

FORTIETH DAY - MARCH 13, 2019

LEGISLATIVE JOURNAL

**ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION**

FORTIETH DAY

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

PRAYER

The prayer was offered by Pastor Tom Starkjohn, Louisville Evangelical Free Church.

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 Chambers, Howard, Lindstrom, Linehan, Morfeld, Pansing Brooks, Stinner, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-ninth day was approved.

MESSAGE(S) FROM THE GOVERNOR

March 12, 2019

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 22, 25, 25A, 52, 60, 74, 80, 81, 103e, 111, 119, 152, 159e, 185, 192, 192A, 200, 203, 214, 223, 235, 256e, 307, 333, 372, 380, 406e, 442, 469, 536, 622, and 624 were received in my office on March 7, 2019.

These bills were signed and delivered to the Secretary of State on March 12, 2019.

Sincerely,
(Signed) Pete Ricketts
Governor

MESSAGE(S) FROM THE GOVERNOR

March 8, 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 individual is being reappointed to the State Personnel Board:

Christopher Waddle, 735 N. Derby Avenue, Grand Island, NE 68802

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

March 8, 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 appointed to the Commission for the Deaf and Hard of Hearing:

Sandra Shaw, 312 E. Maple Street, Seward, NE 68434
Frances Beurivage, 3726 Washington Street, Lincoln, NE 68506

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

Sincerely,

(Signed) Pete Ricketts
Governor

Enclosures

March 8, 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 Commission on Problem Gambling:

Susan Lutz, 2101 W. Eisenhower Avenue, Norfolk, NE 68701
James Patterson, 1102 Overland Trail, Papillion, NE 68046

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

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Lowe 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.

COMMITTEE REPORT(S)

Government, Military and Veterans Affairs

LEGISLATIVE BILL 375. Placed on General File.
LEGISLATIVE BILL 452. Placed on General File.
LEGISLATIVE BILL 524. Placed on General File.
LEGISLATIVE BILL 525. Placed on General File.
LEGISLATIVE BILL 583. Placed on General File.
LEGISLATIVE BILL 609. Placed on General File.

LEGISLATIVE BILL 511. Placed on General File with amendment.
AM672 is available in the Bill Room.

(Signed) Tom Brewer, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 463. Placed on Select File.

(Signed) Julie Slama, Chairperson

SELECT FILE

LEGISLATIVE BILL 309. Senator La Grone reoffered his amendment, AM471, found on page 612 and considered on page 629.

Senator La Grone withdrew his amendment, AM477, found on page 613.

Senator La Grone moved for a call of the house. The motion prevailed with 17 ayes, 2 nays, and 30 not voting.

Senator La Grone requested a roll call vote on his amendment, AM471.

Voting in the affirmative, 13:

Briese	Erdman	Hansen, B.	La Grone	Murman
Clements	Groene	Hilgers	Lowe	
Dorn	Halloran	Hughes	Moser	

Voting in the negative, 27:

Albrecht	Brewer	Hilkemann	McDonnell	Walz
Arch	Cavanaugh	Hunt	Pansing Brooks	Williams
Blood	Crawford	Kolowski	Quick	Wishart
Bolz	DeBoer	Kolterman	Scheer	
Bostelman	Gragert	Lathrop	Slama	
Brandt	Hansen, M.	McCollister	Vargas	

Present and not voting, 2:

Friesen	Geist
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Excused and not voting, 7:

Chambers	Lindstrom	Morfeld	Wayne
Howard	Linehan	Stinner	

The La Grone amendment lost with 13 ayes, 27 nays, 2 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator Lathrop offered the following amendment:

AM706

1 1. On page 2, line 28, strike "In", show as stricken, and insert
2 "Until July 1, 2021, in", strike "seventeen", and reinstate the stricken
3 matter; in line 29 after the period insert "Beginning July 1, 2021, in
4 the fourth judicial district there shall be seventeen judges of the
5 district court." and insert paragraphing.

