

**FIFTY-FIRST DAY - APRIL 2, 2019**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED SIXTH LEGISLATURE**  
**FIRST SESSION**

**FIFTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, April 2, 2019

**PRAYER**

The prayer was offered by Senator Williams.

**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 Cavanaugh, Friesen, McCollister, and Morfeld who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fiftieth day was approved.

**COMMITTEE REPORT(S)**  
Agriculture

**LEGISLATIVE BILL 657.** Placed on General File with amendment.  
AM988 is available in the Bill Room.

(Signed) Steve Halloran, Chairperson

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 49, 50, 51, 52, 53, 54, 55, 56, and 58 were adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 49, 50, 51, 52, 53, 54, 55, 56, and 58.

**MOTION(S) - Confirmation Report(s)**

Senator Groene moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 1000:

Nebraska Educational Telecommunications Commission

Greg Adams  
Patricia Kircher  
Paul Turman

Senator Wayne requested a division of the question on the confirmation report.

The Chair sustained the division of the question.

The first division is as follows:

Senator Groene moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 1000:

Nebraska Educational Telecommunications Commission

Greg Adams

Voting in the affirmative, 41:

Albrecht	Chambers	Halloran	Linehan	Vargas
Arch	Clements	Hansen, B.	Lowe	Walz
Blood	Crawford	Hilgers	McCollister	Wayne
Bolz	DeBoer	Hilkemann	Moser	Williams
Bostelman	Dorn	Howard	Murman	Wishart
Brandt	Friesen	Hunt	Quick	
Brewer	Geist	Kolowski	Scheer	
Briese	Gragert	Kolterman	Slama	
Cavanaugh	Groene	Lathrop	Stinner	

Voting in the negative, 0.

Present and not voting, 7:

Erdman	Hughes	Lindstrom	Pansing Brooks
Hansen, M.	La Grone	McDonnell	

Excused and not voting, 1:

Morfeld

The appointment was confirmed with 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

The second division is as follows:

Senator Groene moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 1000:

Nebraska Educational Telecommunications Commission  
Patricia Kircher

Voting in the affirmative, 40:

Albrecht	Cavanaugh	Groene	Kolterman	Scheer
Arch	Chambers	Halloran	Linehan	Slama
Blood	Clements	Hansen, B.	McCollister	Stinner
Bolz	Crawford	Hilkemann	McDonnell	Vargas
Bostelman	DeBoer	Howard	Morfeld	Walz
Brandt	Erdman	Hughes	Moser	Wayne
Brewer	Friesen	Hunt	Murman	Williams
Briese	Geist	Kolowski	Quick	Wishart

Voting in the negative, 0.

Present and not voting, 9:

Dorn	Hansen, M.	La Grone	Lindstrom	Pansing Brooks
Gragert	Hilgers	Lathrop	Lowe	

The appointment was confirmed with 40 ayes, 0 nays, and 9 present and not voting.

The third division is as follows:

Senator Groene moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 1000:

Nebraska Educational Telecommunications Commission  
Paul Turman

Voting in the affirmative, 38:

Albrecht	Cavanaugh	Halloran	Linehan	Stinner
Arch	Chambers	Hansen, B.	McDonnell	Vargas
Blood	Clements	Hilkemann	Morfeld	Walz
Bolz	Crawford	Howard	Moser	Wayne
Bostelman	Dorn	Hughes	Murman	Williams
Brandt	Erdman	Hunt	Quick	Wishart
Brewer	Geist	Kolowski	Scheer	
Briese	Groene	Kolterman	Slama	

Voting in the negative, 0.

Present and not voting, 11:

DeBoer	Hansen, M.	Lathrop	McCollister
Friesen	Hilgers	Lindstrom	Pansing Brooks
Gragert	La Grone	Low	

The appointment was confirmed with 38 ayes, 0 nays, and 11 present and not voting.

Senator Groene moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 1000:

Board of Trustees of the Nebraska State Colleges  
 John Chaney  
 Robert Engles

Senator Wayne requested a division of the question on the confirmation report.

The Chair sustained the division of the question.

The first division is as follows:

Senator Groene moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 1000:

Board of Trustees of the Nebraska State Colleges  
 John Chaney

Voting in the affirmative, 41:

Albrecht	Crawford	Hilgers	Linehan	Stinner
Blood	DeBoer	Hilkemann	Low	Vargas
Bolz	Dorn	Howard	McCollister	Walz
Bostelman	Erdman	Hughes	McDonnell	Wayne
Brewer	Friesen	Hunt	Moser	Williams
Briese	Geist	Kolowski	Murman	
Cavanaugh	Groene	Kolterman	Quick	
Chambers	Halloran	La Grone	Scheer	
Clements	Hansen, B.	Lathrop	Slama	

Voting in the negative, 0.

Present and not voting, 7:

Arch	Hansen, M.	Morfeld	Wishart
Gragert	Lindstrom	Pansing Brooks	

Excused and not voting, 1:

Brandt

The appointment was confirmed with 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

The second division is as follows:

Senator Groene moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 1000:

Board of Trustees of the Nebraska State Colleges  
Robert Engles

Senator Wayne offered the following motion:

Recommit confirmation report of Robert Engles to Education Committee.

Senator Wayne moved for a call of the house. The motion prevailed with 21 ayes, 5 nays, and 23 not voting.

Senator Wayne requested a roll call vote, in reverse order, on the motion to recommit to committee.

