed for a
12 specific project which does not provide for deposit of the tax proceeds
13 in the municipality's general fund; or

14 (b) Whether to terminate an occupation tax earlier than the
15 determinable termination date under the original question submitted to
16 the registered voters.

17 This subsection applies to occupation taxes imposed prior to, on, or
18 after July 19, 2012.

19 (4) The provisions of this section do not apply to an occupation tax
20 subject to section 86-704.

21 (5) No later than sixty days after the end of the fiscal year, each
22 municipality that imposes or increases any occupation tax as provided
23 under this section shall provide an annual report on the collection and
24 use of such occupation tax. The report shall be posted on the
25 municipality's public web site or made available for public inspection at
26 a location designated by the municipality. The report shall include, but
27 not be limited to:

28 (a) A list of all such occupation taxes collected by the
29 municipality;

30 (b) The amount generated annually by each such occupation tax;

31 (c) Whether funds generated by each such occupation tax are
1 deposited in the general fund, cash funds, or other funds of the
2 municipality;

3 (d) Whether any such occupation tax is dedicated for a specific
4 purpose, and if so, the amount dedicated for such purpose; and

5 (e) The scheduled or projected termination date, if any, of each
6 such occupation tax.

7 Sec. 2. Original section 18-1208, Reissue Revised Statutes of
8 Nebraska, is repealed.

LEGISLATIVE BILL 574. Placed on General File with amendment.
AM505

1 1. Insert the following new section:

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

(Signed) Justin Wayne, Chairperson

AMENDMENT(S) - Print in Journal

Senator Bolz filed the following amendment to LB332:
AM557

1 1. On page 12, line 3, strike "and" and show as stricken; and in
2 line 15 after "adult" insert "; and

3 (4) Who is a Nebraska resident, except that this shall not
4 disqualify a young adult who was a Nebraska resident but was placed
5 outside Nebraska pursuant to the Interstate Compact for the Placement of
6 Children".

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Pansing Brooks name added to LB15.
Senator Wishart name added to LB15.
Senator Cavanaugh name added to LB15.
Senator Blood name added to LB164.
Senator Cavanaugh name added to LB627.

VISITOR(S)

Visitors to the Chamber were Bailey Mooney from Bee; students and teachers from MontClair Elementary, Millard; and students from Westside Elementary, Norfolk.

ADJOURNMENT

At 11:56 a.m., on a motion by Senator Brandt, the Legislature adjourned until 9:00 a.m., Tuesday, March 5, 2019.

Patrick J. O'Donnell
Clerk of the Legislature

