

FORTY-FOURTH DAY - MARCH 19, 2019**LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION****FORTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 19, 2019

PRAYER

The prayer was offered by Pastor Gary Bennett, Red Cloud Bible Church.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Howard, McCollister, Morfeld, Pansing Brooks, Scheer, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-third day was approved.

COMMITTEE REPORT(S)

Judiciary

LEGISLATIVE BILL 496. Placed on General File with amendment.
AM787

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

2 sections:

3 Section 1. Section 28-916.01, Reissue Revised Statutes of Nebraska,
4 is amended to read:

5 28-916.01 As used in this section and sections 28-915, 28-915.01,

6 ~~and 28-919, and 28-922,~~ unless the context otherwise requires:

7 (1) Administrative proceeding shall mean any proceeding, other than
8 a judicial proceeding, the outcome of which is required to be based on a
9 record or documentation prescribed by law, or in which law or regulation
10 is particularized in application to individuals;

11 (2) Benefit shall mean gain or advantage, or anything regarded by

12 the beneficiary as gain or advantage, including benefit to any other

13 person or entity in whose welfare he or she is interested, but not an

14 advantage promised generally to a group or class of voters as a

15 consequence of public measures which a candidate engages to support or

16 oppose;

17 (3) Government shall include any branch, subdivision, or agency of
18 the government of the state or any locality within it;

19 (4) Harm shall mean loss, disadvantage, or injury, or anything so
20 regarded by the person affected, including loss, disadvantage, or injury
21 to any other person or entity in whose welfare he or she is interested;

22 (5) Pecuniary benefit shall mean benefit in the form of money,
23 property, commercial interests, or anything else the primary significance
24 of which is economic gain;

25 (6) Public servant shall mean any officer or employee of government,
26 including legislators and judges, and any person participating as juror,
27 advisor, consultant, or otherwise, in performing a governmental function,
1 but the term shall not include witnesses;

2 (7) Official proceeding shall mean a proceeding heard or which may
3 be heard before any legislative, judicial, administrative, or other
4 governmental agency or official authorized to take evidence under oath,
5 including any referee, hearing examiner, commissioner, notary, or other
6 person taking testimony or deposition in connection with any such
7 proceeding; and

8 (8) Statement shall mean any representation, but shall include a
9 representation of opinion, belief, or other state of mind only if the
10 representation clearly relates to state of mind apart from or in addition
11 to any facts which are the subject of the representation.

12 Sec. 2. Section 28-919, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 28-919 (1) A person commits the offense of tampering with a witness
15 or informant if, believing that an official proceeding or investigation
16 of a criminal or civil matter is pending or about to be instituted, he or
17 she attempts to induce or otherwise cause a witness or informant to:

18 (a) Testify or inform falsely;

19 (b) Withhold any testimony, information, document, or thing;

20 (c) Elude legal process summoning him or her to testify or supply
21 evidence; or

22 (d) Absent himself or herself from any proceeding or investigation
23 to which he or she has been legally summoned.

24 (2) A person commits the offense of jury tampering if, with intent
25 to influence a juror's vote, opinion, decision, or other action in a
26 case, he or she attempts directly or indirectly to communicate with a
27 juror other than as a part of the proceedings in the trial of the case.

28 (3) Tampering with witnesses or informants is a Class IV felony,
29 except that if such offense involves a pending criminal proceeding which
30 alleges a violation of another offense classified: -

31 (a) As a Class II misdemeanor or a lower classification, the offense
1 is a Class I misdemeanor; or

2 (b) As a Class II felony or a higher classification, the offense is
3 a Class II felony.

4 (4) Jury tampering is a Class IV felony, except that if such offense
5 involves a pending criminal proceeding which alleges a violation of
6 another offense classified as a Class I, IA, IB, IC, ID, or II felony.

7 the offense is a Class II felony.

8 Sec. 3. Section 28-922, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 28-922 (1) A person commits the offense of tampering with physical
11 evidence if, believing that an official proceeding is pending or about to
12 be instituted and acting without legal right or authority, he or she:

13 (a) Destroys, mutilates, conceals, removes, or alters physical
14 evidence with the intent to impair its verity or availability in the
15 pending or prospective official proceeding; or

16 (b) Knowingly makes, presents, or offers any false physical evidence
17 with intent that it be introduced in the pending or prospective official
18 proceeding.

19 (2) Physical evidence, as used in this section, shall mean any
20 article, object, document, record, or other thing of physical substance.

21 (3) Tampering with physical evidence is a Class IV felony, except
22 that if such offense involves a pending criminal proceeding which alleges
23 a violation of another offense classified: -

24 (a) As a Class II misdemeanor or a lower classification, the offense
25 is a Class I misdemeanor; or

26 (b) As a Class II felony or a higher classification, the offense is
27 a Class II felony.

28 Sec. 4. Section 29-1912, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 29-1912 (1) When a defendant is charged with a felony or when a
31 defendant is charged with a misdemeanor or a violation of a city or
1 village ordinance for which imprisonment is a possible penalty, he or she
2 may request the court where the case is to be tried, at any time after
3 the filing of the indictment, information, or complaint, to order the
4 prosecuting attorney to permit the defendant to inspect and copy or
5 photograph:

6 (a) The defendant's statement, if any. For purposes of this
7 subdivision, statement includes any of the following which relate to the
8 investigation of the underlying charge or charges in the case and which
9 were developed or received by law enforcement agencies:

10 (i) Written or recorded statements;

11 (ii) Written summaries of oral statements; and

12 (iii) The substance of oral statements means a written statement
13 made by the defendant and signed or otherwise adopted or approved by him
14 or her, or a stenographic, mechanical, electrical, or other recording, or
15 a transcription thereof, which is a substantially verbatim recital of an
16 oral statement made by the defendant to an agent of the prosecution,
17 state, or political subdivision thereof, and recorded contemporaneously
18 with the making of such oral statement;

19 (b) The defendant's prior criminal record, if any;

20 (c) The defendant's recorded testimony before a grand jury;

21 (d) The names and addresses of witnesses on whose evidence the
22 charge is based;

23 (e) The results and reports, in any form, of physical or mental

24 examinations, and of scientific tests, or experiments made in connection

25 with the particular case, or copies thereof;
26 (f) Documents, papers, books, accounts, letters, photographs,
27 objects, or other tangible things of whatsoever kind or nature which
28 could be used as evidence by the prosecuting authority;
29 (g) Reports developed or received by law enforcement agencies when
30 such reports directly relate to the investigation of the underlying
31 charge or charges in the case:
1 (h) ~~(g)~~ The known criminal history of a jailhouse witness;
2 (i) ~~(h)~~ Any deal, promise, inducement, or benefit that the
3 prosecuting attorney or any person acting on behalf of the prosecuting
4 attorney has knowingly made or may make in the future to the jailhouse
5 witness;
6 (j) ~~(i)~~ The specific statements allegedly made by the defendant
7 against whom the jailhouse witness will testify and the time, place, and
8 manner of the defendant's disclosures;
9 (k) ~~(j)~~ The case name and jurisdiction of any criminal cases known
10 to the prosecuting attorney in which a jailhouse witness testified about
11 statements made by another criminal defendant that were disclosed to the
12 jailhouse witness while he or she was a jailhouse witness and whether the
13 jailhouse witness received any deal, promise, inducement, or benefit in
14 exchange for or subsequent to such testimony; and
15 (l) ~~(k)~~ Any occasion known to the prosecuting attorney in which the
16 jailhouse witness recanted testimony about statements made by another
17 criminal defendant that were disclosed to the jailhouse witness while he
18 or she was a jailhouse witness and, if any are known, a transcript or
19 copy of such recantation.
20 (2) The court may issue such an order pursuant to the provisions of
21 this section. In the exercise of its judicial discretion, the court shall
22 consider, among other things, whether:
23 (a) The request is material to the preparation of the defense;
24 (b) The request is not made primarily for the purpose of harassing
25 the prosecution or its witnesses;
26 (c) The request, if granted, would not unreasonably delay the trial
27 of the offense and an earlier request by the defendant could not have
28 reasonably been made;
29 (d) There is no substantial likelihood that the request, if granted,
30 would preclude a just determination of the issues at the trial of the
31 offense; or
1 (e) The request, if granted, would not result in the possibility of
2 bodily harm to, or coercion of, witnesses.
3 (3) Whenever the court refuses to grant an order pursuant to the
4 provisions of this section, it shall render its findings in writing
5 together with the facts upon which the findings are based.
6 (4) Whenever the prosecuting attorney believes that the granting of
7 an order under the provisions of this section will result in the
8 possibility of bodily harm to witnesses or that witnesses will be
9 coerced, the court may permit him or her to make such a showing in the
10 form of a written statement to be inspected by the court alone. The
11 statement shall be sealed and preserved in the records of the court to be

12 made available to the appellate court in the event of an appeal by the
13 defendant.

