

THIRTY-NINTH DAY - MARCH 12, 2019**LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION****THIRTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 12, 2019

PRAYER

The prayer was offered by Father James Netusil, Saint Francis Borgia Roman Catholic Church, Blair.

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 Senator Stinner who was excused; and Senators M. Hansen, Howard, McCollister, Morfeld, Vargas, Walz, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-eighth day was approved.

MESSAGE(S) FROM THE GOVERNOR

March 7, 2019

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 7, 11, 32, 42, 55, 56, 57, 61, 63e, 65, 70, 71, 75, 78, 82e, 102, 115, 117, 121, 122e, 146, 154, 190, 193, 194, 196, 258e, 259e, 264, 301e, 355, and 359 were received in my office on March 1, 2019.

These bills were signed and delivered to the Secretary of State on March 7, 2019.

Sincerely,
(Signed) Pete Ricketts
Governor

COMMITTEE REPORT(S)

Judiciary

The Judiciary Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Shawn Eatherton - Crime Victim's Reparations Committee
Thomas Parker - Crime Victim's Reparations Committee
Michelle Schindler - Crime Victim's Reparations Committee

Aye: 6 Brandt, DeBoer, Lathrop, Morfeld, Slama, Wayne. Nay: 0. Absent: 2
Chambers, Pansing Brooks. Present and not voting: 0.

(Signed) Steve Lathrop, Chairperson

COMMITTEE REPORT(S)

Judiciary

LEGISLATIVE BILL 396. Placed on General File.
LEGISLATIVE BILL 457. Placed on General File.
LEGISLATIVE BILL 514. Placed on General File.

(Signed) Steve Lathrop, Chairperson

NOTICE OF COMMITTEE HEARING(S)

Government, Military and Veterans Affairs

Room 1507

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

LB581
LB717

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

Richard Grauerholz - State Emergency Response Commission
Tim Hofbauer - State Emergency Response Commission
Trent D. Kleinow - State Emergency Response Commission

(Signed) Tom Brewer, Chairperson

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Pansing Brooks 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.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 35, 36, 37, and 38 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 35, 36, 37, and 38.

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 721:

Nebraska Natural Resources Commission
Mark Czaplewski

Voting in the affirmative, 30:

Albrecht	DeBoer	Halloran	Kolterman	Murman
Bostelman	Dorn	Hansen, B.	La Grone	Pansing Brooks
Brewer	Friesen	Hilgers	Lathrop	Quick
Cavanaugh	Geist	Hilkemann	Lindstrom	Scheer
Chambers	Gragert	Hughes	Linehan	Slama
Crawford	Groene	Kolowski	McDonnell	Williams

Voting in the negative, 0.

Present and not voting, 11:

Arch	Brandt	Erdman	Moser
Blood	Briese	Hunt	Wayne
Bolz	Clements	Low	

Excused and not voting, 8:

Hansen, M.	McCollister	Stinner	Walz
Howard	Morfeld	Vargas	Wishart

The appointment was confirmed with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

Senator Hughes moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 721:

Nebraska Natural Resources Commission
Donald P. Batie

Voting in the affirmative, 31:

Albrecht	DeBoer	Hansen, B.	Lathrop	Scheer
Bolz	Dorn	Hilgers	Lindstrom	Slama
Bostelman	Friesen	Hilkemann	Linehan	Williams
Cavanaugh	Geist	Hughes	McDonnell	
Chambers	Gragert	Kolowski	Murman	
Clements	Groene	Kolterman	Pansing Brooks	
Crawford	Halloran	La Grone	Quick	

Voting in the negative, 0.

Present and not voting, 10:

Arch	Brandt	Briese	Hunt	Moser
Blood	Brewer	Erdman	Lowe	Wayne

Excused and not voting, 8:

Hansen, M.	McCollister	Stinner	Walz
Howard	Morfeld	Vargas	Wishart

The appointment was confirmed with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 463. Title read. Considered.

Senator Williams offered his amendment, AM553, found on page 774.

The Williams amendment was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

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

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 354. Placed on Select File with amendment. ER46 is available in the Bill Room.

LEGISLATIVE BILL 354A. Placed on Select File.

LEGISLATIVE BILL 449. Placed on Select File with amendment. ER47

1 1. On page 1, strike beginning with "Cosmetology" in line 1 through 2 line 5 and insert "Uniform Credentialing Act; to amend sections 38-178,

3 38-180, and 38-2894, Reissue Revised Statutes of Nebraska, and section
 4 38-1001, Revised Statutes Cumulative Supplement, 2018; to provide for
 5 disciplinary action for performing scleral tattooing and prohibit such
 6 practice as prescribed; to define a term; to provide for civil penalties;
 7 to harmonize provisions; and to repeal the original sections.".

(Signed) Julie Slama, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 16. Placed on Final Reading.

LEGISLATIVE BILL 29. Placed on Final Reading.