The Lathrop amendment was adopted with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment

LEGISLATIVE BILL 309A. Senator Lathrop offered the following motion:

MO23

Indefinitely postpone.

The Lathrop motion to indefinitely postpone prevailed with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

COMMITTEE REPORT(S)
Nebraska Retirement Systems

LEGISLATIVE BILL 34. Placed on General File with amendment.
AM591 is available in the Bill Room.

(Signed) Mark Kolterman, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 399. Placed on Final Reading.

(Signed) Julie Slama, Chairperson

NOTICE OF COMMITTEE HEARING(S)
Education

Room 1525

Monday, March 25, 2019 1:30 p.m.

Patricia Kircher - Nebraska Educational Telecommunications Commission
Paul Turman - Nebraska Educational Telecommunications Commission
Greg Adams - Nebraska Educational Telecommunications Commission
LB676
LB725
LB488

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

John Chaney - Board of Trustees of the Nebraska State Colleges
Robert Engles - Board of Trustees of the Nebraska State Colleges
Dwayne B. Probyn - Board of Educational Lands and Funds
LB358
LB656
LB588

(Signed) Mike Groene, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 41. Introduced by Briese, 41.

WHEREAS, the Plainview High School wrestling team won the 2019 Class D State Wrestling Championship; and

WHEREAS, sophomore Eli Lanham won the 106-pound division title and junior Nate Christensen won the 126-pound division title; and

WHEREAS, this was the first State Wrestling team title for the Plainview Pirates wrestling team; and

WHEREAS, the Plainview Pirates wrestling team also won the 2019 Class D State Dual Championship; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Plainview High School wrestling team on its state wrestling championship.

2. That copies of this resolution be sent to Plainview High School and Coach Dean Boyer.

Laid over.

NOTICE OF COMMITTEE HEARING(S)

Revenue

Room 1524

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

LB560
LB623
LB542
LB605

Wednesday, March 27, 2019 1:30 p.m.

LB429
LB601
LB440
LB97
LB338

(Signed) Lou Ann Linehan, Chairperson

GENERAL FILE

LEGISLATIVE BILL 590. Title read. Considered.

Committee AM330, found on page 559, was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 400. Title read. Considered.

SENATOR HILGERS PRESIDING

Pending.

COMMITTEE REPORT(S)

Revenue

LEGISLATIVE BILL 76. Placed on General File.

LEGISLATIVE BILL 236. Placed on General File.

LEGISLATIVE BILL 266. Placed on General File.

LEGISLATIVE BILL 218. Placed on General File with amendment.
AM536

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

2 sections:

3 Section 1. Section 77-103, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 77-103 Real property shall mean:

6 (1) All land;

7 (2) All buildings, improvements, and fixtures, except trade

8 fixtures;

9 (3) All electric generation, transmission, distribution, and street

10 lighting structures or facilities owned by a political subdivision of the

11 state or the public power industry as defined in section 70-601;

12 (4) ~~(3)~~ Mobile homes, cabin trailers, and similar property, not

13 registered for highway use, which are used, or designed to be used, for

14 residential, office, commercial, agricultural, or other similar purposes,

15 but not including mobile homes, cabin trailers, and similar property when
16 unoccupied and held for sale by persons engaged in the business of
17 selling such property when such property is at the location of the
18 business;

19 ~~(5)~~ ~~(4)~~ Mines, minerals, quarries, mineral springs and wells, oil
20 and gas wells, overriding royalty interests, and production payments with
21 respect to oil or gas leases; and

22 ~~(6)~~ ~~(5)~~ All privileges pertaining to real property described in
23 subdivisions (1) through ~~(5)~~ ~~(4)~~ of this section.

24 Sec. 2. Section 77-117, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 77-117 Improvements on leased land shall mean any item of real
27 property defined in subdivisions (2) through ~~(5)~~ ~~(4)~~ of section 77-103
1 which is located on land owned by a person other than the owner of the
2 item.