14 (5) For purposes of ~~subdivisions (1)(g) through (k) of this section,~~
15 jailhouse witness means a person in the physical custody of any jail or
16 correctional institution as (a) an accused defendant, (b) a convicted
17 defendant awaiting sentencing, or (c) a convicted defendant serving a
18 sentence of incarceration, at the time the statements the jailhouse
19 witness will testify about were disclosed.

20 Sec. 5. Section 29-1914, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 29-1914 Whenever an order is issued pursuant to the provisions of
23 section 29-1912 or 29-1913, it shall be limited to items or information
24 that:

25 (1) Directly relate to the investigation of the underlying charge or
26 charges in the case;

27 (2) Are within the possession, custody, or control of the state or
28 local subdivisions of government; and, the existence of which is known

29 (3) Are known to exist by the prosecution or that, by the exercise
30 of due diligence, may become known to the prosecution.

31 Sec. 6. Section 29-1916, Reissue Revised Statutes of Nebraska, is
1 amended to read:

2 29-1916 (1) Whenever the court issues an order pursuant to the
3 provisions of sections 29-1912 and 29-1913, the court may condition its
4 order by requiring the defendant to grant the prosecution like access to
5 comparable items or information included within the defendant's request
6 which:

7 (a) Are in the possession, custody, or control of the defendant;

8 (b) The defendant intends to produce at the trial; and

9 (c) Are material to the preparation of the prosecution's case.

10 (2) Whenever a defendant is granted an order under ~~the provisions of~~
11 ~~sections 29-1912 to 29-1921, the defendant he~~ shall be deemed to have
12 waived ~~the his~~ privilege of self-incrimination for the purposes of the
13 operation of ~~the provisions of~~ this section.

14 Sec. 7. Section 29-1917, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 29-1917 (1) Except as provided in section 29-1926, at any time after
17 the filing of an indictment or information in a felony prosecution, the
18 prosecuting attorney or the defendant may request the court to allow the
19 taking of a deposition of any person other than the defendant who may be
20 a witness in the trial of the offense. The court may order the taking of
21 the deposition when it finds the testimony of the witness:

22 (a) May be material or relevant to the issue to be determined at the
23 trial of the offense; or

24 (b) May be of assistance to the parties in the preparation of their
25 respective cases.

26 (2) An order granting the taking of a deposition shall include the
27 time and place for taking such deposition and such other conditions as
28 the court determines to be just.

29 (3) The proceedings in taking the deposition of a witness pursuant

30 to this section and returning it to the court shall be governed in all
31 respects as the taking of depositions in civil cases, including section
1 25-1223.

2 (4) A deposition taken pursuant to this section may be used at the
3 trial by any party solely for the purpose of contradicting or impeaching
4 the testimony of the deponent as a witness.

5 Sec. 8. Section 29-1918, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 29-1918 If, subsequent to compliance with an order for discovery
8 under the provisions of sections 29-1912 to 29-1921, and prior to or
9 during trial, a party discovers additional material which ~~the party he~~
10 would have been under a duty to disclose or produce at the time of such
11 previous compliance, the party he shall promptly notify the other party
12 or the other party's ~~his~~ attorney and the court of the existence of the
13 additional material. Such notice shall be given at the time of the
14 discovery of such additional material.

15 Sec. 9. Section 29-1919, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 29-1919 If, at any time during the course of the proceedings it is
18 brought to the attention of the court that a party has failed to comply
19 with ~~the provisions of~~ sections 29-1912 to 29-1921 or an order issued
20 pursuant to ~~the provisions of~~ sections 29-1912 to 29-1921, the court may:

21 (1) Order such party to permit the discovery or inspection of
22 materials not previously disclosed;

23 (2) Grant a continuance;

24 (3) Prohibit the party from calling a witness not disclosed or
25 introducing in evidence the material not disclosed; or

26 (4) Enter such other order as it deems just under the circumstances.

27 Sec. 10. Section 29-1923, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 29-1923 If, subsequent to compliance with an order issued pursuant
30 to section 29-1922, and prior to or during trial, the prosecuting
31 authority discovers any additional statement made by the defendant or the
1 name of any eyewitness who has identified the defendant at a lineup or
2 showup previously requested or ordered which is subject to discovery or
3 inspection under section 29-1922, he or she shall promptly notify the
4 defendant or his or her attorney or the court of the existence of this
5 additional material. Such notice shall be given at the time of the
6 discovery of such additional material. If at any time during the course
7 of the proceedings it is brought to the attention of the court that the
8 prosecuting authority has failed to comply with this section or with an
9 order issued pursuant to section 29-1922, the court may order the
10 prosecuting authority to permit the discovery or inspection of materials
11 or witnesses not previously disclosed, grant a continuance, or prohibit
12 the prosecuting authority from introducing in evidence the material or
13 the testimony of the witness or witnesses not disclosed, or it may enter
14 such other order as it deems just under the circumstances.

15 Sec. 11. Section 29-1924, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 29-1924 ~~For purposes of The term statement as used in sections~~
 18 29-1922 and 29-1923, statement made by the defendant includes any of the
 19 following statements made by the defendant which relate to the
 20 investigation of the underlying charge or charges in the case and which
 21 were developed or received by law enforcement agencies:
 22 (1) Written or recorded statements;
 23 (2) Written summaries of oral statements; and
 24 (3) The substance of oral statements shall mean (1) a written
 25 statement made by such defendant and signed or otherwise adopted or
 26 approved by him or her; or (2) a stenographic, mechanical, electrical, or
 27 other recording, or a transcription thereof, which is a substantially
 28 verbatim recital of an oral statement made by such defendant to a peace
 29 officer or prosecuting authority and recorded contemporaneously with the
 30 making of such oral statement.
 31 Sec. 12. Original sections 28-916.01, 28-919, 28-922, 29-1912,
 1 29-1914, 29-1916, 29-1917, 29-1918, 29-1919, 29-1923, and 29-1924,
 2 Reissue Revised Statutes of Nebraska, are repealed.

(Signed) Steve Lathrop, Chairperson

ANNOUNCEMENT(S)

Priority designation(s) received:

Urban Affairs - LB492
 Business and Labor - LB418
 Education - LB147
 Education - LB675
 Lindstrom - LB610
 DeBoer - LB680
 Brandt - LB657
 M. Hansen - LB433

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 pages 888 and 889:

Niobrara Council
 Jason D. Appelt
 Lana S. Arrowsmith
 Dallas D. Dodson
 Mary L. Mercure

Voting in the affirmative, 31:

Albrecht	Crawford	Hilgers	Lathrop	Vargas
Arch	DeBoer	Hilkemann	Linehan	Wayne
Bolz	Dorn	Hughes	Lowe	Williams
Bostelman	Erdman	Hunt	McDonnell	
Briese	Geist	Kolowski	Moser	
Cavanaugh	Gragert	Kolterman	Murman	
Clements	Hansen, M.	La Grone	Quick	

Voting in the negative, 0.

Present and not voting, 11:

Blood	Chambers	Hansen, B.	Stinner
Brandt	Friesen	Lindstrom	Walz
Brewer	Groene	Slama	

Excused and not voting, 7:

Halloran	McCollister	Pansing Brooks	Wishart
Howard	Morfeld	Scheer	

The appointments were confirmed with 31 ayes, 0 nays, 11 present and not voting, and 7 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 888:

Nebraska Ethanol Board
Michael S. Thede

Voting in the affirmative, 30:

Albrecht	Clements	Gragert	Kolterman	Murman
Arch	Crawford	Hilgers	La Grone	Quick
Blood	DeBoer	Hilkemann	Linehan	Vargas
Bostelman	Dorn	Hughes	Lowe	Walz
Brewer	Friesen	Hunt	McDonnell	Wayne
Briese	Geist	Kolowski	Moser	Williams

Voting in the negative, 0.