Voting in the affirmative, 17:

Blood	DeBoer	Lathrop	Quick	Wishart
Bolz	Howard	McDonnell	Vargas	
Cavanaugh	Hunt	Morfeld	Walz	
Chambers	Kolowski	Pansing Brooks	Wayne	

Voting in the negative, 28:

Albrecht	Dorn	Halloran	La Grone	Scheer
Arch	Erdman	Hansen, B.	Lindstrom	Slama
Brandt	Friesen	Hilgers	Lowe	Stinner
Brewer	Geist	Hilkemann	McCollister	Williams
Briese	Gragert	Hughes	Moser	
Clements	Groene	Kolterman	Murman	

Present and not voting, 3:

Bostelman      Crawford      Hansen, M.

Excused and not voting, 1:

Linehan

The Wayne motion to recommit the confirmation report to committee failed with 17 ayes, 28 nays, 3 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Pending.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 87.** Placed on Select File with amendment.  
ER62

1 1. On page 1, line 4, strike "change provisions relating to" and  
2 insert "authorize"; strike line 6 and insert "the Job Training Cash Fund,  
3 from the Site and Building Development"; and in line 7 after "Act" insert  
4 "relating to opportunity zones as prescribed".

(Signed) Julie Slama, Chairperson

**COMMITTEE REPORT(S)**

Health and Human Services

**LEGISLATIVE BILL 135.** Placed on General File.  
**LEGISLATIVE BILL 347.** Placed on General File.

**LEGISLATIVE BILL 541.** Placed on General File with amendment.  
AM950

1 1. Insert the following new section:  
2 Sec. 2. Each physician may inquire of a new patient who is at least  
3 eighteen years of age and younger than forty-five years of age on the new  
4 patient's intake form as to whether the patient is registered with the  
5 bone marrow registry. If the patient states that the patient is not  
6 registered with the bone marrow registry, the physician may provide  
7 information developed and disseminated by the Department of Health and  
8 Human Services regarding the bone marrow registry to the patient.  
9 2. On page 2, line 14, after "(2)" insert "The department shall  
10 provide information and educational materials to the public regarding  
11 bone marrow donation. The department shall seek assistance from the  
12 national marrow donor program to establish a system to distribute  
13 materials, ensure that the materials are updated periodically, and fully  
14 disclose the risks involved in donating bone marrow."  
15 3. Renumber the remaining section accordingly.

(Signed) Sara Howard, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 65.** Introduced by Kolterman, 24.

PURPOSE: The purpose of this study is to carry out section 13-2402 of the Nebraska Revised Statutes, which requires the Nebraska Retirement Systems Committee of the Legislature to monitor underfunded defined benefit plans administered by political subdivisions. The study committee shall conduct a public hearing for the presentation of reports by all political subdivisions with underfunded defined benefit plans.

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

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 66.** Introduced by Kolterman, 24.

PURPOSE: The purpose of this study is to examine the public employees' retirement systems administered by the Public Employees Retirement Board, including the State Employees Retirement System, the County Employees Retirement System, the School Employees Retirement System, the Nebraska State Patrol Retirement System, and the Judges Retirement System. The study may also examine the retirement system administered under the Class V School Employees Retirement Act.

The study shall examine issues as they relate to the funding needs, benefits, contributions, and administration of each retirement system.

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

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 67.** Introduced by Walz, 15.

WHEREAS, the Fremont Archbishop Bergan High School girls' basketball team won the 2019 Class D-1 Girls State Basketball Championship; and

WHEREAS, the Fremont-Bergan Knights defeated the Dundy County-Stratton Tigers by a score of 36-27; and

WHEREAS, the Fremont-Bergan Knights girls' basketball team exemplified the life-long skills of teamwork, persistence, and dedication; and

WHEREAS, the outstanding coaching and dedication of the finest fans fueled the Knights all season long; 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 Fremont Archbishop Bergan High School girls' basketball team on their outstanding season and on winning the 2019 Class D-1 Girls State Basketball Championship.
2. That a copy of this resolution be sent to the Fremont Archbishop Bergan High School girls' basketball team and Coach Nate Pribnow.

Laid over.

**LEGISLATIVE RESOLUTION 68.** Introduced by Walz, 15.

WHEREAS, the diagnosis known as post-traumatic stress disorder was initially formulated in 1980 by the American Psychiatric Association to more accurately assess and assist veterans who had endured severe combat stress in Vietnam; and

WHEREAS, combat stress is an invisible wound that has historically been unjustly portrayed as a mental illness caused by a preexisting flaw of character or ability, and that the word "disorder" carries a stigma that perpetuates this misconception; and

WHEREAS, electromagnetic brain imaging now shows previously invisible wounds, physical changes to the brain more accurately described as an injury than as a disorder; and

WHEREAS, referring to invisible wounds as a disorder can discourage the injured from seeking proper and timely medical treatment; and

WHEREAS, referring to such wounds as post-traumatic stress injury (PTSI) is less stigmatizing and viewed as more honorable, influencing those affected to seek treatment without fear of retribution or shame; and

WHEREAS, post-traumatic stress injury can occur following exposure to extremely traumatic events other than combat, such as, but not exclusive to, interpersonal violence, life-threatening accidents, and natural disasters; and

WHEREAS, all citizens suffering from post-traumatic stress injury deserve compassion and consideration, and those brave men and women of the United States Armed Forces who have endured these wounds in operational action especially deserve our respect and recognition; and

WHEREAS, timely and appropriate treatment of post-traumatic stress injury can diminish complications, avert further victimization, and reduce the number of related suicides.

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

1. That the Legislature recognizes June 2019 as Post-Traumatic Stress Injury Awareness Month in Nebraska, and June 27, 2019, as Post-Traumatic Stress Injury Awareness Day in Nebraska.
2. That the Legislature encourages the Department of Health and Human Services and the Department of Veterans' Affairs to continue working to educate victims and their families, as well as the general public, about the causes, symptoms, and treatment of post-traumatic stress injury.

Laid over.