3 Sec. 3. Section 77-2701.16, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 77-2701.16 (1) Gross receipts means the total amount of the sale or
6 lease or rental price, as the case may be, of the retail sales of
7 retailers.

8 (2) Gross receipts of every person engaged as a public utility
9 specified in this subsection, as a community antenna television service
10 operator, or as a satellite service operator or any person involved in
11 connecting and installing services defined in subdivision (2)(a), (b), or
12 (d) of this section means:

13 (a)(i) In the furnishing of telephone communication service, other
14 than mobile telecommunications service as described in section
15 77-2703.04, the gross income received from furnishing ancillary services,
16 except for conference bridging services, and intrastate
17 telecommunications services, except for value-added, nonvoice data
18 service.

19 (ii) In the furnishing of mobile telecommunications service as
20 described in section 77-2703.04, the gross income received from
21 furnishing mobile telecommunications service that originates and
22 terminates in the same state to a customer with a place of primary use in
23 Nebraska;

24 (b) In the furnishing of telegraph service, the gross income
25 received from the furnishing of intrastate telegraph services;

26 (c)(i) In the furnishing of gas, sewer, water, and electricity
27 service, other than electricity service to a customer-generator as
28 defined in section 70-2002, the gross income received from the furnishing
29 of such services upon billings or statements rendered to consumers for
30 such utility services.

31 (ii) In the furnishing of electricity service to a customer-
1 generator as defined in section 70-2002, the net energy use upon billings
2 or statements rendered to customer-generators for such electricity
3 service;

4 (d) In the furnishing of community antenna television service or
5 satellite service, the gross income received from the furnishing of such

6 community antenna television service as regulated under sections 18-2201
7 to 18-2205 or 23-383 to 23-388 or satellite service; and

8 (e) The gross income received from the provision, installation,
9 construction, servicing, or removal of property used in conjunction with
10 the furnishing, installing, or connecting of any public utility services
11 specified in subdivision (2)(a) or (b) of this section or community
12 antenna television service or satellite service specified in subdivision
13 (2)(d) of this section, except when acting as a subcontractor for a
14 public utility, this subdivision does not apply to the gross income
15 received by a contractor electing to be treated as a consumer of building
16 materials under subdivision (2) or (3) of section 77-2701.10 for any such
17 services performed on the customer's side of the utility demarcation
18 point. This subdivision also does not apply to the gross income received
19 by a political subdivision of the state or the public power industry as
20 defined in section 70-601 for the lease or use of electric generation,
21 transmission, distribution, or street lighting structures or facilities
22 owned by a political subdivision of the state or the public power
23 industry.

24 (3) Gross receipts of every person engaged in selling, leasing, or
25 otherwise providing intellectual or entertainment property means:

26 (a) In the furnishing of computer software, the gross income
27 received, including the charges for coding, punching, or otherwise
28 producing any computer software and the charges for the tapes, disks,
29 punched cards, or other properties furnished by the seller; and

30 (b) In the furnishing of videotapes, movie film, satellite
31 programming, satellite programming service, and satellite television
1 signal descrambling or decoding devices, the gross income received from
2 the license, franchise, or other method establishing the charge.

3 (4) Gross receipts for providing a service means:

4 (a) The gross income received for building cleaning and maintenance,
5 pest control, and security;

6 (b) The gross income received for motor vehicle washing, waxing,
7 towing, and painting;

8 (c) The gross income received for computer software training;

9 (d) The gross income received for installing and applying tangible
10 personal property if the sale of the property is subject to tax. If any
11 or all of the charge for installation is free to the customer and is paid
12 by a third-party service provider to the installer, any tax due on that
13 part of the activation commission, finder's fee, installation charge, or
14 similar payment made by the third-party service provider shall be paid
15 and remitted by the third-party service provider;

16 (e) The gross income received for services of recreational vehicle
17 parks;

18 (f) The gross income received for labor for repair or maintenance
19 services performed with regard to tangible personal property the sale of
20 which would be subject to sales and use taxes, excluding motor vehicles,
21 except as otherwise provided in section 77-2704.26 or 77-2704.50;

22 (g) The gross income received for animal specialty services except
23 (i) veterinary services, (ii) specialty services performed on livestock

24 as defined in section 54-183, and (iii) animal grooming performed by a
25 licensed veterinarian or a licensed veterinary technician in conjunction
26 with medical treatment; and

27 (h) The gross income received for detective services.