Present and not voting, 13:

Bolz	Chambers	Hansen, B.	Lindstrom	Stinner
Brandt	Erdman	Hansen, M.	McCollister	
Cavanaugh	Groene	Lathrop	Slama	

Excused and not voting, 6:

Halloran	Morfeld	Scheer
Howard	Pansing Brooks	Wishart

The appointment was confirmed with 30 ayes, 0 nays, 13 present and not voting, and 6 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 889:

Nebraska Liquor Control Commission
Harry Hoch

Voting in the affirmative, 31:

Albrecht	Crawford	Groene	Linehan	Walz
Blood	DeBoer	Hilgers	Lowe	Wayne
Bostelman	Dorn	Hilkemann	McCollister	Williams
Brewer	Erdman	Howard	McDonnell	
Briese	Friesen	Hughes	Moser	
Cavanaugh	Geist	Kolowski	Murman	
Clements	Gragert	La Grone	Quick	

Voting in the negative, 0.

Present and not voting, 12:

Arch	Chambers	Hunt	Slama
Bolz	Hansen, B.	Lathrop	Stinner
Brandt	Hansen, M.	Lindstrom	Vargas

Excused and not voting, 6:

Halloran	Morfeld	Scheer
Kolterman	Pansing Brooks	Wishart

The appointment was confirmed with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

ANNOUNCEMENT(S)

Priority designation(s) received:

Business and Labor - LB428
Dorn - LB472
Howard - LB556
Health and Human Services - LB460
Health and Human Services - LB468
Crawford - LB323
La Grone - LB470
Geist - LB252

NOTICE OF COMMITTEE HEARING(S)

Health and Human Services

Room 1510

Thursday, March 28, 2019 1:30 p.m.

Alysson R. Muotri - Stem Cell Research Advisory Committee
LB489
LB645
LB245

(Signed) Sara Howard, Chairperson

GENERAL FILE**LEGISLATIVE BILL 311.** Title read. Considered.

Committee AM570, found on page 782, was offered.

Pending.

COMMITTEE REPORT(S)

Revenue

LEGISLATIVE BILL 86. Placed on General File with amendment.

AM792

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

2 sections:

3 Section 1. Section 18-2101, Revised Statutes Cumulative Supplement,
4 2018, is amended to read:5 18-2101 Sections 18-2101 to 18-2154 and section 2 of this act shall
6 be known and may be cited as the Community Development Law.7 Sec. 2. (1) For any city that (a) intends to carry out a8 redevelopment project which will involve the construction of workforce9 housing in an extremely blighted area as authorized under subdivision10 (28)(g) of section 18-2103 or (b) intends to declare an area as an11 extremely blighted area for purposes of funding decisions under12 subdivision (1)(b) of section 58-708, the governing body of such city13 shall first declare, by resolution adopted after the public hearings14 required under this section, such area to be an extremely blighted area.15 (2) Prior to making such declaration, the governing body of the city16 shall conduct or cause to be conducted a study or an analysis on whether17 the area is extremely blighted and shall submit the question of whether18 such area is extremely blighted to the planning commission or board of19 the city for its review and recommendation. The planning commission or20 board shall hold a public hearing on the question after giving notice of21 the hearing as provided in section 18-2115.01. Such notice shall include22 a map of sufficient size to show the area to be declared extremely

23 blighted or information on where to find such map and shall provide
 24 information on where to find copies of the study or analysis conducted
 25 pursuant to this subsection. The planning commission or board shall
 26 submit its written recommendations to the governing body of the city
 27 within thirty days after the public hearing.

1 (3) Upon receipt of the recommendations of the planning commission
 2 or board, or if no recommendations are received within thirty days after
 3 the public hearing required under subsection (2) of this section, the
 4 governing body shall hold a public hearing on the question of whether the
 5 area is extremely blighted after giving notice of the hearing as provided
 6 in section 18-2115.01. Such notice shall include a map of sufficient size
 7 to show the area to be declared extremely blighted or information on
 8 where to find such map and shall provide information on where to find
 9 copies of the study or analysis conducted pursuant to subsection (2) of
 10 this section. At the public hearing, all interested parties shall be
 11 afforded a reasonable opportunity to express their views respecting the
 12 proposed declaration. After such hearing, the governing body of the city
 13 may make its declaration.

14 (4) Copies of each study or analysis conducted pursuant to
 15 subsection (2) of this section shall be posted on the city's public web
 16 site or made available for public inspection at a location designated by
 17 the city.

18 (5) The study or analysis required under subsection (2) of this
 19 section may be conducted in conjunction with the study or analysis
 20 required under section 18-2109. The hearings required under this section
 21 may be held in conjunction with the hearings required under section
 22 18-2109.

23 Sec. 3. Section 18-2115.01, Revised Statutes Cumulative Supplement,
 24 2018, is amended to read:

25 18-2115.01 (1) Public notice of any hearing required under section
 26 18-2109 or 18-2115 or section 2 of this act shall be given by publication
 27 at least once a week for two consecutive weeks in a legal newspaper in or
 28 of general circulation in the community. The time of the hearing shall be
 29 at least ten days from the last publication.

30 (2)(a) Notice of any hearing required under section 18-2109 or
 31 18-2115 or section 2 of this act shall be given to neighborhood
 1 associations that have registered under subsection (5) of this section as
 2 follows:

3 (i) For a hearing under section 18-2109, notice shall be given to
 4 each registered neighborhood association whose area of representation is
 5 located in whole or in part within a one-mile radius of the area to be
 6 declared substandard and blighted; ~~and~~

7 (ii) For a hearing under section 2 of this act, notice shall be
 8 given to each registered neighborhood association whose area of
 9 representation is located in whole or in part within a one-mile radius of
 10 the area to be declared extremely blighted; and

11 (iii) ~~(ii)~~ For a hearing under section 18-2115, notice shall be
 12 given to each registered neighborhood association whose area of
 13 representation is located in whole or in part within a one-mile radius of

14 the area to be redeveloped.

15 (b) Notice under this subsection shall be given at least ten days
16 prior to the hearing in the manner requested by the neighborhood
17 association. The notice shall be deemed given on the date it is sent.

18 (3)(a) Notice of any hearing required under section 18-2109 or
19 18-2115 or section 2 of this act shall be given to political subdivisions
20 as follows:

21 (i) For a hearing under section 18-2109, notice shall be given to
22 the president or chairperson of the governing body of each county, school
23 district, community college area, educational service unit, and natural
24 resources district in which the real property to be declared substandard
25 and blighted is located; ~~and~~

26 (ii) For a hearing under section 2 of this act, notice shall be
27 given to the president or chairperson of the governing body of each
28 county, school district, community college area, educational service
29 unit, and natural resources district in which the real property to be
30 declared extremely blighted is located; and

31 ~~(iii) (ii)~~ For a hearing under section 18-2115, notice shall be
1 given to the president or chairperson of the governing body of each
2 county, school district, community college area, educational service
3 unit, and natural resources district in which the real property subject
4 to the redevelopment plan or substantial modification thereof is located.

5 (b) Notice under this subsection shall be given at least ten days
6 prior to the hearing by certified mail, return receipt requested. The
7 notice shall be deemed given on the date it is mailed by certified mail.

8 (4) All notices given under this section shall describe the time,
9 date, place, and purpose of the hearing.

10 (5) Each neighborhood association desiring to receive notice of any
11 hearing required under section 18-2109 or 18-2115 or section 2 of this
12 act shall register with the city's planning department or, if there is no
13 planning department, with the city clerk. The registration shall include
14 a description of the area of representation of the association, the name
15 of and contact information for the individual designated by the
16 association to receive the notice on its behalf, and the requested manner
17 of service, whether by email, first-class mail, or certified mail.
18 Registration of the neighborhood association for purposes of this section
19 shall be accomplished in accordance with such other rules and regulations
20 as may be adopted and promulgated by the city.

21 Sec. 4. Section 18-2117.04, Revised Statutes Cumulative Supplement,
22 2018, is amended to read:

23 18-2117.04 (1) On and after October 1, 2018, each city that has
24 approved one or more redevelopment plans or redevelopment projects that
25 are financed in whole or in part through the division of taxes as
26 provided in section 18-2147 shall retain copies of (a) all such
27 redevelopment plans and (b) all supporting documents associated with the
28 redevelopment plans or redevelopment projects, ~~and~~ with any related
29 substandard and blighted declaration under section 18-2109, and with any
30 related extremely blighted declaration under section 2 of this act that
31 are received or generated by the city.

1 (2) The city shall retain the redevelopment plans and supporting
2 documents described in subsection (1) of this section for the period of
3 time required under any applicable records retention schedule adopted
4 under the Records Management Act or for three years following the end of
5 the last fiscal year in which ad valorem taxes are divided, whichever
6 period is longer.