**LEGISLATIVE RESOLUTION 69.** Introduced by Walz, 15.

WHEREAS, the Fremont High School boys bowling team won the 2018 Nebraska High School Bowling Federation Class A Boys State Tournament; and

WHEREAS, the Fremont team members, Cooper Phillips, Camden McKenzie, Cole Macaluso, Nate Stinemates, Garrett Hill, and Chris Emmons, showed remarkable skill, dedication, and perseverance in winning the state tournament; and

WHEREAS, the North Bend Central High School boys bowling team won the 2018 Nebraska High School Bowling Federation Class C Boys State Tournament; and

WHEREAS, the North Bend Central Tiger's Bowling Team exemplified outstanding teamwork and perseverance in winning the state tournament; 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 Fremont High School bowling team on winning the 2018 Nebraska High School Bowling Federation Class A Boys State Tournament.

2. That the Legislature congratulates the North Bend Central High School boys bowling team on winning the 2018 Nebraska High School Bowling Federation Class C Boys State Tournament.

3. That a copy of this resolution be sent to the Fremont High School boys bowling team and to the North Bend Central High School boys bowling team.

Laid over.

**LEGISLATIVE RESOLUTION 70.** Introduced by Walz, 15.

WHEREAS, the Fremont High School boys cross country team won the 2018 Class A Boys State Cross Country Championship; and

WHEREAS, the Fremont Tigers team members Jose Gonzalez, Wesley Ferguson, Ben Schulz, Owen Wagner, Reed Johannsen, and Ross McMahon exemplified outstanding team work and dedication; and

WHEREAS, the win represents the sixth state championship for the Tigers under the leadership of Coach McMahon; 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 Fremont High School boys cross country team on winning the 2018 Class A Boys State Cross Country Championship.

2. That a copy of this resolution be sent to Fremont High School and Coach McMahan.

Laid over.

**LEGISLATIVE RESOLUTION 71.** Introduced by Walz, 15.

WHEREAS, the Fremont Archbishop Bergan High School volleyball team won the 2018 Class D-1 State Volleyball Championship; and

WHEREAS, the Fremont-Bergan Knights defeated the Humphrey/Lindsay Holy Family Bulldogs in the championship with scores of 25-15, 25-18, and 25-14; and

WHEREAS, six different players recorded a kill in the championship match leading to the first state volleyball title for the Knights; and

WHEREAS, the outstanding coaching and dedication of the fans fueled the Knights all season long; 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 Archbishop Bergan High School volleyball team on an outstanding season and winning the 2018 Class D-1 State Volleyball Championship.

2. That a copy of this resolution be sent to the Fremont Archbishop Bergan High School volleyball team, Coach Wewel, and Coach Dieckmann.

Laid over.

**LEGISLATIVE RESOLUTION 72.** Introduced by McDonnell, 5.

WHEREAS, Nebraska has a rich history in agricultural based sports such as horse racing, rodeo, and equestrian sport; and

WHEREAS, equestrian events in the United States are sanctioned by the United States Equestrian Federation and the Federation Equestre Internationale (FEI); and

WHEREAS, the Omaha Equestrian Foundation hosts worldwide, national, and regional equestrian events including the Longines FEI World Cup Finals Jumping and Dressage 2017; and

WHEREAS, the Omaha Equestrian Foundation held the first annual International Omaha event in 2012; and

WHEREAS, in 2017 the Omaha Equestrian Foundation hosted Nebraska's first global championship, the FEI World Cup Finals. The finals brought over 52,000 people from 42 countries and all fifty states to Omaha. The economic impact to Nebraska was approximately \$18,000,000 and included the booking of over 8,000 hotel room nights. The event brought 235

journalists from 14 different countries to Omaha, and the Finals were broadcast on the NBC television network. The publicity led to 1,124 media placements locally, regionally, nationally, and internationally, including media placements in Australia, Belgium, Brazil, Canada, Denmark, France, Germany, Ireland, Italy, Jordan, New Zealand, Poland, Portugal, Qatar, the United Kingdom, and Uruguay; and

WHEREAS, in 2018, International Omaha drew in over 20,000 fans from 35 states and four foreign countries, generating 1,800 hotel room nights. Half of all tickets were sold to out-of-state attendees, and over 3,200 school children experienced the event through the promoters School Field Trip Program. In addition, the television broadcast and live-stream of the event reached 49 states and 20 countries; and

WHEREAS, the annual International Omaha spurs economic development and has increased demand for professional horse services locally. Equestrian lessons are up markedly in the area and a number of horse training, veterinary, and care professionals have relocated to Nebraska which is developing into the "Horse Capitol of the Midwest"; and

WHEREAS, the 2019 International Omaha event will be hosted in Omaha at the CHI Health Center on April 4, 5, 6, and 7; and

WHEREAS, the Omaha Equestrian Foundation has bid to host the Longines FEI World Cup Finals Jumping and FEI World Cup Finals Dressage 2023. The FEI will vote in June 2019 to determine the host for the FEI World Cup Finals 2023.

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

1. That the Legislature recognizes the Omaha Equestrian Foundation as an important economic development organization and the Longines FEI World Cup Finals as the world's premier equestrian event.

2. That the Legislature supports the Omaha Equestrian Foundation's bid to host the Longines FEI World Cup Finals in 2023 and strongly encourages the Federation Equestre Internationale to select Nebraska to host the event.

3. That a copy of this resolution be sent to the Omaha Equestrian Foundation and the Federation Equestre Internationale.

Laid over.