28 (5) Gross receipts includes the sale of admissions. When an
29 admission to an activity or a membership constituting an admission is
30 combined with the solicitation of a contribution, the portion or the
31 amount charged representing the fair market price of the admission shall
1 be considered a retail sale subject to the tax imposed by section
2 77-2703. The organization conducting the activity shall determine the
3 amount properly attributable to the purchase of the privilege, benefit,
4 or other consideration in advance, and such amount shall be clearly
5 indicated on any ticket, receipt, or other evidence issued in connection
6 with the payment.

7 (6) Gross receipts includes the sale of live plants incorporated
8 into real estate except when such incorporation is incidental to the
9 transfer of an improvement upon real estate or the real estate.

10 (7) Gross receipts includes the sale of any building materials
11 annexed to real estate by a person electing to be taxed as a retailer
12 pursuant to subdivision (1) of section 77-2701.10.

13 (8) Gross receipts includes the sale of and recharge of prepaid
14 calling service and prepaid wireless calling service.

15 (9) Gross receipts includes the retail sale of digital audio works,
16 digital audiovisual works, digital codes, and digital books delivered
17 electronically if the products are taxable when delivered on tangible
18 storage media. A sale includes the transfer of a permanent right of use,
19 the transfer of a right of use that terminates on some condition, and the
20 transfer of a right of use conditioned upon the receipt of continued
21 payments.

22 (10) Gross receipts does not include:

23 (a) The amount of any rebate granted by a motor vehicle or motorboat
24 manufacturer or dealer at the time of sale of the motor vehicle or
25 motorboat, which rebate functions as a discount from the sales price of
26 the motor vehicle or motorboat; or

27 (b) The price of property or services returned or rejected by
28 customers when the full sales price is refunded either in cash or credit.

29 Sec. 4. This act becomes operative on July 1, 2019.

30 Sec. 5. Original sections 77-103, 77-117, and 77-2701.16, Reissue
31 Revised Statutes of Nebraska, are repealed.

1 Sec. 6. Since an emergency exists, this act takes effect when
2 passed and approved according to law.

(Signed) Lou Ann Linehan, Chairperson

General Affairs

LEGISLATIVE BILL 734. Placed on General File with amendment.
AM545

1 1. On page 2, line 12; page 4, lines 9, 24, 28, and 30; page 5,

2 lines 1, 4, 15, and 18; page 8, line 5; page 9, line 23; and page 11,
3 line 23, after "charter" insert "or special party".

(Signed) Tom Briese, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 42. Introduced by Lathrop, 12;
McDonnell, 5; Quick, 35.

WHEREAS, Brian Saathoff was born in Omaha and graduated from Thomas Jefferson High School in Council Bluffs, Iowa; and

WHEREAS, Brian protected lives and property as a volunteer firefighter in Carter Lake and Waterloo, Iowa, in addition to joining the Ralston Volunteer Fire Department in 2008; and

WHEREAS, Brian held the offices of Vice President and Training Captain during his service with the Ralston Volunteer Fire Department and was a member of the Nebraska State Volunteer Firefighters Association; and

WHEREAS, Brian was a Nuclear Security Sergeant with the Omaha Public Power District at Fort Calhoun; and

WHEREAS, as a member of the International Brotherhood of Electric Workers Local 1483, Brian served on the union's executive board; and

WHEREAS, Brian passed away suddenly on February 4, 2019, at the age of 39; and

WHEREAS, Brian Saathoff is survived by his wife, Tara; children, Johnathen Thomsen (Indi), Nate Thomsen (Kala), Anthony Thomsen (Tess), Natashia Thomsen (Josiah); parents, J. Lynn and Valerie Saathoff; brother, Doug Saathoff; sister, Maureen Workman; mother-in-law, Barbara Grosvenor; five grandchildren and many other family and friends; and

WHEREAS, Brian continues to help others as an organ donor.