LEGISLATIVE BILL 48. Placed on Final Reading.

LEGISLATIVE BILL 112. Placed on Final Reading.

ST10

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, lines 3 and 4, "38-129.01, and 38-131" has been struck and "and 38-129.01" inserted.

LEGISLATIVE BILL 112A. Placed on Final Reading.

LEGISLATIVE BILL 116. Placed on Final Reading.

ST11

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 6, line 21, "simultaneous" has been struck and "simultaneously" inserted.

LEGISLATIVE BILL 125. Placed on Final Reading.

LEGISLATIVE BILL 145. Placed on Final Reading.

LEGISLATIVE BILL 224. Placed on Final Reading.

LEGISLATIVE BILL 254. Placed on Final Reading.

LEGISLATIVE BILL 384. Placed on Final Reading.

LEGISLATIVE BILL 486. Placed on Final Reading.

LEGISLATIVE BILL 575. Placed on Final Reading.

LEGISLATIVE BILL 660. Placed on Final Reading.

LEGISLATIVE BILL 660A. Placed on Final Reading.

(Signed) Julie Slama, Chairperson

SELECT FILE

LEGISLATIVE BILL 399. Senator Slama offered her amendment, AM617, found on page 775.

SENATOR HUGHES PRESIDING

SPEAKER SCHEER PRESIDING**SENATOR WILLIAMS PRESIDING**

Senator Slama offered the following motion:

MO22

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Slama moved for a call of the house. The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

Senator Slama requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 40:

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

Voting in the negative, 3:

Chambers	Hansen, M.	Hunt
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Present and not voting, 4:

Cavanaugh	Howard	Kolowski	Wayne
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Excused and not voting, 2:

Morfeld	Stinner
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The Slama motion to invoke cloture prevailed with 40 ayes, 3 nays, 4 present and not voting, and 2 excused and not voting.

Senator Chambers requested a record vote on the Slama amendment

Voting in the affirmative, 42:

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

Voting in the negative, 0.

Present and not voting, 5:

Chambers	Howard	Hunt	Kolowski	Wayne
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Excused and not voting, 2:

Morfeld	Stinner
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The Slama amendment was adopted with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

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

Voting in the affirmative, 40:

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

Voting in the negative, 2:

Chambers	Hunt
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Present and not voting, 5:

Cavanaugh	Howard	Kolowski	Vargas	Wayne
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Excused and not voting, 2:

Morfeld	Stinner
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Advanced to Enrollment and Review for Engrossment with 40 ayes, 2 nays,

5 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 284. Placed on Final Reading.

(Signed) Julie Slama, Chairperson

COMMITTEE REPORT(S)
Health and Human Services

LEGISLATIVE BILL 248. Placed on General File.

LEGISLATIVE BILL 556. Placed on General File with amendment. AM383 is available in the Bill Room.

LEGISLATIVE BILL 570. Placed on General File with amendment. AM470

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

2 Sec. 2. Section 81-6,122, Revised Statutes Cumulative Supplement,

3 2018, is amended to read:

4 81-6,122 (1) The Department of Health and Human Services, the
5 Governor's Policy Research Office, the Department of Correctional
6 Services, the Department of Economic Development, the Department of
7 Labor, the Department of Transportation, the State Department of
8 Education, and the office of the state long-term care ombudsman shall

9 develop a comprehensive strategic plan for providing services to
10 qualified persons with disabilities in the most integrated community-
11 based settings pursuant to the Olmstead decision.

12 (2) The Director of Behavioral Health of the Division of Behavioral
13 Health of the Department of Health and Human Services, the Director of
14 Children and Family Services of the Division of Children and Family
15 Services of the Department of Health and Human Services, the Director of
16 Developmental Disabilities of the Division of Developmental Disabilities
17 of the Department of Health and Human Services, the Director of Medicaid
18 and Long-Term Care of the Division of Medicaid and Long-Term Care of the
19 Department of Health and Human Services, the Director of Public Health of
20 the Division of Public Health of the Department of Health and Human
21 Services, the Director of Correctional Services, the Director of Economic
22 Development, the Commissioner of Labor, the Director-State Engineer, the
23 Commissioner of Education, and the state long-term care ombudsman
24 department shall (a) convene as a team to:

25 (a) Develop the strategic plan described in subsection (1) of this
26 section;

27 (b) Appoint consisting of persons from each of the six divisions of
1 the department to assess components of the strategic plan which may be in
2 development; (b) consult with other state agencies that administer