**LEGISLATIVE RESOLUTION 73.** Introduced by Crawford, 45.

WHEREAS, Brent Apo-Hruska represented the United States of America at the 2019 Special Olympics World Games in Abu Dhabi, competing in Unified Golf; and

WHEREAS, Brent was supported by his Unified Golf partner and stepfather Johnny Moen, and his mother Diane Moen; and

WHEREAS, Brent won a gold medal in the Unified Golf competition; and

WHEREAS, Brent graduated from Bellevue East High School and has been involved in golf and bowling programs through Special Olympics Nebraska for 15 years; and

WHEREAS, Brent, along with swimmer Katie Philpot of Kearney, are the first Nebraska athletes to participate in the Special Olympics World Games in nearly twenty years; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the citizens 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 Brent Apo-Hruska and Johnny Moen on winning a gold medal at the Special Olympics World Games in Abu Dhabi.

2. That a copy of this resolution be sent to Brent Apo-Hruska.

Laid over.

**LEGISLATIVE RESOLUTION 74.** Introduced by Slama, 1.

WHEREAS, the Johnson-Brock High School boys' basketball team won the 2019 Class D-2 Boys State Basketball Championship; and

WHEREAS, the Johnson-Brock Eagles were seeded fifth going into the tournament; and

WHEREAS, the Johnson-Brock Eagles defeated Humphrey Saint Francis in the first round of the state tournament with a score of 67-57, defeated Falls City Sacred Heart in the second game by a score of 48-45, and defeated Osmond in the State Championship game with a score of 67-54; and

WHEREAS, the Johnson-Brock High School boys' basketball team showed sportsmanship and worked together as a team to accomplish this great achievement; 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 Johnson-Brock High School boys' basketball team and its coaches on winning the 2019 Class D-2 Boys State Basketball Championship.

2. That a copy of this resolution be sent to the Johnson-Brock High School boys' basketball team and Coach Lucas Dalinghaus.

Laid over.

**LEGISLATIVE RESOLUTION 75.** Introduced by Slama, 1.

WHEREAS, the Auburn High School boys' basketball team won the 2019 Class C-1 Boys State Basketball Championship; and

WHEREAS, the Auburn Bulldogs defeated Grand Island Central Catholic in the first round of the state tournament with a score of 44-42, defeated number two seeded Wahoo in the second game by a score of 59-46, and

defeated North Bend in the State Championship game with a score of 30-29; and

WHEREAS, the Auburn High School boys' basketball team showed sportsmanship and worked together as a team to accomplish this great achievement; 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 Auburn High School boys' basketball team and its coaches on winning the 2019 Class C-1 Boys State Basketball Championship.

2. That a copy of this resolution be sent to the Auburn High School boys' basketball team and Coach Jim Weeks.

Laid over.

#### **AMENDMENT(S) - Print in Journal**

Senator Stinner filed the following amendment to LB481:  
AM1125

1 1. Strike the original section and insert the following new section:  
2 Section 1. For appropriations made for FY2019-20 and FY2020-21 to  
3 Agency No. 25 — Department of Health and Human Services, Program 514,  
4 pursuant to the requirement of 42 U.S.C. 300a-6, as it existed on January  
5 1, 2018, that no funds disbursed under the Federal Title X Program are to  
6 be used in programs where abortion is a method of family planning, none  
7 of the funds disbursed under such program shall be paid or granted to an  
8 organization that performs, assists with the performance of, provides  
9 directive counseling in favor of, or refers for abortion. Referral for an  
10 abortion is limited to the act of recommending a pregnant woman to  
11 doctors, clinics, or other persons or entities for the purpose of  
12 obtaining an abortion. Neutral, factual, nondirective information about  
13 prenatal care and delivery, infant care, foster care, adoption, and  
14 pregnancy termination or referral for an emergency situation in  
15 accordance with subdivision (4) of section 28-326 shall not constitute a  
16 referral for abortion. An otherwise qualified organization shall not be  
17 disqualified from receipt of such funds because of its affiliation with  
18 an organization that performs, assists with the performance of, provides  
19 directive counseling in favor of, or refers for abortion, if the  
20 affiliated organization is objectively independent of the qualified  
21 organization. Objective independence includes, but is not limited to,  
22 legal, physical, and financial separation between the affiliated  
23 organization and the qualified organization.

Senator DeBoer filed the following amendment to LB130:  
AM1107

1 1. Insert the following new section:

- 2 Sec. 10. On or before January 1, 2020, and on or before January 1  
 3 of each year thereafter, the department shall compile the results of the  
 4 radon measurements performed in the past five years that were reported to  
 5 the department pursuant to the rules and regulations adopted and  
 6 promulgated by the department regarding the control of radiation and  
 7 report such compilation electronically to the Clerk of the Legislature.  
 8 Such report shall determine the average radon concentration in Nebraska  
 9 by county and identify each county in which such average concentration  
 10 exceeds two and seven-tenths picocuries per liter of air.  
 11 2. On page 5, line 11, strike "section 9" and insert "sections 9 and  
 12 10".  
 13 3. On page 6, line 23, before the stricken "(4)" insert "(3)" and  
 14 reinstate the stricken matter beginning with the first "Department"  
 15 through the semicolon; in line 24 strike "(3)" and insert "(4)"; and in  
 16 line 30 strike "(4)" and insert "(5)".  
 17 4. On page 7, line 4, strike "(5)" and insert "(6)"; and in line 7  
 18 strike "(6)" and insert "(7)".  
 19 5. On page 10, line 22, strike "or (2)" and insert ", (2) the  
 20 construction project is located in a county in which the average radon  
 21 concentration is less than two and seven-tenths picocuries per liter of  
 22 air as determined by the department pursuant to section 10 of this act,  
 23 or (3)".  
 24 6. On page 11, line 3, strike "Department of Health and Human  
 25 Services" and insert "department".  
 26 7. Renumber the remaining section accordingly.