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

1. That the Legislature recognizes the impact Brian Saathoff had on his community and the significance of his organ donation to others.

2. That the Legislature extends its sympathy and condolences to the family and friends of Brian Saathoff.

3. That a copy of this resolution be sent to the family of Brian Saathoff and the Ralston Volunteer Fire Department.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 400. Senator Halloran offered the following amendment:

AM578

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

2 Section 1. Section 48-1203, Revised Statutes Cumulative Supplement,

3 2018, is amended to read:

4 48-1203 (1) Except as otherwise provided in this section and section
5 48-1203.01, every employer shall pay to each of his or her employees a
6 minimum wage of:

7 (a) Seven dollars and twenty-five cents per hour through December
8 31, 2014;

9 (b) Eight dollars per hour on and after January 1, 2015, through
10 December 31, 2015; and

11 (c) Nine dollars per hour on and after January 1, 2016.

12 (2) For persons compensated by way of gratuities such as waitresses,
13 waiters, hotel bellhops, porters, and shoeshine persons, the employer
14 shall pay wages at the minimum rate of two dollars and ~~twelve~~ ~~thirteen~~
15 cents per hour, plus all gratuities given to them for services rendered.
16 The sum of wages and gratuities received by each person compensated by
17 way of gratuities shall equal or exceed the minimum wage rate provided in
18 subsection (1) of this section. In determining whether or not the
19 individual is compensated by way of gratuities, the burden of proof shall
20 be upon the employer.

21 (3) Any employer employing student-learners as part of a bona fide
22 vocational training program shall pay such student-learners' wages at a
23 rate of at least seventy-five percent of the minimum wage rate which
24 would otherwise be applicable.

Senator Wishart offered the following amendment to the Halloran
amendment:

FA22

Amend AM578

On line 14, strike "two dollars and twelve" and insert "four dollars and
fifty".

Pending.

COMMITTEE REPORT(S)
Banking, Commerce and Insurance

LEGISLATIVE BILL 15. Placed on General File with amendment.
AM410

1 1. On page 3, line 2, after "diagnosed" insert "by an
2 otolaryngologist with an auditory assessment completed"; and in line 13
3 after "audiologist" insert "with the medical clearance from an
4 otolaryngologist".

LEGISLATIVE BILL 619. Placed on General File with amendment.
AM287

1 1. Strike the original section and insert the following new section:
2 Section 1. (1) For purposes of this section:
3 (a) Health insurance policy means (i) any individual or group
4 sickness and accident insurance policy or subscriber contract delivered,
5 issued for delivery, or renewed in this state and any hospital, medical,

6 or surgical expense-incurred policy, except for a policy that provides
 7 coverage for a specified disease or other limited-benefit coverage, and
 8 (ii) any self-funded employee benefit plan to the extent not preempted by
 9 federal law; and
 10 (b) School means a public, private, denominational, or parochial
 11 school which meets the requirements for accreditation or approval
 12 prescribed in Chapter 79.
 13 (2) Notwithstanding section 44-3,131, an insurer offering a health
 14 insurance policy shall not deny coverage or payment for a mental health
 15 service solely because the service is delivered in a school.
 16 (3) Nothing in this section shall require an insurer offering a
 17 health insurance policy to pay for mental health services that are
 18 otherwise excluded from such health insurance policy or prevent
 19 application of any other provision of such health insurance policy.
 20 (4) This section applies to health insurance policies issued or
 21 renewed on or after January 1, 2020, and to claims for reimbursement
 22 based on such policies for costs incurred on or after January 1, 2020.