3 ~~programs serving persons with disabilities; (c) appoint~~ and convene a
4 stakeholder advisory committee to assist in the review and development of
5 the strategic plan, such committee members to include a representative
6 from the State Advisory Committee on Mental Health Services, the Advisory
7 Committee on Developmental Disabilities, the Nebraska Statewide
8 Independent Living Council, the Nebraska Planning Council on
9 Developmental Disabilities, the Division of Rehabilitation Services in
10 the State Department of Education, the Commission for the Deaf and Hard
11 of Hearing, the Commission for the Blind and Visually Impaired, a housing
12 authority in a city of the first or second class and a housing authority
13 in a city of the primary or metropolitan class, the Assistive Technology
14 Partnership, the protection and advocacy system for Nebraska, an
15 assisted-living organization, the behavioral health regions, mental
16 health practitioners, developmental disability service providers, an
17 organization that advocates for persons with developmental disabilities,
18 an organization that advocates for persons with mental illness, an
19 organization that advocates for persons with brain injuries, and an area
20 agency on aging, and including two persons with disabilities representing
21 self-advocacy organizations, and, at the department's discretion, other
22 persons with expertise in programs serving persons with disabilities;
23 ~~(c) Arrange (d) determine the need for consultation with an~~
24 independent a consultant to assist with the continued analysis and
25 revision development of the strategic plan and determine whether the
26 benchmarks, deadlines, and timeframes are in substantial compliance with
27 the strategic plan;
28 (d) Provide continuing analysis of the strategic plan and a report
29 on the progress of the strategic plan and changes or revisions to the
30 Legislature by December 15, 2021, and every three years thereafter; and
31 ~~(e) Provide provide a preliminary progress report to the Legislature~~
1 ~~and the Governor by December 15, 2016, which includes, but is not limited~~
2 ~~to, (i) the components of the strategic plan which may be in development~~
3 ~~and (ii) the department's recommendation on hiring a consultant; (f)~~
4 ~~provide a second progress report to the Legislature and the Governor by~~
5 ~~December 15, 2017; and (g) provide the completed strategic plan to the~~
6 ~~Legislature and the Governor by June 30, 2019 December 15, 2018.~~
7 ~~(3) The reports and completed plan shall be submitted electronically~~
8 ~~to the Legislature.~~

LEGISLATIVE BILL 571. Placed on General File with amendment.
AM609

1 1. Strike original section 2 and insert the following new section:
2 Sec. 2. (1) For purposes of this section:
3 (a) Grievance means a written expression of dissatisfaction that may
4 or may not be the result of an unresolved complaint; and
5 (b) Grievance procedure means the written policy of an assisted-
6 living facility for addressing a grievance from an individual including
7 an employee or resident.
8 (2) Each assisted-living facility shall, on or before January 1,
9 2020, provide to the department the grievance procedure provided to an
10 applicant for admission to the assisted-living facility. When such

11 grievance procedure is modified, updated, or otherwise changed, the new
 12 grievance procedure shall be provided to the department within seven
 13 business days after such new grievance procedure takes effect. The
 14 department shall make such grievance procedure available to the deputy
 15 public counsel for institutions.

(Signed) Sara Howard, Chairperson

Executive Board

LEGISLATIVE BILL 561. Placed on General File.

(Signed) Mike Hilgers, Chairperson

ANNOUNCEMENT(S)

Priority designation(s) received:

Cavanaugh - LB311

AMENDMENT(S) - Print in Journal

Senator Chambers filed the following amendment to LB399:

FA21

Amend ER43

Page 3, strike all language in lines 11-21 and insert:

Between the commencement of eighth grade and completion of twelfth grade, attendance at or participation in a meeting of a public body as defined in section 84-1409 followed by the completion of a project or written report whereby each student demonstrates or discusses the personal learning experience of such student relative to such attendance or participation; or (iii) Between the commencement of eighth grade and the completion of twelfth grade, completion of a project or a written report and a class presentation about a person or persons or an event commemorated by a holiday noted in subdivision (6) of this section or on a topic related to such person or persons or event; and.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Wayne name added to LB15.

Senator Albrecht name added to LB15.

Senator Lathrop name added to LB15.

Senator DeBoer name added to LB15.

Senator Wishart name added to LB605.

Senator Slama name added to LB640.

VISITOR(S)

Visitors to the Chamber were students and teachers from Madison High School; Robert Daro from David City and David Daro from Omaha; students from Cottonwood Elementary, Millard; students, teachers, and sponsors from St. Bernard Catholic School, Omaha; students and teachers from the Omaha Education Association; members from Leadership Kearney; Holly and Avery Clark from Blaine, MN, Julie Ann Hoffman from Sulphur, OK, and Leah Byelick and Allory Grace Arnold from Lincoln; members of Girl Scouts Spirit of Nebraska from Omaha, Fremont, and Lincoln; and students and teacher from Central Valley High School, Greeley.

The Doctor of the Day was Dr. Josue Gutierrez from Lincoln.

ADJOURNMENT

At 12:07 p.m., on a motion by Senator Gragert, the Legislature adjourned until 9:00 a.m., Wednesday, March 13, 2019.

Patrick J. O'Donnell
Clerk of the Legislature