### COMMITTEE REPORT(S)

Health and Human Services

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

Dannette R. Smith - Chief Executive Officer, Department of Health and Human Services

Aye: 7 Arch, Cavanaugh, B. Hansen, Howard, Murman, Walz, Williams.  
 Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Sara Howard, Chairperson

### VISITOR(S)

Visitors to the Chamber were students from St. Michael's Elementary School, Hastings; students and teachers from Bancroft Elementary School, Omaha; students from Wilber-Clatonia High School; and students from Lincoln Christian School.

**RECESS**

At 11:50 a.m., on a motion by Senator Friesen, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:30 p.m., Speaker Scheer presiding.

**ROLL CALL**

The roll was called and all members were present except Senators Bolz, DeBoer, Friesen, Howard, Lathrop, Linehan, Morfeld, Pansing Brooks, and Stinner who were excused until they arrive.

**MOTION(S) - Confirmation Report(s)**

Senator Groene renewed his motion, found in this day's Journal, to adopt the divided Education Committee report for the confirmation of the following appointment(s) found on page 1000:

Board of Trustees of the Nebraska State Colleges  
Robert Engles

Voting in the affirmative, 28:

Albrecht	DeBoer	Hansen, B.	McCollister	Slama
Arch	Dorn	Hilkemann	McDonnell	Walz
Brandt	Erdman	Hughes	Moser	Williams
Brewer	Friesen	Kolterman	Murman	Wishart
Briese	Gragert	La Grone	Quick	
Clements	Groene	Lowe	Scheer	

Voting in the negative, 3:

Chambers	Hansen, M.	Hunt
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Present and not voting, 13:

Blood	Cavanaugh	Halloran	Lindstrom	Wayne
Bolz	Crawford	Howard	Stinner	
Bostelman	Geist	Kolowski	Vargas	

Excused and not voting, 5:

Hilgers	Lathrop	Linehan	Morfeld	Pansing Brooks
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The appointment was confirmed with 28 ayes, 3 nays, 13 present and not voting, and 5 excused and not voting.

Senator Groene moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 1000:

Board of Educational Lands and Funds  
Dwayne B. Probyn

Voting in the affirmative, 39:

Albrecht	Chambers	Groene	Hunt	Quick
Arch	Clements	Halloran	Kolowski	Scheer
Blood	Crawford	Hansen, B.	Kolterman	Slama
Bostelman	DeBoer	Hansen, M.	La Grone	Stinner
Brandt	Erdman	Hilgers	Lowe	Vargas
Brewer	Friesen	Hilkemann	McCollister	Walz
Briese	Geist	Howard	Moser	Williams
Cavanaugh	Gragert	Hughes	Murman	

Voting in the negative, 0.

Present and not voting, 7:

Bolz	Lindstrom	Pansing Brooks	Wishart
Dorn	McDonnell	Wayne	

Excused and not voting, 3:

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

Senator M. Hansen moved the adoption of the Business and Labor Committee report for the confirmation of the following appointment(s) found on page 1014:

Boiler Safety Code Advisory Board  
Steven Bley  
Scott Hollman  
Thomas Phipps

Voting in the affirmative, 37:

Albrecht	Cavanaugh	Halloran	La Grone	Stinner
Arch	Chambers	Hansen, B.	Lowe	Vargas
Blood	Clements	Hansen, M.	McCollister	Walz
Bolz	Crawford	Hilkemann	Moser	Wayne
Bostelman	Dorn	Howard	Murman	Williams
Brandt	Geist	Hughes	Quick	
Brewer	Gragert	Hunt	Scheer	
Briese	Groene	Kolterman	Slama	



Voting in the negative, 0.

Present and not voting, 9:

DeBoer	Friesen	Kolowski	McDonnell	Wishart
Erdman	Hilgers	Lindstrom	Pansing Brooks	

Excused and not voting, 3:

Lathrop	Linehan	Morfeld
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The appointments were confirmed with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 76.** Introduced by Williams, 36; Kolterman, 24; Stinner, 48.

WHEREAS, the Nebraska Enterprise Fund was founded in 1994 and certified by the United States Department of Treasury in 1998 as a Community Development Finance Institution; and

WHEREAS, the Nebraska Enterprise Fund envisions a vibrant Nebraska where micro and small businesses have opportunities to excel; and

WHEREAS, the Nebraska Enterprise Fund supports Nebraska's micro and small businesses by providing direct loans, training, programming, mentoring, consulting, and technical assistance; and

WHEREAS, the Nebraska Enterprise Fund seeks to provide services to over 158,000 micro and small businesses statewide; and

WHEREAS, over the past three years the Nebraska Enterprise Fund has provided \$10.24 million in lending to underserved entrepreneurs, disbursed 246 business loans with 68 percent going to minority communities, impacted 1,505 jobs, provided 3,415 coaching sessions, and served 2,288 participants in training programs.

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

1. That the Legislature congratulates the Nebraska Enterprise Fund on its 25th anniversary.
2. That the Legislature appreciates the work of the Nebraska Enterprise Fund to grow Nebraska.
3. That a copy of this resolution be sent to the Nebraska Enterprise Fund.

Laid over.

**SELECT FILE**

**LEGISLATIVE BILL 619.** ER51, found on page 923, was adopted.

Senator Wayne withdrew his motion, MO43, found on page 1015, to bracket until June 1, 2019.

Senator Kolowski offered his amendment, AM957, found on page 997.

The Kolowski amendment was adopted with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 34.** ER54, found on page 956, was adopted.

Senator Kolterman offered his amendment, AM915, found on page 948.

The Kolterman amendment was adopted with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 243.** ER57, found on page 956, was adopted.

Senator Hughes offered his amendment, AM937, found on page 957.