(Signed) Matt Williams, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 447A. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 447, One Hundred Sixth Legislature, First Session, 2019.

AMENDMENT(S) - Print in Journal

Senator Halloran filed the following amendments to LB400:
 AM579

1 1. Strike original section 1 and insert the following new section:
 2 Section 1. Section 48-1203, Revised Statutes Cumulative Supplement,
 3 2018, is amended to read:
 4 48-1203 (1) Except as otherwise provided in this section and section
 5 48-1203.01, every employer shall pay to each of his or her employees a
 6 minimum wage of:
 7 (a) Seven dollars and twenty-five cents per hour through December
 8 31, 2014;
 9 (b) Eight dollars per hour on and after January 1, 2015, through
 10 December 31, 2015; and
 11 (c) Nine dollars per hour on and after January 1, 2016.
 12 (2) For persons compensated by way of gratuities such as waitresses,
 13 waiters, hotel bellhops, porters, and shoeshine persons, the employer
 14 shall pay wages at the minimum rate of two dollars and ~~eleven~~ ~~thirteen~~
 15 cents per hour, plus all gratuities given to them for services rendered.

16 The sum of wages and gratuities received by each person compensated by
17 way of gratuities shall equal or exceed the minimum wage rate provided in
18 subsection (1) of this section. In determining whether or not the
19 individual is compensated by way of gratuities, the burden of proof shall
20 be upon the employer.
21 (3) Any employer employing student-learners as part of a bona fide
22 vocational training program shall pay such student-learners' wages at a
23 rate of at least seventy-five percent of the minimum wage rate which
24 would otherwise be applicable.

AM580

1 1. Strike original section 1 and insert the following new section:
2 Section 1. Section 48-1203, Revised Statutes Cumulative Supplement,
3 2018, is amended to read:
4 48-1203 (1) Except as otherwise provided in this section and section
5 48-1203.01, every employer shall pay to each of his or her employees a
6 minimum wage of:
7 (a) Seven dollars and twenty-five cents per hour through December
8 31, 2014;
9 (b) Eight dollars per hour on and after January 1, 2015, through
10 December 31, 2015; and
11 (c) Nine dollars per hour on and after January 1, 2016.
12 (2) For persons compensated by way of gratuities such as waitresses,
13 waiters, hotel bellhops, porters, and shoeshine persons, the employer
14 shall pay wages at the minimum rate of two dollars and ~~ten~~ thirteen cents
15 per hour, plus all gratuities given to them for services rendered. The
16 sum of wages and gratuities received by each person compensated by way of
17 gratuities shall equal or exceed the minimum wage rate provided in
18 subsection (1) of this section. In determining whether or not the
19 individual is compensated by way of gratuities, the burden of proof shall
20 be upon the employer.
21 (3) Any employer employing student-learners as part of a bona fide
22 vocational training program shall pay such student-learners' wages at a
23 rate of at least seventy-five percent of the minimum wage rate which
24 would otherwise be applicable.

AM581

1 1. Strike original section 1 and insert the following new section:
2 Section 1. Section 48-1203, Revised Statutes Cumulative Supplement,
3 2018, is amended to read:
4 48-1203 (1) Except as otherwise provided in this section and section
5 48-1203.01, every employer shall pay to each of his or her employees a
6 minimum wage of:
7 (a) Seven dollars and twenty-five cents per hour through December
8 31, 2014;
9 (b) Eight dollars per hour on and after January 1, 2015, through
10 December 31, 2015; and
11 (c) Nine dollars per hour on and after January 1, 2016.
12 (2) For persons compensated by way of gratuities such as waitresses,

13 waiters, hotel bellhops, porters, and shoeshine persons, the employer
14 shall pay wages at the minimum rate of two dollars and ~~nine thirteen~~
15 cents per hour, plus all gratuities given to them for services rendered.
16 The sum of wages and gratuities received by each person compensated by
17 way of gratuities shall equal or exceed the minimum wage rate provided in
18 subsection (1) of this section. In determining whether or not the
19 individual is compensated by way of gratuities, the burden of proof shall
20 be upon the employer.
21 (3) Any employer employing student-learners as part of a bona fide
22 vocational training program shall pay such student-learners' wages at a
23 rate of at least seventy-five percent of the minimum wage rate which
24 would otherwise be applicable.