7 (3) For purposes of this section, supporting document includes any
8 substandard and blighted study or analysis conducted pursuant to section
9 18-2109, any extremely blighted study or analysis conducted pursuant to
10 section 2 of this act, any cost-benefit analysis conducted pursuant to
11 section 18-2113, and any invoice, receipt, claim, or contract received or
12 generated by the city that provides support for receipts or payments
13 associated with the redevelopment plan or redevelopment project.
14 Sec. 5. Section 58-708, Revised Statutes Cumulative Supplement,
15 2018, is amended to read:

16 58-708 (1) During each calendar year in which funds are available
17 from the Affordable Housing Trust Fund for use by the Department of
18 Economic Development, the department shall make its best efforts to
19 allocate not less than thirty percent of such funds to each congressional
20 district. The department shall announce a grant and loan application
21 period of at least ninety days duration for all projects. In selecting
22 projects to receive trust fund assistance, the department shall develop a
23 qualified allocation plan and give first priority to financially viable
24 projects that serve the lowest income occupants for the longest period of
25 time. The qualified allocation plan shall:

26 (a) Set forth selection criteria to be used to determine housing
27 priorities of the housing trust fund which are appropriate to local
28 conditions, including the community's immediate need for affordable
29 housing, proposed increases in home ownership, private dollars leveraged,
30 level of local government support and participation, and repayment, in
31 part or in whole, of financial assistance awarded by the fund; and

1 (b) Give first priority in allocating trust fund assistance among
2 selected projects to those projects which are located in whole or in part
3 within an enterprise zone designated pursuant to the Enterprise Zone Act,
4 serve the lowest income occupant, are located in an area that has been
5 declared an extremely blighted area under section 2 of this act, and are
6 obligated to serve qualified occupants for the longest period of time.

7 (2) The department shall fund in order of priority as many
8 applications as will utilize available funds less actual administrative
9 costs of the department in administering the program. In administering
10 the program the department may contract for services or directly provide
11 funds to other governmental entities or instrumentalities.

12 (3) The department may recapture any funds which were allocated to a
13 qualified recipient for an eligible project through an award agreement if
14 such funds were not utilized for eligible costs within the time of
15 performance under the agreement and are therefor no longer obligated to
16 the project. The recaptured funds shall be credited to the Affordable
17 Housing Trust Fund.

18 Sec. 6. Original sections 18-2101, 18-2115.01, 18-2117.04, and

19 58-708, Revised Statutes Cumulative Supplement, 2018, are repealed.

LEGISLATIVE BILL 88. Placed on General File with amendment.

AM791

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

2 sections:

3 Section 1. Section 18-2101, Revised Statutes Cumulative Supplement,

4 2018, is amended to read:

5 18-2101 Sections 18-2101 to 18-2154 and section 2 of this act shall

6 be known and may be cited as the Community Development Law.

7 Sec. 2. (1) For any city that (a) intends to carry out a

8 redevelopment project which will involve the construction of workforce

9 housing in an extremely blighted area as authorized under subdivision

10 (28)(g) of section 18-2103 or (b) intends to declare an area as an

11 extremely blighted area in order for individuals purchasing residences in

12 such area to qualify for the income tax credit authorized in subsection

13 (7) of section 77-2715.07, the governing body of such city must first

14 declare, by resolution adopted after the public hearings required under

15 this section, such area to be an extremely blighted area.

16 (2) Prior to making such declaration, the governing body of the city

17 shall conduct or cause to be conducted a study or an analysis on whether

18 the area is extremely blighted and shall submit the question of whether

19 such area is extremely blighted to the planning commission or board of

20 the city for its review and recommendation. The planning commission or

21 board shall hold a public hearing on the question after giving notice of

22 the hearing as provided in section 18-2115.01. Such notice shall include

23 a map of sufficient size to show the area to be declared extremely

24 blighted or information on where to find such map and shall provide

25 information on where to find copies of the study or analysis conducted

26 pursuant to this subsection. The planning commission or board shall

27 submit its written recommendations to the governing body of the city

1 within thirty days after the public hearing.

2 (3) Upon receipt of the recommendations of the planning commission

3 or board, or if no recommendations are received within thirty days after

4 the public hearing required under subsection (2) of this section, the

5 governing body shall hold a public hearing on the question of whether the

6 area is extremely blighted after giving notice of the hearing as provided

7 in section 18-2115.01. Such notice shall include a map of sufficient size

8 to show the area to be declared extremely blighted or information on

9 where to find such map and shall provide information on where to find

10 copies of the study or analysis conducted pursuant to subsection (2) of

11 this section. At the public hearing, all interested parties shall be

12 afforded a reasonable opportunity to express their views respecting the

13 proposed declaration. After such hearing, the governing body of the city

14 may make its declaration.

15 (4) Copies of each study or analysis conducted pursuant to

16 subsection (2) of this section shall be posted on the city's public web

17 site or made available for public inspection at a location designated by

18 the city.

19 (5) The study or analysis required under subsection (2) of this
 20 section may be conducted in conjunction with the study or analysis
 21 required under section 18-2109. The hearings required under this section
 22 may be held in conjunction with the hearings required under section
 23 18-2109.

24 Sec. 3. Section 18-2115.01, Revised Statutes Cumulative Supplement,
 25 2018, is amended to read:

26 18-2115.01 (1) Public notice of any hearing required under section
 27 18-2109 or 18-2115 or section 2 of this act shall be given by publication
 28 at least once a week for two consecutive weeks in a legal newspaper in or
 29 of general circulation in the community. The time of the hearing shall be
 30 at least ten days from the last publication.

31 (2)(a) Notice of any hearing required under section 18-2109 or
 1 18-2115 or section 2 of this act shall be given to neighborhood
 2 associations that have registered under subsection (5) of this section as
 3 follows:

4 (i) For a hearing under section 18-2109, notice shall be given to
 5 each registered neighborhood association whose area of representation is
 6 located in whole or in part within a one-mile radius of the area to be
 7 declared substandard and blighted; ~~and~~

8 (ii) For a hearing under section 2 of this act, notice shall be
 9 given to each registered neighborhood association whose area of
 10 representation is located in whole or in part within a one-mile radius of
 11 the area to be declared extremely blighted; and

12 (iii) ~~(ii)~~ For a hearing under section 18-2115, notice shall be
 13 given to each registered neighborhood association whose area of
 14 representation is located in whole or in part within a one-mile radius of
 15 the area to be redeveloped.

16 (b) Notice under this subsection shall be given at least ten days
 17 prior to the hearing in the manner requested by the neighborhood
 18 association. The notice shall be deemed given on the date it is sent.

19 (3)(a) Notice of any hearing required under section 18-2109 or
 20 18-2115 or section 2 of this act shall be given to political subdivisions
 21 as follows:

22 (i) For a hearing under section 18-2109, notice shall be given to
 23 the president or chairperson of the governing body of each county, school
 24 district, community college area, educational service unit, and natural
 25 resources district in which the real property to be declared substandard
 26 and blighted is located; ~~and~~

27 (ii) For a hearing under section 2 of this act, notice shall be
 28 given to the president or chairperson of the governing body of each
 29 county, school district, community college area, educational service
 30 unit, and natural resources district in which the real property to be
 31 declared extremely blighted is located; and

1 (iii) ~~(ii)~~ For a hearing under section 18-2115, notice shall be
 2 given to the president or chairperson of the governing body of each
 3 county, school district, community college area, educational service
 4 unit, and natural resources district in which the real property subject
 5 to the redevelopment plan or substantial modification thereof is located.

6 (b) Notice under this subsection shall be given at least ten days
7 prior to the hearing by certified mail, return receipt requested. The
8 notice shall be deemed given on the date it is mailed by certified mail.

9 (4) All notices given under this section shall describe the time,
10 date, place, and purpose of the hearing.

11 (5) Each neighborhood association desiring to receive notice of any
12 hearing required under section 18-2109 or 18-2115 or section 2 of this
13 act shall register with the city's planning department or, if there is no
14 planning department, with the city clerk. The registration shall include
15 a description of the area of representation of the association, the name
16 of and contact information for the individual designated by the
17 association to receive the notice on its behalf, and the requested manner
18 of service, whether by email, first-class mail, or certified mail.
19 Registration of the neighborhood association for purposes of this section
20 shall be accomplished in accordance with such other rules and regulations
21 as may be adopted and promulgated by the city.

22 Sec. 4. Section 18-2117.04, Revised Statutes Cumulative Supplement,
23 2018, is amended to read:

24 18-2117.04 (1) On and after October 1, 2018, each city that has
25 approved one or more redevelopment plans or redevelopment projects that
26 are financed in whole or in part through the division of taxes as
27 provided in section 18-2147 shall retain copies of (a) all such
28 redevelopment plans and (b) all supporting documents associated with the
29 redevelopment plans or redevelopment projects, ~~and~~ with any related
30 substandard and blighted declaration under section 18-2109, and with any
31 related extremely blighted declaration under section 2 of this act that
1 are received or generated by the city.

2 (2) The city shall retain the redevelopment plans and supporting
3 documents described in subsection (1) of this section for the period of
4 time required under any applicable records retention schedule adopted
5 under the Records Management Act or for three years following the end of
6 the last fiscal year in which ad valorem taxes are divided, whichever
7 period is longer.

8 (3) For purposes of this section, supporting document includes any
9 substandard and blighted study or analysis conducted pursuant to section
10 18-2109, any extremely blighted study or analysis conducted pursuant to
11 section 2 of this act, any cost-benefit analysis conducted pursuant to
12 section 18-2113, and any invoice, receipt, claim, or contract received or
13 generated by the city that provides support for receipts or payments
14 associated with the redevelopment plan or redevelopment project.

15 Sec. 5. Section 77-2715.07, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 77-2715.07 (1) There shall be allowed to qualified resident
18 individuals as a nonrefundable credit against the income tax imposed by
19 the Nebraska Revenue Act of 1967:

20 (a) A credit equal to the federal credit allowed under section 22 of
21 the Internal Revenue Code; and

22 (b) A credit for taxes paid to another state as provided in section
23 77-2730.

- 24 (2) There shall be allowed to qualified resident individuals against
25 the income tax imposed by the Nebraska Revenue Act of 1967:
- 26 (a) For returns filed reporting federal adjusted gross incomes of
27 greater than twenty-nine thousand dollars, a nonrefundable credit equal
28 to twenty-five percent of the federal credit allowed under section 21 of
29 the Internal Revenue Code of 1986, as amended, except that for taxable
30 years beginning or deemed to begin on or after January 1, 2015, such
31 nonrefundable credit shall be allowed only if the individual would have
1 received the federal credit allowed under section 21 of the code after
2 adding back in any carryforward of a net operating loss that was deducted
3 pursuant to such section in determining eligibility for the federal
4 credit;
- 5 (b) For returns filed reporting federal adjusted gross income of
6 twenty-nine thousand dollars or less, a refundable credit equal to a
7 percentage of the federal credit allowable under section 21 of the
8 Internal Revenue Code of 1986, as amended, whether or not the federal
9 credit was limited by the federal tax liability. The percentage of the
10 federal credit shall be one hundred percent for incomes not greater than
11 twenty-two thousand dollars, and the percentage shall be reduced by ten
12 percent for each one thousand dollars, or fraction thereof, by which the
13 reported federal adjusted gross income exceeds twenty-two thousand
14 dollars, except that for taxable years beginning or deemed to begin on or
15 after January 1, 2015, such refundable credit shall be allowed only if
16 the individual would have received the federal credit allowed under
17 section 21 of the code after adding back in any carryforward of a net
18 operating loss that was deducted pursuant to such section in determining
19 eligibility for the federal credit;
- 20 (c) A refundable credit as provided in section 77-5209.01 for
21 individuals who qualify for an income tax credit as a qualified beginning
22 farmer or livestock producer under the Beginning Farmer Tax Credit Act
23 for all taxable years beginning or deemed to begin on or after January 1,
24 2006, under the Internal Revenue Code of 1986, as amended;
- 25 (d) A refundable credit for individuals who qualify for an income
26 tax credit under the Angel Investment Tax Credit Act, the Nebraska
27 Advantage Microenterprise Tax Credit Act, the Nebraska Advantage Research
28 and Development Act, or the Volunteer Emergency Responders Incentive Act;
29 and
- 30 (e) A refundable credit equal to ten percent of the federal credit
31 allowed under section 32 of the Internal Revenue Code of 1986, as
1 amended, except that for taxable years beginning or deemed to begin on or
2 after January 1, 2015, such refundable credit shall be allowed only if
3 the individual would have received the federal credit allowed under
4 section 32 of the code after adding back in any carryforward of a net
5 operating loss that was deducted pursuant to such section in determining
6 eligibility for the federal credit.
- 7 (3) There shall be allowed to all individuals as a nonrefundable
8 credit against the income tax imposed by the Nebraska Revenue Act of
9 1967:
- 10 (a) A credit for personal exemptions allowed under section

11 77-2716.01;
12 (b) A credit for contributions to certified community betterment
13 programs as provided in the Community Development Assistance Act. Each
14 partner, each shareholder of an electing subchapter S corporation, each
15 beneficiary of an estate or trust, or each member of a limited liability
16 company shall report his or her share of the credit in the same manner
17 and proportion as he or she reports the partnership, subchapter S
18 corporation, estate, trust, or limited liability company income;
19 (c) A credit for investment in a biodiesel facility as provided in
20 section 77-27,236;
21 (d) A credit as provided in the New Markets Job Growth Investment
22 Act;
23 (e) A credit as provided in the Nebraska Job Creation and Mainstreet
24 Revitalization Act;
25 (f) A credit to employers as provided in section 77-27,238; and
26 (g) A credit as provided in the Affordable Housing Tax Credit Act.
27 (4) There shall be allowed as a credit against the income tax
28 imposed by the Nebraska Revenue Act of 1967:
29 (a) A credit to all resident estates and trusts for taxes paid to
30 another state as provided in section 77-2730;
31 (b) A credit to all estates and trusts for contributions to
1 certified community betterment programs as provided in the Community
2 Development Assistance Act; and
3 (c) A refundable credit for individuals who qualify for an income
4 tax credit as an owner of agricultural assets under the Beginning Farmer
5 Tax Credit Act for all taxable years beginning or deemed to begin on or
6 after January 1, 2009, under the Internal Revenue Code of 1986, as
7 amended. The credit allowed for each partner, shareholder, member, or
8 beneficiary of a partnership, corporation, limited liability company, or
9 estate or trust qualifying for an income tax credit as an owner of
10 agricultural assets under the Beginning Farmer Tax Credit Act shall be
11 equal to the partner's, shareholder's, member's, or beneficiary's portion
12 of the amount of tax credit distributed pursuant to subsection (4) of
13 section 77-5211.
14 (5)(a) For all taxable years beginning on or after January 1, 2007,
15 and before January 1, 2009, under the Internal Revenue Code of 1986, as
16 amended, there shall be allowed to each partner, shareholder, member, or
17 beneficiary of a partnership, subchapter S corporation, limited liability
18 company, or estate or trust a nonrefundable credit against the income tax
19 imposed by the Nebraska Revenue Act of 1967 equal to fifty percent of the
20 partner's, shareholder's, member's, or beneficiary's portion of the
21 amount of franchise tax paid to the state under sections 77-3801 to
22 77-3807 by a financial institution.
23 (b) For all taxable years beginning on or after January 1, 2009,
24 under the Internal Revenue Code of 1986, as amended, there shall be
25 allowed to each partner, shareholder, member, or beneficiary of a
26 partnership, subchapter S corporation, limited liability company, or
27 estate or trust a nonrefundable credit against the income tax imposed by
28 the Nebraska Revenue Act of 1967 equal to the partner's, shareholder's,

29 member's, or beneficiary's portion of the amount of franchise tax paid to
30 the state under sections 77-3801 to 77-3807 by a financial institution.

31 (c) Each partner, shareholder, member, or beneficiary shall report
1 his or her share of the credit in the same manner and proportion as he or
2 she reports the partnership, subchapter S corporation, limited liability
3 company, or estate or trust income. If any partner, shareholder, member,
4 or beneficiary cannot fully utilize the credit for that year, the credit
5 may not be carried forward or back.

6 (6) There shall be allowed to all individuals nonrefundable credits
7 against the income tax imposed by the Nebraska Revenue Act of 1967 as
8 provided in section 77-3604 and refundable credits against the income tax
9 imposed by the Nebraska Revenue Act of 1967 as provided in section
10 77-3605.

11 (7)(a) For taxable years beginning or deemed to begin on or after
12 January 1, 2020, and before January 1, 2026, under the Internal Revenue
13 Code of 1986, as amended, a nonrefundable credit against the income tax
14 imposed by the Nebraska Revenue Act of 1967 in the amount of five
15 thousand dollars shall be allowed to any individual who purchases a
16 residence during the taxable year if such residence:

17 (i) Is located within an area that has been declared an extremely
18 blighted area under section 2 of this act;

19 (ii) Is the individual's primary residence; and

20 (iii) Was not purchased from a family member of the individual or a
21 family member of the individual's spouse.

22 (b) The credit provided in this subsection shall be claimed for the
23 taxable year in which the residence is purchased. If the individual
24 cannot fully utilize the credit for such year, the credit may be carried
25 forward to subsequent taxable years until fully utilized.

26 (c) No more than one credit may be claimed under this subsection
27 with respect to a single residence.

28 (d) The credit provided in this subsection shall be subject to
29 recapture by the Department of Revenue if the individual claiming the
30 credit sells or otherwise transfers the residence or quits using the
31 residence as his or her primary residence within five years after the end
1 of the taxable year in which the credit was claimed.

2 (e) For purposes of this subsection, family member means an
3 individual's spouse, child, parent, brother, sister, grandchild, or
4 grandparent, whether by blood, marriage, or adoption.

5 Sec. 6. Original section 77-2715.07, Reissue Revised Statutes of
6 Nebraska, and sections 18-2101, 18-2115.01, and 18-2117.04, Revised
7 Statutes Cumulative Supplement, 2018, are repealed.

LEGISLATIVE BILL 310. Placed on General File with amendment.
AM739

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

3 Section 1. Section 77-2906, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 77-2906 (1)(a) (†) Within twelve months after the date on which the

6 historically significant real property is placed in service, a person
7 whose application was approved under section 77-2905 shall file a request
8 for final approval containing all required information with the officer
9 on a form prescribed by the officer and shall include a fee established
10 by the officer pursuant to section 77-2907. The officer shall then
11 determine whether the work substantially conforms to the application
12 approved under section 77-2905. If the work substantially conforms and no
13 other significant improvements have been made to the historically
14 significant real property that do not substantially comply with the
15 standards, the officer shall approve the request for final approval and
16 refer the application to the department to determine the amount of
17 eligible expenditures, calculate the amount of the credit, and issue a
18 certificate to the person evidencing the credit. If the work does not
19 substantially conform to the approved application or if other significant
20 improvements have been made to the historically significant real property
21 that do not substantially comply with the standards, the officer shall
22 deny the request for final approval and provide the person with a written
23 explanation of the decision. The officer shall make a determination on
24 the request for final approval in writing within thirty days after the
25 filing of the request. If the officer does not make a determination
26 within thirty days after the filing of the request, the request shall be
27 deemed approved and the person may petition the department directly to
1 determine the amount of eligible expenditures, calculate the amount of
2 the credit, and issue a certificate evidencing the credit.

3 (b) The department shall determine the amount of eligible
4 expenditures, calculate the amount of the credit, and issue one or more
5 certificates evidencing the credit within sixty days after referral of
6 the application to the department by the officer or the filing of a
7 petition pursuant to subdivision (1)(a) of this section. The person
8 filing the request for final approval and the department may also agree
9 to extend the sixty-day period, but such extension shall not exceed an
10 additional thirty days. If the department does not determine the amount
11 of eligible expenditures, calculate the amount of the credit, and issue
12 one or more certificates evidencing the credit within such sixty-day
13 period or agreed-upon longer period, the credit shall be deemed to have
14 been issued by the department for the amount requested in such person's
15 request for final approval, except that such amount shall not exceed one
16 hundred ten percent of the amount of credits allocated by the officer
17 under section 77-2905 and such amount shall not increase or decrease the
18 total amount of credits that may be allocated by the officer under
19 section 77-2905 in any calendar year.

20 (c) Any denial of a request for final approval by the officer or any
21 determination of the amount of eligible expenditures or calculation of
22 the amount of the credit by the department pursuant to this section may
23 be appealed, and the appeal shall be in accordance with the
24 Administrative Procedure Act.

25 (2) The department shall divide the credit and issue multiple
26 certificates to a person who qualifies for the credit upon reasonable
27 request.

28 (3) In calculating the amount of the credits to be issued pursuant
29 to this section, the department may issue credits in an amount that
30 differs from the amount of credits allocated by the officer under section
31 77-2905 if such credits are supported by eligible expenditures as
1 determined by the department, except that the department shall not issue
2 credits in an amount exceeding one hundred ten percent of the amount of
3 credits allocated by the officer under section 77-2905. If the amount of
4 credits to be issued under this section is more than the amount of
5 credits allocated by the officer pursuant to section 77-2905, the
6 department shall notify the officer of the difference and such amount
7 shall be subtracted from the annual amount available for allocation under
8 section 77-2905. If the amount of credits to be issued under this section
9 is less than the amount of credits allocated by the officer pursuant to
10 section 77-2905, the department shall notify the officer of the
11 difference and such amount shall be added to the annual amount available
12 for allocation under section 77-2905.

13 (4) The department shall not issue any certificates for credits
14 under this section until the recipient of the credit has paid to the
15 department:

16 (a) A fee equal to one-quarter of one percent of the credit
17 amount. The department shall remit such fees to the State Treasurer for
18 credit to the Civic and Community Center Financing Fund; and -

19 (b) A fee equal to two hundred seventy-five thousandths of one
20 percent of the credit amount. The department shall retain such fee to
21 offset the cost of processing applications for credits under this
22 section.

23 (5) If the recipient of the credit is (a) a corporation having an
24 election in effect under subchapter S of the Internal Revenue Code of
25 1986, as amended, (b) a partnership, or (c) a limited liability company,
26 the credit may be claimed by the shareholders of the corporation, the
27 partners of the partnership, or the members of the limited liability
28 company in the same manner as those shareholders, partners, or members
29 account for their proportionate shares of the income or losses of the
30 corporation, partnership, or limited liability company, or as provided in
31 the bylaws or other executed agreement of the corporation, partnership,
1 or limited liability company. Credits granted to a partnership, a limited
2 liability company taxed as a partnership, or other multiple owners of
3 property shall be passed through to the partners, members, or owners,
4 respectively, on a pro rata basis or pursuant to an executed agreement
5 among the partners, members, or owners documenting any alternate
6 distribution method.

7 (6) Subject to section 77-2912, any credit amount that is unused may
8 be carried forward to subsequent tax years until fully utilized.

9 (7) Credits allowed under this section may be claimed for taxable
10 years beginning or deemed to begin on or after January 1, 2015, under the
11 Internal Revenue Code of 1986, as amended.

12 Sec. 2. Original section 77-2906, Reissue Revised Statutes of
13 Nebraska, is repealed.

(Signed) Lou Ann Linehan, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 316. Placed on General File with amendment.
AM778

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

3 Section 1. (1) For purposes of this section:

4 (a) Contracted pharmacy means a pharmacy located in this state that
5 participates either in the network of a pharmacy benefit manager or in a
6 health care or pharmacy benefits management plan through a direct
7 contract or through a contract with a pharmacy services administration
8 organization, a group purchasing organization, or another contracting
9 agent;

10 (b) Covered entity means (i) a nonprofit hospital or medical
11 services corporation, an insurer, a third-party payor, a managed care
12 company, or a health maintenance organization, (ii) a health program
13 administered by the state in the capacity of provider of health insurance
14 coverage, or (iii) an employer, a labor union, or any other group of
15 persons organized in the state that provides health insurance coverage;

16 (c) Covered individual means a member, participant, enrollee,
17 contract holder, policyholder, or beneficiary of a covered entity who is
18 provided health insurance coverage by the covered entity and includes a
19 dependent or other person provided health insurance coverage through a
20 policy, contract, or plan for a covered individual;

21 (d)(i) Insurer means any person providing life insurance, sickness
22 and accident insurance, workers' compensation insurance, or annuities in
23 this state.

24 (ii) Insurer includes an authorized insurance company, a prepaid
25 hospital or medical care plan, a managed care plan, a health maintenance
26 organization, any other person providing a plan of insurance subject to
27 state insurance regulation, and an employer who is approved by the
1 Nebraska Workers' Compensation Court as a self-covered entity;

2 (e) Pharmacist has the same meaning as in section 38-2832;

3 (f) Pharmacy has the same meaning as in section 71-425;

4 (g) Pharmacy benefit manager means a person or an entity that
5 performs pharmacy benefits management services for a covered entity and
6 includes any other person or entity acting on behalf of a pharmacy
7 benefit manager pursuant to a contractual or employment relationship;

8 (h) Pharmacy benefits management means the administration or
9 management of prescription drug benefits provided by a covered entity
10 under the terms and conditions of the contract between the pharmacy
11 benefit manager and the covered entity; and

12 (i) Prescription drug means a prescription drug or device or legend
13 drug or device as defined in section 38-2841.

14 (2) A pharmacist or contracted pharmacy shall not be prohibited from
15 or subject to penalties or removal from a network or plan for sharing
16 information regarding the cost, price, or copayment of a prescription

17 drug with a covered individual or a covered individual's caregiver. A
 18 pharmacy benefit manager shall not prohibit or inhibit a pharmacist or
 19 contracted pharmacy from discussing any such information or selling a
 20 more affordable alternative to a covered individual or a covered
 21 individual's caregiver.
 22 (3) An insurer that offers a health plan which covers prescription
 23 drugs shall not require a covered individual to make a payment for a
 24 prescription drug at the point of sale in an amount that exceeds the
 25 lesser of:
 26 (a) The covered individual's copayment, deductible, or coinsurance
 27 for such prescription drug; or
 28 (b) The amount any individual would pay for such prescription drug
 29 if that individual paid in cash.

LEGISLATIVE BILL 573. Indefinitely postponed.

(Signed) Matt Williams, Chairperson

ANNOUNCEMENT(S)

Priority designation(s) received:

Hilgers - LB616
 Lowe - LB153
 Banking, Commerce and Insurance - LB316
 Banking, Commerce and Insurance - LB603
 Natural Resources - LB177
 Transportation and Telecommunications - LB184
 Transportation and Telecommunications - LB462
 Halloran - LB693

RESOLUTION(S)

LEGISLATIVE RESOLUTION 45. Introduced by Bostelman, 23.

WHEREAS, the Bishop Neumann High School girls' basketball team won the 2019 Class C-1 Girls State Basketball Championship; and

WHEREAS, the Bishop Neumann Cavaliers defeated the Lincoln Christian Crusaders in the championship game by a score of 45-29; and

WHEREAS, this is the Cavaliers' first state title in girls' basketball since 2010; and

WHEREAS, head coach Jason Simons provided the leadership to cap a winning season with a state championship; and

WHEREAS, the Legislature recognizes the academic, athletic, and artist 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 Bishop Neumann High School girls' basketball team on winning the 2019 Class C-1 Girls State Basketball Championship.

2. That a copy of this resolution be sent to Bishop Neumann High School and Coach Jason Simons.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 311. Committee AM570, found on page 782 and considered in this day's Journal, was renewed.

SPEAKER SCHEER PRESIDING

Senator Chambers offered the following motion:

MO26

Recommit to the Business and Labor Committee.

Senator Chambers withdrew his motion to recommit to committee.

Pending.

COMMITTEE REPORT(S)

Government, Military and Veterans Affairs

LEGISLATIVE BILL 522. Placed on General File with amendment.
AM612

1 1. On page 9, strike lines 12 through 26; and in line 27 strike

2 "(3)" and insert "(2)".

3 2. On page 10, line 1, strike "(4)" and insert "(3)".

LEGISLATIVE BILL 637. Placed on General File with amendment.
AM238

1 1. Insert the following new section:

2 Sec. 6. Since an emergency exists, this act takes effect when passed

3 and approved according to law.

LEGISLATIVE BILL 733. Placed on General File with amendment.
AM738

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

2 sections:

3 Section 1. Section 32-904, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 32-904 (1) The election commissioner or county clerk shall

6 designate the polling places for each precinct at which the registered

7 voters of the precinct will cast their votes. Polling places representing

8 different precincts may be combined at a single location when potential

9 sites cannot be found, contracts for utilizing polling sites cannot be

10 obtained, or a potential site is not accessible to handicapped persons as
11 provided in section 32-907.

12 (2) When combining polling places at a single site for an election
13 other than a special election, the election commissioner or county clerk
14 shall clearly separate the polling places from each other and maintain
15 separate receiving boards. When combining polling places at a single site
16 for a special election, the election commissioner or county clerk may
17 combine the polling places and receiving boards.

18 (3) Polling places shall not be changed between the statewide
19 primary and general elections unless the election commissioner or county
20 clerk has been authorized to make such change by the Secretary of State.
21 If changes are authorized, the election commissioner or county clerk
22 shall notify each state and local candidate affected by the change.

23 (4) Notwithstanding any other provision of the Election Act, the
24 Secretary of State may adopt and promulgate rules and regulations, with
25 the consent of the appropriate election commissioner or county clerk, for
26 the establishment of polling places which may be used for voting pursuant
27 to section 32-1041 for the twenty days preceding the day of election.

1 Such polling places shall be in addition to the office of the election
2 commissioner or county clerk and the polling places otherwise established
3 pursuant to this section.

4 Sec. 2. Section 32-907, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 32-907 (1) All polling places shall be accessible to all registered
7 voters and shall be in compliance with the federal Americans with
8 Disabilities Act of 1990, as amended, and the federal Help America Vote
9 Act of 2002, as amended. In addition, all ~~At~~ polling places shall be
10 modified or relocated to architecturally barrier-free buildings to
11 provide unobstructed access to such polling places by people with
12 physical limitations as required by this section. At least one voting
13 booth shall be so constructed as to provide easy access for people with
14 limitations, and shall accommodate a wheelchair, and shall have a cover
15 or barrier to provide privacy. The modifications required by this section
16 may be of a temporary nature to provide such unobstructed access only on
17 election day.

18 (2) All polling places shall meet the requirements of the federal
19 Americans with Disabilities Act of 1990, as amended, and the federal Help
20 America Vote Act of 2002, as amended, including, but not limited to,
21 requirements for:

22 (a) Parking;

23 (b) Signage, including, but not limited to, signs at the entrances
24 to the parking area (i) that indicate that someone is available to bring
25 a ballot out if access to the polling location is challenging, (ii) that
26 contain a telephone number to contact poll workers, and (iii) posted with
27 visible lettering that exceeds three inches, plus one-eighth inch per
28 foot of viewing distance more than twenty-one feet from accessible
29 parking spaces;

30 (c) Exterior route to accessible entrance;

31 (d) Polling place entrances;

1 (e) Route from entrance into voting area;
 2 (f) Voting area, including, but not limited to, a sign (i) that
 3 indicates that assistance is available, (ii) that contains the contact
 4 telephone number approved by the Secretary of State and (ii) posted with
 5 visible lettering that is two inches, plus one-eighth inch per foot of
 6 viewing distance more than one hundred eighty inches from viewing points;
 7 (g) Ramps;
 8 (h) Lifts; and
 9 (i) Elevators.
 10 (3) The Secretary of State shall develop, print, and make publicly
 11 available a training manual regarding accessibility requirements of the
 12 Election Act, the federal Americans with Disabilities Act of 1990, as
 13 amended, and the federal Help America Vote Act of 2002, as amended.
 14 (4) The Secretary of State shall include in the biennial training
 15 for election commissioners and county clerks current standards for
 16 accessibility. All poll workers shall receive training regarding
 17 accessibility between appointment and serving at an election.
 18 Sec. 3. Original sections 32-904 and 32-907, Reissue Revised
 19 Statutes of Nebraska, are repealed.

(Signed) Tom Brewer, Chairperson

ANNOUNCEMENT(S)

Priority designation(s) received:

Hughes - LB268
 Natural Resources - LB700
 Quick - LB149
 General Affairs - LB397
 General Affairs - LB592
 Agriculture - LB320
 Agriculture - LB227
 Morfeld - LB352
 Revenue - LB288
 McDonnell - LB641

GENERAL FILE

LEGISLATIVE BILL 311. Senator Slama offered the following amendment to the committee amendment:

FA24

Amend AM570

On page 6, line 11, strike "12" and insert "6" and on line 14 strike "6" and insert "4".

SENATOR HUGHES PRESIDING

Pending.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 141. Placed on Final Reading.
LEGISLATIVE BILL 318. Placed on Final Reading.
LEGISLATIVE BILL 339. Placed on Final Reading.

LEGISLATIVE BILL 340. Placed on Final Reading.
ST12

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

1. On page 1, the matter beginning with "incarceration" in line 1 through line 4 has been struck and "corrections; to amend sections 29-2262, 83-4,142, 83-4,144, 83-4,145, and 83-4,146, Reissue Revised Statutes of Nebraska, and section 83-4,143, Revised Statutes Cumulative Supplement, 2018; to change and eliminate provisions relating to incarceration work camps; to eliminate the incarceration work camp as a condition of probation; to" inserted.

LEGISLATIVE BILL 354. Placed on Final Reading.
LEGISLATIVE BILL 354A. Placed on Final Reading.
LEGISLATIVE BILL 399. Placed on Final Reading Second.
LEGISLATIVE BILL 443. Placed on Final Reading.
LEGISLATIVE BILL 463. Placed on Final Reading.

(Signed) Julie Slama, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 411. Placed on Select File with amendment.
ER52

1 1. In the Standing Committee amendments, AM514:
2 a. On page 10, line 7, strike "50" and insert "52"; and
3 b. On page 18, line 23, strike "Official", show as stricken, and
4 insert "official".
5 2. On page 1, strike beginning with "county" in line 1 through line
6 5 and insert "government; to amend sections 23-149, 23-202, 23-293,
7 31-787, 31-793, 32-116, 32-202, 32-221, 32-223, 32-230, 32-231, 32-236,
8 32-552, 32-631, 32-803, 32-816, 32-901, 32-903, 32-910, 32-916, 32-952,
9 32-956, 32-1002, 32-1008, 32-1010, 32-1012, 32-1013, 32-1041, 32-1121,
10 32-1306, 32-1309, 32-1405, 32-1407, 32-1409, 32-1524, and 49-1499.03,
11 Reissue Revised Statutes of Nebraska, and sections 14-2103, 18-2713,
12 23-148, 32-330, 32-607, 32-1007, 32-1303, and 49-14,126, Revised Statutes
13 Cumulative Supplement, 2018; to change provisions relating to election of
14 the board of directors of a metropolitan utilities district; to change
15 election procedures relating to adoption of an economic development
16 program by a city; to provide an additional method of changing the number

17 of county commissioners; to change provisions relating to township
 18 organization, ballot questions, and recall petitions and elections; to
 19 redefine a term; to update a federal reference; to change and eliminate
 20 Secretary of State duties; to prohibit use of and eliminate references to
 21 electronic voting systems; to change provisions relating to voter
 22 registration records; to require the provision of an approved election
 23 district boundary map; to change provisions relating to petition
 24 signature verification and publication of sample ballots; to authorize
 25 the use of precinct-based optical scanners; to change provisions relating
 26 to special elections by mail, ballots, recounts, and initiative and
 27 referendum measures; to eliminate obsolete provisions; to define
 1 electioneering; to change and eliminate prohibited activities near
 2 polling places; to change requirements for certain elected officeholders
 3 relating to a potential conflict of interest; to change a civil penalty
 4 for a violation of the Nebraska Political Accountability and Disclosure
 5 Act; to harmonize provisions; and to repeal the original sections."

LEGISLATIVE BILL 217. Placed on Select File with amendment.

ER49

1 1. On page 1, strike beginning with "Wage" in line 1 through line 4
 2 and insert "Fair Employment Practice Act; to amend section 48-1114,
 3 Reissue Revised Statutes of Nebraska; to prohibit discrimination against
 4 employees for communicating about employee compensation as prescribed;"

LEGISLATIVE BILL 269. Placed on Select File with amendment.

ER50

1 1. On page 1, strike beginning with "the" in line 1 through line 4
 2 and insert "operator's licenses; to amend section 43-287, Reissue Revised
 3 Statutes of Nebraska, and sections 60-498.01, 60-4,118.06, 60-4,120.02,
 4 60-4,124, 60-4,125, and 60-4,126, Revised Statutes Cumulative Supplement,
 5 2018; to change provisions relating to ignition interlock permits and
 6 school permits; and to repeal the original sections."

LEGISLATIVE BILL 270. Placed on Select File with amendment.

ER53 is available in the Bill Room.

(Signed) Julie Slama, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 46. Introduced by Blood, 3; Albrecht, 17;
 Arch, 14; Bolz, 29; Bostelman, 23; Brandt, 32; Brewer, 43; Briese, 41;
 Cavanaugh, 6; Chambers, 11; Clements, 2; Crawford, 45; DeBoer, 10; Dorn,
 30; Erdman, 47; Friesen, 34; Geist, 25; Gragert, 40; Groene, 42; Halloran,
 33; Hansen, B., 16; Hansen, M., 26; Hilgers, 21; Hilkemann, 4; Howard, 9;
 Hughes, 44; Hunt, 8; Kolowski, 31; Kolterman, 24; La Grone, 49; Lathrop,
 12; Lindstrom, 18; Linehan, 39; Lowe, 37; McCollister, 20; McDonnell, 5;
 Morfeld, 46; Moser, 22; Murman, 38; Pansing Brooks, 28; Quick, 35;

Scheer, 19; Slama, 1; Stinner, 48; Vargas, 7; Walz, 15; Wayne, 13; Williams, 36; Wishart, 27.

WHEREAS, March is Women's History Month and is a time to celebrate the significant contributions women of all races, ethnicities, and backgrounds have made to the world; and

WHEREAS, women play a critical role in the vitality and diversity of our communities and are essential to ensuring Nebraska is well-represented; and

WHEREAS, while the twentieth century was a pivotal time of growth for women entering politics, women remain underrepresented in male-dominated fields. Thus, providing opportunities to support women in public office is imperative; and

WHEREAS, recognizing women in public office will bring awareness to the fundamental necessity of their work and will inspire other young people to serve their communities.

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

1. That the Legislature recognizes March 19, 2019, as Celebrating Women in Public Office Day and calls upon the people of this state to unite in supporting the success of women in public office with appropriate activities, events, and programs.

Laid over.

LEGISLATIVE RESOLUTION 47. Introduced by Scheer, 19.

WHEREAS, Nathan Lidgett, a member of Troop 122 of Norfolk, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Throughout his scouting experience, Nathan has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 13 of which are in required areas, and complete an approved community service project; and

WHEREAS, Nathan, through his hard work and perseverance has joined other high achievers who are Eagle Scouts, including astronauts, leaders of government and industry, artists, scientists, and athletes.

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

1. That the Legislature congratulates Nathan Lidgett on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Nathan Lidgett.

Laid over.

LEGISLATIVE RESOLUTION 48. Introduced by Scheer, 19.

WHEREAS, Christopher Lidgett, a member of Troop 122 of Norfolk, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Throughout his scouting experience, Christopher has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 13 of which are in required areas, and complete an approved community service project; and

WHEREAS, Christopher, through his hard work and perseverance has joined other high achievers who are Eagle Scouts, including astronauts, leaders of government and industry, artists, scientists, and athletes.

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

1. That the Legislature congratulates Christopher Lidgett on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Christopher Lidgett.

Laid over.

ANNOUNCEMENT(S)

Priority designation(s) received:

Briese - LB183
 Legislative Performance Audit - LB560
 State-Tribal Relations - LB519
 Friesen - LB663
 Murman - LB585
 Groene - LB606
 Appropriations - LB638
 Appropriations - LB334
 Stinner - LB424
 Executive Board - LB713
 Executive Board - LB600
 Urban Affairs - LR14CA
 Wayne - LB86
 Arch - LB583
 Albrecht - LB209
 Bolz - LB109
 Lathrop - LB538
 Judiciary - LB686
 Judiciary - LB630
 B. Hansen - LB304
 Clements - LB155

Revenue - LB289
Legislature's Planning - LB436
Moser - LB512
Vargas - LB550
Hilkemann - LB532
Slama - LB593

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Hughes name added to LB209.
Senator La Grone name added to LB640.
Senator Slama name added to LB657.

VISITOR(S)

Visitors to the Chamber were Brenda, Samuel, Gary Scott, Molly, and Joanna Bennett from Red Cloud; Director General Gerry Chang and Director Jeffrey Liu from the Taipei Economic and Cultural Office; Aspect international exchange students from Germany, Ukraine, Armenia, Latvia, Tunisia, Sweden, Norway, and Brazil; members of the Leadership Lincoln County; students from Elm Creek Public Schools; and students from St. Michael Catholic School, Lincoln.

The Doctor of the Day was Dr. David Hoelting from Pender.

ADJOURNMENT

At 11:52 a.m., on a motion by Senator B. Hansen, the Legislature adjourned until 9:00 a.m., Wednesday, March 20, 2019.

Patrick J. O'Donnell
Clerk of the Legislature