The Hughes amendment was adopted with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

Senator Chambers offered the following amendment:

AM1142

1 1. Strike the original sections and all amendments thereto and

2 insert the following new sections:

3 Section 1. Section 68-1017.02, Reissue Revised Statutes of Nebraska,

4 is amended to read:

5 68-1017.02 (1)(a) The Department of Health and Human Services shall

6 apply for and utilize to the maximum extent possible, within limits

7 established by the Legislature, any and all appropriate options available

8 to the state under the federal Supplemental Nutrition Assistance Program

9 and regulations adopted under such program to maximize the number of

10 Nebraska residents being served under such program within such limits.

11 The department shall seek to maximize federal funding for such program

12 and minimize the utilization of General Funds for such program and shall

13 employ the personnel necessary to determine the options available to the

14 state and issue the report to the Legislature required by subdivision (b)

15 of this subsection.

16 (b) The department shall submit electronically an annual report to

17 the Health and Human Services Committee of the Legislature by December 1  
18 on efforts by the department to carry out the provisions of this  
19 subsection. Such report shall provide the committee with all necessary  
20 and appropriate information to enable the committee to conduct a  
21 meaningful evaluation of such efforts. Such information shall include,  
22 but not be limited to, a clear description of various options available  
23 to the state under the federal Supplemental Nutrition Assistance Program,  
24 the department's evaluation of and any action taken by the department  
25 with respect to such options, the number of persons being served under  
26 such program, and any and all costs and expenditures associated with such  
27 program.

1 (c) The Health and Human Services Committee of the Legislature,  
2 after receipt and evaluation of the report required in subdivision (b) of  
3 this subsection, shall issue recommendations to the department on any  
4 further action necessary by the department to meet the requirements of  
5 this section.

6 (2)(a) The department shall develop a state outreach plan to promote  
7 access by eligible persons to benefits of the Supplemental Nutrition  
8 Assistance Program. The plan shall meet the criteria established by the  
9 Food and Nutrition Service of the United States Department of Agriculture  
10 for approval of state outreach plans. The Department of Health and Human  
11 Services may apply for and accept gifts, grants, and donations to develop  
12 and implement the state outreach plan.

13 (b) For purposes of developing and implementing the state outreach  
14 plan, the department shall partner with one or more counties or nonprofit  
15 organizations. If the department enters into a contract with a nonprofit  
16 organization relating to the state outreach plan, the contract may  
17 specify that the nonprofit organization is responsible for seeking  
18 sufficient gifts, grants, or donations necessary for the development and  
19 implementation of the state outreach plan and may additionally specify  
20 that any costs to the department associated with the award and management  
21 of the contract or the implementation or administration of the state  
22 outreach plan shall be paid out of private or federal funds received for  
23 development and implementation of the state outreach plan.

24 (c) The department shall submit the state outreach plan to the Food  
25 and Nutrition Service of the United States Department of Agriculture for  
26 approval on or before August 1, 2011, and shall request any federal  
27 matching funds that may be available upon approval of the state outreach  
28 plan. It is the intent of the Legislature that the State of Nebraska and  
29 the Department of Health and Human Services use any additional public or  
30 private funds to offset costs associated with increased caseload  
31 resulting from the implementation of the state outreach plan.

1 (d) The department shall be exempt from implementing or  
2 administering a state outreach plan under this subsection, but not from  
3 developing such a plan, if it does not receive private or federal funds  
4 sufficient to cover the department's costs associated with the  
5 implementation and administration of the plan, including any costs  
6 associated with increased caseload resulting from the implementation of  
7 the plan.

8 (3)(a)(i) On or before October 1, 2011, the department shall create  
 9 a TANF-funded program or policy that, in compliance with federal law,  
 10 establishes categorical eligibility for federal food assistance benefits  
 11 pursuant to the Supplemental Nutrition Assistance Program to maximize the  
 12 number of Nebraska residents being served under such program in a manner  
 13 that does not increase the current gross income eligibility limit.  
 14 (ii) Such TANF-funded program or policy shall eliminate all asset  
 15 limits for eligibility for federal food assistance benefits, except that  
 16 the total of liquid assets which includes cash on hand and funds in  
 17 personal checking and savings accounts, money market accounts, and share  
 18 accounts shall not exceed twenty-five thousand dollars pursuant to the  
 19 Supplemental Nutrition Assistance Program, as allowed under federal law  
 20 and under 7 C.F.R. 273.2(j)(2).  
 21 (iii) This subsection becomes effective only if the department  
 22 receives funds pursuant to federal participation that may be used to  
 23 implement this subsection.  
 24 (b) For purposes of this subsection:  
 25 (i) Federal law means the federal Food and Nutrition Act of 2008, 7  
 26 U.S.C. 2011 et seq., and regulations adopted under the act; and  
 27 (ii) TANF means the federal Temporary Assistance for Needy Families  
 28 program established in 42 U.S.C. 601 et seq.  
 29 (4)(a) Within the limits specified in this subsection, the State of  
 30 Nebraska opts out of the provision of the federal Personal Responsibility  
 31 and Work Opportunity Reconciliation Act of 1996, as such act existed on  
 1 January 1, 2009, that eliminates eligibility for the Supplemental  
 2 Nutrition Assistance Program for any person convicted of a felony  
 3 involving the possession, use, or distribution of a controlled substance.  
 4 (b) ~~A person shall be ineligible for Supplemental Nutrition~~  
 5 ~~Assistance Program benefits under this subsection if he or she (i) has~~  
 6 ~~had three or more felony convictions for the possession or use of a~~  
 7 ~~controlled substance or (ii) has been convicted of a felony involving the~~  
 8 ~~sale or distribution of a controlled substance or the intent to sell or~~  
 9 ~~distribute a controlled substance.~~ A person with three or more ~~one or two~~  
 10 felony convictions for the possession or use of a controlled substance  
 11 shall only be eligible to receive Supplemental Nutrition Assistance  
 12 Program benefits under this subsection if he or she is participating in  
 13 or has completed a state-licensed or nationally accredited substance  
 14 abuse treatment program since the date of conviction. The determination  
 15 of such participation or completion shall be made by the treatment  
 16 provider administering the program.  
 17 Sec. 2. Original section 68-1017.02, Reissue Revised Statutes of  
 18 Nebraska, is repealed.  
 19 2. On page 1, strike beginning with "soil" in line 1 through line 2  
 20 and all amendments thereto and insert "public assistance; to amend  
 21 section 68-1017.02, Reissue Revised Statutes of Nebraska; to change  
 22 provisions relating to eligibility for Supplemental Nutrition Assistance  
 23 Program benefits as prescribed; and to repeal the original section."