AM582

1 1. Strike original section 1 and insert the following new section:
2 Section 1. Section 48-1203, Revised Statutes Cumulative Supplement,
3 2018, is amended to read:
4 48-1203 (1) Except as otherwise provided in this section and section
5 48-1203.01, every employer shall pay to each of his or her employees a
6 minimum wage of:
7 (a) Seven dollars and twenty-five cents per hour through December
8 31, 2014;
9 (b) Eight dollars per hour on and after January 1, 2015, through
10 December 31, 2015; and
11 (c) Nine dollars per hour on and after January 1, 2016.
12 (2) For persons compensated by way of gratuities such as waitresses,
13 waiters, hotel bellhops, porters, and shoeshine persons, the employer
14 shall pay wages at the minimum rate of two dollars and ~~eight thirteen~~
15 cents per hour, plus all gratuities given to them for services rendered.
16 The sum of wages and gratuities received by each person compensated by
17 way of gratuities shall equal or exceed the minimum wage rate provided in
18 subsection (1) of this section. In determining whether or not the
19 individual is compensated by way of gratuities, the burden of proof shall
20 be upon the employer.
21 (3) Any employer employing student-learners as part of a bona fide
22 vocational training program shall pay such student-learners' wages at a
23 rate of at least seventy-five percent of the minimum wage rate which
24 would otherwise be applicable.

AM583

1 1. Strike original section 1 and insert the following new section:
2 Section 1. Section 48-1203, Revised Statutes Cumulative Supplement,
3 2018, is amended to read:
4 48-1203 (1) Except as otherwise provided in this section and section
5 48-1203.01, every employer shall pay to each of his or her employees a
6 minimum wage of:
7 (a) Seven dollars and twenty-five cents per hour through December
8 31, 2014;
9 (b) Eight dollars per hour on and after January 1, 2015, through

10 December 31, 2015; and
11 (c) Nine dollars per hour on and after January 1, 2016.
12 (2) For persons compensated by way of gratuities such as waitresses,
13 waiters, hotel bellhops, porters, and shoeshine persons, the employer
14 shall pay wages at the minimum rate of two dollars and ~~seven~~ ~~thirteen~~
15 cents per hour, plus all gratuities given to them for services rendered.
16 The sum of wages and gratuities received by each person compensated by
17 way of gratuities shall equal or exceed the minimum wage rate provided in
18 subsection (1) of this section. In determining whether or not the
19 individual is compensated by way of gratuities, the burden of proof shall
20 be upon the employer.
21 (3) Any employer employing student-learners as part of a bona fide
22 vocational training program shall pay such student-learners' wages at a
23 rate of at least seventy-five percent of the minimum wage rate which
24 would otherwise be applicable.

AM584

1 1. Strike original section 1 and insert the following new section:
2 Section 1. Section 48-1203, Revised Statutes Cumulative Supplement,
3 2018, is amended to read:
4 48-1203 (1) Except as otherwise provided in this section and section
5 48-1203.01, every employer shall pay to each of his or her employees a
6 minimum wage of:
7 (a) Seven dollars and twenty-five cents per hour through December
8 31, 2014;
9 (b) Eight dollars per hour on and after January 1, 2015, through
10 December 31, 2015; and
11 (c) Nine dollars per hour on and after January 1, 2016.
12 (2) For persons compensated by way of gratuities such as waitresses,
13 waiters, hotel bellhops, porters, and shoeshine persons, the employer
14 shall pay wages at the minimum rate of two dollars and ~~six~~ ~~thirteen~~
15 cents per hour, plus all gratuities given to them for services rendered. The
16 sum of wages and gratuities received by each person compensated by way of
17 gratuities shall equal or exceed the minimum wage rate provided in
18 subsection (1) of this section. In determining whether or not the
19 individual is compensated by way of gratuities, the burden of proof shall
20 be upon the employer.
21 (3) Any employer employing student-learners as part of a bona fide
22 vocational training program shall pay such student-learners' wages at a
23 rate of at least seventy-five percent of the minimum wage rate which
24 would otherwise be applicable.

AM585

1 1. Strike original section 1 and insert the following new section:
2 Section 1. Section 48-1203, Revised Statutes Cumulative Supplement,
3 2018, is amended to read:
4 48-1203 (1) Except as otherwise provided in this section and section
5 48-1203.01, every employer shall pay to each of his or her employees a
6 minimum wage of:

- 7 (a) Seven dollars and twenty-five cents per hour through December
8 31, 2014;
- 9 (b) Eight dollars per hour on and after January 1, 2015, through
10 December 31, 2015; and
- 11 (c) Nine dollars per hour on and after January 1, 2016.
- 12 (2) For persons compensated by way of gratuities such as waitresses,
13 waiters, hotel bellhops, porters, and shoeshine persons, the employer
14 shall pay wages at the minimum rate of two dollars and ~~five thirteen~~
15 cents per hour, plus all gratuities given to them for services rendered.
16 The sum of wages and gratuities received by each person compensated by
17 way of gratuities shall equal or exceed the minimum wage rate provided in
18 subsection (1) of this section. In determining whether or not the
19 individual is compensated by way of gratuities, the burden of proof shall
20 be upon the employer.
- 21 (3) Any employer employing student-learners as part of a bona fide
22 vocational training program shall pay such student-learners' wages at a
23 rate of at least seventy-five percent of the minimum wage rate which
24 would otherwise be applicable.

Senator Wayne filed the following amendment to LB98:
AM712

- 1 1. Insert the following new section:
2 Section 1. Section 18-2515, Reissue Revised Statutes of Nebraska, is
3 amended to read:
4 18-2515 (1) Each petition presented for signature must be identical
5 to the petition authorized for circulation by the city clerk pursuant to
6 section 18-2512.
7 (2) Every petition shall contain the name and place of residence of
8 not more than three persons as chief petitioners or sponsors of the
9 measure. ~~The chief petitioners or sponsors shall be qualified electors of~~
10 ~~the municipal subdivision potentially affected by the initiative or~~
11 ~~referendum proposal.~~
12 (3) Every petition shall contain the caption and the statement
13 specified in subdivisions (1)(a) and (1)(c) of section 18-2513.
14 (4) When a special election is being requested, such fact shall be
15 stated on every petition.
16 2. Renumber the remaining sections and correct the repealer
17 accordingly.

Senator Lindstrom filed the following amendment to LB610:
AM701 is available in the Bill Room.

Senator Briese filed the following amendments to LB183:
AM709

(Amendments to Standing Committee amendments, AM158)

- 1 1. On page 2, line 7, after "to" insert "property".

AM707

(Amendments to Standing Committee amendments, AM158)

1 1. On page 1, line 10, after "to" insert "property".

AM708

(Amendments to Standing Committee amendments, AM158)

1 1. On page 1, line 21, after "to" insert "property".**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator Chambers name added to LB15.

Senator Slama name added to LB15.

Senator Lowe name added to LB626.

VISITOR(S)

Visitors to the Chamber were Senator DeBoer's brother, John DeBoer, from Bennington; Maeve Hemmer from Lincoln; Senator Walz's daughter, Emma, from Fremont; students and teacher from Sutherland High School; Emily and Betty King from Lincoln; and students from Avery Elementary School, Bellevue.

ADJOURNMENT

At 11:50 a.m., on a motion by Senator Moser, the Legislature adjourned until 9:00 a.m., Thursday, March 14, 2019.

Patrick J. O'Donnell
Clerk of the Legislature