**SENATOR WILLIAMS PRESIDING**

Senator Gragert requested a ruling of the Chair on whether the Chambers amendment is germane to the bill.

The Chair ruled the Chambers amendment is not germane to the bill.

Senator Chambers challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

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

Senator Chambers requested a roll call vote on the motion to overrule the Chair.

Voting in the affirmative, 0.

Voting in the negative, 39:

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

Present and not voting, 7:

Bolz	Chambers	Hunt	Pansing Brooks
Cavanaugh	Crawford	Kolowski	

Excused and not voting, 3:

Groene	Linehan	Morfeld
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The Chambers motion to overrule the Chair failed with 0 ayes, 39 nays, 7 present and not voting, and 3 excused and not voting.

The Chair was sustained.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO44

Indefinitely postpone.

Senator Chambers moved for a call of the house. The motion prevailed with 20 ayes, 6 nays, and 23 not voting.

Senator Chambers requested a roll call vote on the motion to indefinitely postpone.

Voting in the affirmative, 0.

Voting in the negative, 40:

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

Present and not voting, 3:

Chambers      Kolowski      Pansing Brooks

Excused and not voting, 6:

Crawford      Howard      McDonnell  
Groene      Linehan      Morfeld

The Chambers motion to indefinitely postpone failed with 0 ayes, 40 nays, 3 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

#### **AMENDMENT(S) - Print in Journal**

Senator M. Hansen filed the following amendment to LB217:  
AM1168

(Amendments to Standing Committee amendments, AM387)

- 1 1. On page 1, line 5, after "48-1114" insert "(1)"; in line 9,
- 2 strike "(1)", show as stricken, and insert "(a)"; in line 11, strike
- 3 "(2)", show as stricken, and insert "(b)"; in line 13, strike "(3)", show
- 4 as stricken, and insert "(c)"; in lines 14 and 16 strike "(4)" and insert
- 5 "(d)"; in lines 16 and 18 strike "compensation" and insert "wages,
- 6 benefits, or other compensation"; and after line 23 insert the following
- 7 new subsections:
- 8 "(2) Nothing in subdivision (1)(d) of this section shall:
- 9 (a) Create an obligation for any employer or employee to disclose
- 10 information regarding employee wages, benefits, or other compensation;
- 11 (b) Permit an employee, without the written consent of the employer,

12 to disclose proprietary information, which proprietary information does  
 13 not include information regarding employee wages, benefits, or other  
 14 compensation, trade secret information, or information that is otherwise  
 15 subject to a legal privilege or protected by law;  
 16 (c) Permit an employee to disclose information regarding wages,  
 17 benefits, or other compensation of other employees to a competitor of the  
 18 employer;  
 19 (d) Apply to employers which are exempt from the Nebraska Fair  
 20 Employment Practice Act under section 48-1102;  
 21 (e) Permit an employee to discuss information regarding employee  
 22 wages, benefits, or other compensation during working hours in violation  
 23 of existing workplace policies or specific contractual obligations; or  
 24 (f) Permit an employee to disseminate information regarding employee  
 25 wages, benefits, or other compensation to the general public in violation  
 26 of existing workplace policies or specific contractual obligations.  
 1 (3) The changes made to this section by this legislative bill shall  
 2 not be construed so as to impair or affect the obligation of any lawful  
 3 contract in existence prior to the effective date of this act."

Senator Chambers filed the following amendment to LB590:  
 AM1146

1 1. Strike the original sections and all amendments thereto and  
 2 insert the following new sections:  
 3 Section 1. Section 68-1017.02, Reissue Revised Statutes of Nebraska,  
 4 is amended to read:  
 5 68-1017.02 (1)(a) The Department of Health and Human Services shall  
 6 apply for and utilize to the maximum extent possible, within limits  
 7 established by the Legislature, any and all appropriate options available  
 8 to the state under the federal Supplemental Nutrition Assistance Program  
 9 and regulations adopted under such program to maximize the number of  
 10 Nebraska residents being served under such program within such limits.  
 11 The department shall seek to maximize federal funding for such program  
 12 and minimize the utilization of General Funds for such program and shall  
 13 employ the personnel necessary to determine the options available to the  
 14 state and issue the report to the Legislature required by subdivision (b)  
 15 of this subsection.  
 16 (b) The department shall submit electronically an annual report to  
 17 the Health and Human Services Committee of the Legislature by December 1  
 18 on efforts by the department to carry out the provisions of this  
 19 subsection. Such report shall provide the committee with all necessary  
 20 and appropriate information to enable the committee to conduct a  
 21 meaningful evaluation of such efforts. Such information shall include,  
 22 but not be limited to, a clear description of various options available  
 23 to the state under the federal Supplemental Nutrition Assistance Program,  
 24 the department's evaluation of and any action taken by the department  
 25 with respect to such options, the number of persons being served under  
 26 such program, and any and all costs and expenditures associated with such  
 27 program.  
 1 (c) The Health and Human Services Committee of the Legislature,

2 after receipt and evaluation of the report required in subdivision (b) of  
3 this subsection, shall issue recommendations to the department on any  
4 further action necessary by the department to meet the requirements of  
5 this section.

6 (2)(a) The department shall develop a state outreach plan to promote  
7 access by eligible persons to benefits of the Supplemental Nutrition  
8 Assistance Program. The plan shall meet the criteria established by the  
9 Food and Nutrition Service of the United States Department of Agriculture  
10 for approval of state outreach plans. The Department of Health and Human  
11 Services may apply for and accept gifts, grants, and donations to develop  
12 and implement the state outreach plan.

13 (b) For purposes of developing and implementing the state outreach  
14 plan, the department shall partner with one or more counties or nonprofit  
15 organizations. If the department enters into a contract with a nonprofit  
16 organization relating to the state outreach plan, the contract may  
17 specify that the nonprofit organization is responsible for seeking  
18 sufficient gifts, grants, or donations necessary for the development and  
19 implementation of the state outreach plan and may additionally specify  
20 that any costs to the department associated with the award and management  
21 of the contract or the implementation or administration of the state  
22 outreach plan shall be paid out of private or federal funds received for  
23 development and implementation of the state outreach plan.

24 (c) The department shall submit the state outreach plan to the Food  
25 and Nutrition Service of the United States Department of Agriculture for  
26 approval on or before August 1, 2011, and shall request any federal  
27 matching funds that may be available upon approval of the state outreach  
28 plan. It is the intent of the Legislature that the State of Nebraska and  
29 the Department of Health and Human Services use any additional public or  
30 private funds to offset costs associated with increased caseload  
31 resulting from the implementation of the state outreach plan.

1 (d) The department shall be exempt from implementing or  
2 administering a state outreach plan under this subsection, but not from  
3 developing such a plan, if it does not receive private or federal funds  
4 sufficient to cover the department's costs associated with the  
5 implementation and administration of the plan, including any costs  
6 associated with increased caseload resulting from the implementation of  
7 the plan.

8 (3)(a)(i) On or before October 1, 2011, the department shall create  
9 a TANF-funded program or policy that, in compliance with federal law,  
10 establishes categorical eligibility for federal food assistance benefits  
11 pursuant to the Supplemental Nutrition Assistance Program to maximize the  
12 number of Nebraska residents being served under such program in a manner  
13 that does not increase the current gross income eligibility limit.

14 (ii) Such TANF-funded program or policy shall eliminate all asset  
15 limits for eligibility for federal food assistance benefits, except that  
16 the total of liquid assets which includes cash on hand and funds in  
17 personal checking and savings accounts, money market accounts, and share  
18 accounts shall not exceed twenty-five thousand dollars pursuant to the  
19 Supplemental Nutrition Assistance Program, as allowed under federal law



20 and under 7 C.F.R. 273.2(j)(2).

21 (iii) This subsection becomes effective only if the department  
22 receives funds pursuant to federal participation that may be used to  
23 implement this subsection.

24 (b) For purposes of this subsection:

25 (i) Federal law means the federal Food and Nutrition Act of 2008, 7  
26 U.S.C. 2011 et seq., and regulations adopted under the act; and

27 (ii) TANF means the federal Temporary Assistance for Needy Families  
28 program established in 42 U.S.C. 601 et seq.

29 (4)(a) Within the limits specified in this subsection, the State of  
30 Nebraska opts out of the provision of the federal Personal Responsibility  
31 and Work Opportunity Reconciliation Act of 1996, as such act existed on  
1 January 1, 2009, that eliminates eligibility for the Supplemental  
2 Nutrition Assistance Program for any person convicted of a felony  
3 involving the possession, use, or distribution of a controlled substance.

4 (b) ~~A person shall be ineligible for Supplemental Nutrition  
5 Assistance Program benefits under this subsection if he or she (i) has  
6 had three or more felony convictions for the possession or use of a  
7 controlled substance or (ii) has been convicted of a felony involving the  
8 sale or distribution of a controlled substance or the intent to sell or  
9 distribute a controlled substance.~~ A person with three or more ~~one or two~~  
10 felony convictions for the possession or use of a controlled substance  
11 shall only be eligible to receive Supplemental Nutrition Assistance  
12 Program benefits under this subsection if he or she is participating in  
13 or has completed a state-licensed or nationally accredited substance  
14 abuse treatment program since the date of conviction. The determination  
15 of such participation or completion shall be made by the treatment  
16 provider administering the program.

17 Sec. 2. Original section 68-1017.02, Reissue Revised Statutes of  
18 Nebraska, is repealed.

19 2. On page 1, strike beginning with "child" in line 1 through line 6  
20 and all amendments thereto and insert "public assistance; to amend  
21 section 68-1017.02, Reissue Revised Statutes of Nebraska; to change  
22 provisions relating to eligibility for Supplemental Nutrition Assistance  
23 Program benefits as prescribed; and to repeal the original section."

Senator Erdman filed the following amendment to LB512:  
AM1119 is available in the Bill Room.

#### SELECT FILE

**LEGISLATIVE BILL 243.** Senator Chambers offered the following  
motion:

MO46

Reconsider the vote taken to indefinitely postpone.

Senator Chambers moved for a call of the house. The motion prevailed with  
15 ayes, 9 nays, and 25 not voting.

Senator Chambers requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 40:

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

Present and not voting, 2:

Brandt            Kolowski

Excused and not voting, 6:

Crawford	Howard	McDonnell
Groene	Linehan	Morfeld

The Chambers motion to reconsider failed with 1 aye, 40 nays, 2 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

### **VISITOR(S)**

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

### **ADJOURNMENT**

At 4:56 p.m., on a motion by Senator Albrecht, the Legislature adjourned until 9:00 a.m., Wednesday, April 3, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature