

**FIFTY-FOURTH DAY - APRIL 5, 2019**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED SIXTH LEGISLATURE**  
**FIRST SESSION**

**FIFTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, April 5, 2019

**PRAYER**

The prayer was offered by Pastor Melody Newman, First United Methodist Church, Imperial.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Hughes presiding.

The roll was called and all members were present except Senator Albrecht who was excused; and Senators Blood, Cavanaugh, Friesen, Morfeld, Pansing Brooks, Wayne, and Wishart who were excused until they arrive.

**SPEAKER SCHEER PRESIDING**

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-third day was approved.

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of April 4, 2019, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

American Communications Group, Inc.  
American Heart Association  
Danielson, Jeff  
American Wind Energy Association  
Feichtinger, Erin  
Together Inc. of Metropolitan Omaha  
Meradith, Steve  
Windstream Communications (Withdrawn 04/04/2019)

**REPORTS**

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:  
<http://www.nebraskalegislature.gov/agencies/view.php>

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 79.** Introduced by Gragert, 40.

WHEREAS, the Hartington-Newcastle High School speech team won the 2019 Class C-2 State Speech Championship; and

WHEREAS, the Hartington-Newcastle Wildcats earned their first place finish with a score of 162 points over the Tri-County Trojans and the Crofton Warriors who tied for second place with 64 points apiece; and

WHEREAS, under the direction of head coach A.J. Johnson, Hartington-Newcastle has won six state speech championships, two since becoming Hartington-Newcastle and four as Hartington High School; and

WHEREAS, the Hartington-Newcastle speech team placed second in five categories and earned eight medals at the state speech championship; and

WHEREAS, Bennet Sievers, Teagan Scoggan, Reece Morten, Parker Hopping, and Isaac Bruning won the team event in Oral Interpretation of Drama; and

WHEREAS, this victory marks the ninth time that the Hartington-Newcastle speech team has won the Oral Interpretation of Drama category; 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 Hartington-Newcastle speech team on winning the 2019 Class C-2 State Speech Championship.

2. That a copy of this resolution be sent to the Hartington-Newcastle High School speech team and Coach A.J. Johnson.

Laid over.

**LEGISLATIVE RESOLUTION 80.** Introduced by Gragert, 40.

WHEREAS, Justin Kinkaid of Laurel, a member of Troop 208, 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 their scouting experience, these young men have 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, for Justin's community service project he planned, organized, and managed the disassembly of a wooden playground structure and assembly of a new playground structure in the Coleridge Tractor Park; and

WHEREAS, Justin, 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 Justin Kinkaid on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Justin Kinkaid.

Laid over.

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

Senator Howard moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1032:

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

Voting in the affirmative, 38:

Arch	Crawford	Hilgers	Lathrop	Quick
Bolz	DeBoer	Hilkemann	Lindstrom	Scheer
Bostelman	Dorn	Howard	Linehan	Slama
Brandt	Geist	Hughes	Lowe	Stinner
Brewer	Gragert	Hunt	McCollister	Walz
Briese	Groene	Kolowski	McDonnell	Williams
Chambers	Halloran	Kolterman	Moser	
Clements	Hansen, B.	La Grone	Murman	

Voting in the negative, 0.

Present and not voting, 3:

Erdman	Hansen, M.	Vargas
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Excused and not voting, 8:

Albrecht	Cavanaugh	Morfeld	Wayne
Blood	Friesen	Pansing Brooks	Wishart

The appointment was confirmed with 38 ayes, 0 nays, 3 present and not

voting, and 8 excused and not voting.

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 270.** Placed on Final Reading.

**LEGISLATIVE BILL 348.** Placed on Final Reading.

**LEGISLATIVE BILL 409.** Placed on Final Reading.

(Signed) Julie Slama, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 81.** Introduced by La Grone, 49.

WHEREAS, the Delta Tau Delta Fraternity is celebrating the 125th anniversary of its Beta Tau Chapter at the University of Nebraska-Lincoln; and

WHEREAS, the Delta Tau Delta Fraternity has served the state of Nebraska and its communities since 1894, with the Beta Tau Chapter considered the oldest chapter west of the Mississippi River; and

WHEREAS, the Delta Tau Delta Fraternity is a leader on the University of Nebraska-Lincoln campus, encouraging its members to live by the organization's values of truth, courage, faith, and power, and committing to living lives of excellence by serving their fellow man.

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

1. That the Legislature congratulates the Beta Tau Chapter of Delta Tau Delta for being a valuable part of the University of Nebraska-Lincoln's campus community for 125 years.

2. That a copy of this resolution be sent to the Beta Tau Chapter of Delta Tau Delta.

Laid over.

**LEGISLATIVE RESOLUTION 82.** Introduced by Hughes, 44.

WHEREAS, Nebraska's electricity is generated by power plants connected to a complex electrical grid consisting of over 6,000 miles of transmission and 100,000 miles of subtransmission and distribution lines that deliver energy to homes, businesses, hospitals, churches, and schools throughout our state; and

WHEREAS, the electrical grid must be maintained and operated twenty-four hours a day, seven days a week, and three hundred sixty-five days a year despite inclement weather including blizzards, thunderstorms, floods, and other hazards; and

WHEREAS, Nebraska's 1,350 lineworkers have demonstrated outstanding skill and dedication to their jobs working in hazardous conditions to build, maintain, and repair our electricity infrastructure; and

WHEREAS, the hardworking lineworkers of Nebraska who leave their families and risk their lives daily to ensure the reliable delivery of electricity to all citizens of the state are deserving of our respect, gratitude, and honor.

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

1. That the Legislature recognizes the significant contributions and efforts of Nebraska lineworkers who often work in challenging conditions to keep the lights on and expresses its appreciation to all of Nebraska's hardworking lineworkers.

2. That the Legislature recognizes April 8, 2019, as Lineworker Appreciation Day in Nebraska.

Laid over.

### **GENERAL FILE**

**LEGISLATIVE BILL 512.** Title read. Considered.

Committee AM423, found on page 607, was offered.

Senator Erdman withdrew his amendment, AM1119, found on page 1043.

Senator Erdman offered the following amendment to the committee amendment:

AM1217 is available in the Bill Room.

Senator Chambers offered the following motion:

MO56

Bracket until June 6, 2019.

**SENATOR HUGHES PRESIDING**

**SPEAKER SCHEER PRESIDING**

**SENATOR HILGERS PRESIDING**

Pending.

### **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 appointments(s) be confirmed by the Legislature and suggests a record vote.

Alysson R. Muotri - Stem Cell Research Advisory Committee

Aye: 6 Arch, Cavanaugh, Howard, Murman, Walz, Williams. Nay: 0.  
Absent: 0. Present and not voting: 1 Hansen, B..

(Signed) Sara Howard, Chairperson

**COMMITTEE REPORT(S)**  
Health and Human Services

**LEGISLATIVE BILL 312.** Placed on General File with amendment.  
AM1134

- 1 1. On page 2, line 14, strike "The", show as stricken, and insert
- 2 "Except for periodontal scaling, root planing, and the administration of
- 3 local anesthesia and nitrous oxide, the"; strike beginning with the comma
- 4 in line 16 through the comma in line 17; in line 18 strike the comma and
- 5 reinstate "or"; and strike beginning with the comma in line 19 through
- 6 "services" in line 20.
- 7 2. On page 4, line 24, after the period insert "The department shall
- 8 annually evaluate the delivery of dental hygiene services in the state
- 9 and, on or before September 15 of each year beginning in 2020, provide a
- 10 report electronically to the Clerk of the Legislature regarding such
- 11 evaluation. The Health and Human Services Committee of the Legislature
- 12 shall hold a hearing at least once every three years to assess the
- 13 reports submitted pursuant to this subsection."; and in line 28 reinstate
- 14 the stricken matter.
- 15 3. On page 5, lines 1 through 4, strike the new matter and reinstate
- 16 the stricken matter.

**LEGISLATIVE BILL 468.** Placed on General File with amendment.  
AM1166

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. Section 43-2201, Reissue Revised Statutes of Nebraska, is
- 4 amended to read:
- 5 43-2201 It is the intent of the Legislature to:
- 6 (1) Promote kinship care and lifelong connections through the
- 7 process of family finding when a child has been removed from the legal
- 8 custody of the child's parents;
- 9 (2) Prevent recurrence of abuse, neglect, exploitation, or other
- 10 maltreatment of children;
- 11 (3) Reduce the length of time children spend in foster care;
- 12 (4) Reduce multiple placements of children in foster care;
- 13 (5) Remain in compliance with the federal Fostering Connections to
- 14 Success and Increasing Adoptions Act of 2008, Public Law 110-351; and
- 15 (6) ~~Provide a Create a pilot project for the process for of locating~~
- 16 and engaging family members in the life of a child who is a ward of the
- 17 state or is participating in the bridge to independence program as
- 18 defined in section 43-4503, or both, and in need of permanency through a

19 lifelong network of support.

20 Sec. 2. Section 43-2203, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 43-2203 The department, its contracted providers of family finding  
23 services, and family members of children involved in cases which are part  
24 of the family finding process pilot project created in section 43-2204  
25 shall participate in family finding. Family finding is the process of  
26 engagement, searching, preparation, planning, decisionmaking, lifetime  
27 network creation, healing, and permanency in order to:

1 (1) Search for and identify family members and engage them in  
2 planning and decisionmaking;

3 (2) Gain commitments from family members to support a child through  
4 nurturing relationships and to support the parent or parents, when  
5 appropriate; and

6 (3) Achieve a safe, permanent legal home or lifelong connection for  
7 the child, either through reunification or through permanent placement  
8 through legal guardianship or adoption.

9 Sec. 3. Section 43-2204, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 43-2204 A family finding process pilot project is created to provide  
12 family finding services ~~within at least two service areas~~. The department  
13 ~~may shall~~ contract with providers of family finding services or the case  
14 management lead agency pilot project authorized under section 68-1212 to  
15 carry out the family finding process services pilot project. A provider  
16 may contract within multiple service areas. Each contracting provider  
17 shall be trained in and implement the steps described in section 43-2203.  
18 ~~The family finding services pilot project shall terminate on June 30,~~  
19 ~~2019.~~

20 Sec. 4. Section 43-2205, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 43-2205 (1) Under the family finding process pilot project created  
23 under section 43-2204, the department shall refer a portion of all cases  
24 involving children who are wards of the state in foster care or  
25 participating in the bridge to independence program as defined in section  
26 43-4503, or both, to providers of family finding services who or which  
27 shall (a) locate family members of the children, (b) engage and empower  
28 family members, and (c) create an individualized plan to achieve a safe,  
29 permanent legal home for the children when possible.

30 (2) The department shall provide administrative oversight of the  
31 contracts entered into pursuant to the family finding process pilot  
1 ~~project~~ created under section 43-2204.

2 (3) A child's departmental case manager, the child's foster parents,  
3 and the provider of family finding services shall collaborate together to  
4 maximize success throughout the family finding process.

5 (4) The department shall carry out the requirements of the  
6 Interstate Compact for the Placement of Children when achieving out-of-  
7 state placement of a ward of the court, including prompt submission of  
8 required paperwork to ensure that the family finding process moves  
9 forward in a timely manner.

10 Sec. 5. Section 43-2209, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 43-2209 The department may adopt and promulgate rules and  
13 regulations to carry out sections 43-2201 to ~~43-2207~~ ~~43-2208~~.

14 Sec. 6. Section 68-901, Revised Statutes Supplement, 2017, as  
15 amended by section 1, Initiative Law 2018, No. 427, is amended to read:

16 68-901 Sections 68-901 to 68-991, ~~and~~ section 2 of this act, ~~and~~  
17 section 7 of this act shall be known and may be cited as the Medical  
18 Assistance Act.

19 Sec. 7. Until July 1, 2021, the department shall not add long-term  
20 care services and supports to the medicaid managed care program. For  
21 purposes of this section, long-term care services and supports includes  
22 services of a skilled nursing facility, a nursing facility, and an  
23 assisted-living facility and home and community-based services.

24 Sec. 8. Original sections 43-2201, 43-2203, 43-2204, 43-2205, and  
25 43-2209, Reissue Revised Statutes of Nebraska, and section 68-901,  
26 Revised Statutes Supplement, 2017, as amended by section 1, Initiative  
27 Law 2018, No. 427, are repealed.

28 Sec. 9. The following sections are outright repealed: Sections  
29 43-2206 and 43-2208, Reissue Revised Statutes of Nebraska.

(Signed) Sara Howard, Chairperson

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

Senator Hughes filed the following amendment to LB227:  
AM1209

(Amendments to Standing Committee amendments, AM746)

1 1. Strike amendment 1 and insert the following new amendment:

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

4 Section 1. Section 2-4403, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6 2-4403 A farm or farm operation or a public grain warehouse or  
7 public grain warehouse operation shall not be found to be a public or  
8 private nuisance if:

9 (1) ~~The~~ the farm or farm operation or public grain warehouse or  
10 public grain warehouse operation existed before a change in the land use  
11 or occupancy of land in and about the locality of such farm or farm  
12 operation or public grain warehouse or public grain warehouse operation  
13 and before such change in land use or occupancy of land the farm or farm  
14 operation or public grain warehouse or public grain warehouse operation  
15 would not have been a nuisance; -

16 (2) The farm or farm operation or public grain warehouse or public  
17 grain warehouse operation employs reasonable techniques to mitigate  
18 negative effects on the property of others, including, but not limited  
19 to, reasonable techniques to keep dust, noise, insects, and odors at a  
20 minimum;

21 (3) The farm or farm operation or public grain warehouse or public



22 grain warehouse operation is in compliance with applicable laws and  
 23 regulations, including any zoning regulations of a local governing body;  
 24 and  
 25 (4) There has not been a significant change in the farm or farm  
 26 operation or public grain warehouse or public grain warehouse operation.  
 1 For purposes of this subdivision, a significant change in a farm or farm  
 2 operation or public grain warehouse or public grain warehouse operation  
 3 does not include:  
 4 (a) The conversion from one type of farm or farm operation or public  
 5 grain warehouse or public grain warehouse operation to another type of  
 6 farm or farm operation or public grain warehouse or public grain  
 7 warehouse operation;  
 8 (b) A change in ownership or size of the farm or farm operation or  
 9 public grain warehouse or public grain warehouse operation;  
 10 (c) The enrollment, reduction, or cessation of participation in a  
 11 government program by the farm or farm operation or public grain  
 12 warehouse or public grain warehouse operation; or  
 13 (d) Adoption of new technology by the farm or farm operation or  
 14 public grain warehouse or public grain warehouse operation.  
 15 Sec. 2. Original section 2-4403, Reissue Revised Statutes of  
 16 Nebraska, is repealed.

Senator Hughes filed the following amendment to LB227:  
 AM1201

(Amendments to Standing Committee amendments, AM746)

1 1. On page 2, line 4, strike "ownership or size" and insert "size or  
 2 ownership".

Senator Kolterman filed the following amendment to LB720:  
 AM1198 is available in the Bill Room.

### **COMMITTEE REPORT(S)**

Natural Resources

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

John M. Hoggatt - Nebraska Game and Parks Commission

Aye: 8 Albrecht, Bostelman, Geist, Gragert, Halloran, Hughes, Moser, Quick. Nay: 0. Absent: 0. Present and not voting: 0.

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

Frank Reida - Nebraska Power Review Board

Aye: 8 Albrecht, Bostelman, Geist, Gragert, Halloran, Hughes, Moser, Quick. Nay: 0. Absent: 0. Present and not voting: 0.

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

Robert E. Allen - Nebraska Game and Parks Commission

Aye: 8 Albrecht, Bostelman, Geist, Gragert, Halloran, Hughes, Moser, Quick. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Dan Hughes, Chairperson

### COMMITTEE REPORT(S)

Natural Resources

**LEGISLATIVE BILL 126.** Placed on General File with amendment.

AM757

1 1. On page 4, line 11, strike "upto" and insert "up to"; in line 12  
 2 strike "during the seven days" and insert "on the Tuesday, Wednesday, and  
 3 Thursday"; strike beginning with "if" in line 14 through "permit" in line  
 4 18; strike lines 23 through 30; and in line 31 strike "(c)" and insert  
 5 "(b)", and strike "shall" and insert "may".

**LEGISLATIVE BILL 700.** Placed on General File with amendment.

AM1098

1 1. Strike the original sections and insert the following new  
 2 sections:  
 3 Section 1. Section 66-911.01, Reissue Revised Statutes of Nebraska,  
 4 is amended to read:  
 5 66-911.01 An instrument creating a land right or an option to secure  
 6 a land right in real property or the vertical space above real property  
 7 for a solar agreement or a wind agreement shall be created in writing,  
 8 and the instrument, or an abstract, shall be filed, duly recorded, and  
 9 indexed in the office of the register of deeds of the county in which the  
 10 real property subject to the instrument is located. The instrument shall  
 11 include, but the contents are not limited to:  
 12 (1) The names of the parties;  
 13 (2) A legal description of the real property involved;  
 14 (3) The nature of the interest created;  
 15 (4) The consideration paid for the transfer;  
 16 (5) A description of the improvements the developer intends to make  
 17 on the real property, including, but not limited to: Roads; transmission  
 18 lines; substations; wind turbines; and meteorological towers;  
 19 (6) A description of any decommissioning security or local  
 20 requirements related to decommissioning or requirements of section 5 of  
 21 this act; and  
 22 (7) The terms or conditions, if any, under which the interest may be

23 revised or terminated.

24 An abstract under this section need not include the items described  
25 in subdivisions (4) through (7) of this section.

26 Sec. 2. Section 70-1014.02, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

1 70-1014.02 (1)(a) A privately developed renewable energy generation  
2 facility that meets the requirements of this section is exempt from  
3 sections 70-1012 to 70-1014.01 if no less than thirty days prior to the  
4 commencement of construction the owner of the facility:

5 (i) Notifies the board in writing of its intent to commence  
6 construction of a privately developed renewable energy generation  
7 facility;

8 (ii) Certifies to the board that the facility will meet the  
9 requirements for a privately developed renewable energy generation  
10 facility;

11 (iii) Certifies to the board that the private electric supplier will  
12 (A) comply with any decommissioning requirements adopted by the local  
13 governmental entities having jurisdiction over the privately developed  
14 renewable energy generation facility and with the requirements of section  
15 5 of this act and (B) except as otherwise provided in subdivision (b) of  
16 this subsection, submit a decommissioning plan to the board obligating  
17 the private electric supplier to bear all costs of decommissioning the  
18 privately developed renewable energy generation facility and requiring  
19 that the private electric supplier post a security bond or other  
20 instrument, no later than the tenth year following commercial operation,  
21 securing the costs of decommissioning the facility and provide a copy of  
22 the bond or instrument to the board;

23 (iv) Certifies to the board that the private electric supplier has  
24 entered into or prior to commencing construction will enter into a joint  
25 transmission development agreement pursuant to subdivision (c) of this  
26 subsection with the electric supplier owning the transmission facilities  
27 of sixty thousand volts or greater to which the privately developed  
28 renewable energy generation facility will interconnect; and

29 (v) Certifies to the board that the private electric supplier has  
30 consulted with the Game and Parks Commission to identify potential  
31 measures to avoid, minimize, and mitigate impacts to species identified  
1 under subsection (1) or (2) of section 37-806 during the project planning  
2 and design phases, if possible, but in no event later than the  
3 commencement of construction.

4 (b) The board may bring an action in the name of the State of  
5 Nebraska for failure to comply with subdivision (a)(iii)(B) of this  
6 subsection. Subdivision (a)(iii)(B) of this subsection does not apply if  
7 a local government entity with the authority to create requirements for  
8 decommissioning has enacted decommissioning requirements for the  
9 applicable jurisdiction.

10 (c) The joint transmission development agreement shall address  
11 construction, ownership, operation, and maintenance of such additions or  
12 upgrades to the transmission facilities as required for the privately  
13 developed renewable energy generation facility. The joint transmission  
14 development agreement shall be negotiated and executed contemporaneously

15 with the generator interconnection agreement or other directives of the  
16 applicable regional transmission organization with jurisdiction over the  
17 addition or upgrade of transmission, upon terms consistent with prudent  
18 electric utility practices for the interconnection of renewable  
19 generation facilities, the electric supplier's reasonable transmission  
20 interconnection requirements, and applicable transmission design and  
21 construction standards. The electric supplier shall have the right to  
22 purchase and own transmission facilities as set forth in the joint  
23 transmission development agreement. The private electric supplier of the  
24 privately developed renewable energy generation facility shall have the  
25 right to construct any necessary facilities or improvements set forth in  
26 the joint transmission development agreement pursuant to the standards  
27 set forth in the agreement at the private electric supplier's cost.

28 (2) Within ten days after receipt of a written notice complying with  
29 subsection (1) of this section, the executive director of the board shall  
30 issue a written acknowledgment that the privately developed renewable  
31 energy generation facility is exempt from sections 70-1012 to 70-1014.01.

1 (3) The exemption allowed under this section for a privately  
2 developed renewable energy generation facility shall extend to and exempt  
3 all private electric suppliers owning any interest in the facility,  
4 including any successor private electric supplier which subsequently  
5 acquires any interest in the facility.

6 (4) No property owned, used, or operated as part of a privately  
7 developed renewable energy generation facility shall be subject to  
8 eminent domain by a consumer-owned electric supplier operating in the  
9 State of Nebraska. Nothing in this section shall be construed to grant  
10 the power of eminent domain to a private electric supplier or limit the  
11 rights of any entity to acquire any public, municipal, or utility right-  
12 of-way across property owned, used, or operated as part of a privately  
13 developed renewable energy generation facility as long as the right-of-  
14 way does not prevent the operation of or access to the privately  
15 developed renewable energy generation facility.

16 (5) Only a consumer-owned electric supplier operating in the State  
17 of Nebraska may exercise eminent domain authority to acquire the land  
18 rights necessary for the construction of transmission lines and related  
19 facilities. The exercise of eminent domain to provide needed transmission  
20 lines and related facilities for a privately developed renewable energy  
21 generation facility is a public use.

22 (6) Nothing in this section shall be construed to authorize a  
23 private electric supplier to sell or deliver electricity at retail in  
24 Nebraska.

25 (7) Nothing in this section shall be construed to limit the  
26 authority of or require a consumer-owned electric supplier operating in  
27 the State of Nebraska to enter into a joint agreement with a private  
28 electric supplier to develop, construct, and jointly own a privately  
29 developed renewable energy generation facility.

30 Sec. 3. Section 76-3001, Reissue Revised Statutes of Nebraska, is  
31 amended to read:

1 76-3001 For purposes of sections 76-3001 to 76-3004 and section 5 of  
2 this act:

3 (1) Decommissioning security means a security instrument that is  
4 posted or given by a wind developer to a municipality or other  
5 governmental entity to ensure sufficient funding is available for removal  
6 of a wind energy conversion system and reclamation at the end of the  
7 useful life of such a system; and

8 (2) Wind agreement means a right, whether or not stated in the form  
9 of a restriction, easement, covenant, or condition, in any deed, wind  
10 easement, wind option, or lease or lease option securing land for the  
11 study or production of wind-generated energy or any other instrument  
12 executed by or on behalf of any owner of land or air space for the  
13 purpose of allowing another party to study the potential for, or to  
14 develop, a wind energy conversion system as defined in section 66-909.02  
15 on the land or in the air space.

16 Sec. 4. Section 76-3003, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

18 76-3003 A wind agreement shall comply with section 66-911.01 and  
19 section 5 of this act.

20 Sec. 5. (1) It is the policy of the state that the landscapes of  
21 Nebraska be restored to predevelopment condition when wind turbines built  
22 to generate electricity for commercial purposes are decommissioned in  
23 order to ensure the full benefits of future uses.

24 (2) Every landowner who is a party to a wind agreement shall be  
25 provided with information from the wind turbine owner who is a party to  
26 the same wind agreement detailing the materials and equipment that will  
27 be removed from, and that will remain on, the landowner's property when a  
28 wind turbine is decommissioned.

29 (3) Every wind agreement executed on or after January 1, 2020, for  
30 the installation of wind turbines to be used to generate electricity for  
31 commercial purposes in Nebraska shall provide for the removal of  
1 foundation material and equipment below grade upon decommissioning,  
2 except for a wind turbine which is used for repowering within twenty-four  
3 months after it would have been decommissioned. Any void left from the  
4 removal of foundation material and equipment shall be restored to the  
5 condition of the land prior to the installation of the wind turbine or to  
6 an improved condition otherwise agreed to between the wind turbine owner  
7 and the landowner who are parties to the wind agreement.

8 (4) For purposes of this section:

9 (a) Foundation material and equipment includes, but is not limited  
10 to, anchor bolts, rebar, conduits, and concrete; and

11 (b) Repowering means a process by which a wind turbine that would  
12 otherwise be decommissioned is fully or partially refurbished, upgraded,  
13 or replaced for the purpose of generating electricity.

14 (5) Nothing in this section prevents a political subdivision from  
15 enacting standards that meet or exceed the requirements of this section.

16 Sec. 6. Original sections 66-911.01, 70-1014.02, 76-3001, and  
17 76-3003, Reissue Revised Statutes of Nebraska, are repealed.

(Signed) Dan Hughes, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 512.** The Chambers motion, MO56, found in this day's Journal, to bracket until June 6, 2019, was renewed.

Senator Chambers moved for a call of the house. The motion prevailed with 18 ayes, 5 nays, and 26 not voting.

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

Voting in the affirmative, 0.

Voting in the negative, 42:

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

Present and not voting, 1:

Chambers

Excused and not voting, 6:

Albrecht	Brewer	Morfeld
Arch	Hughes	Scheer

The Chambers motion to bracket failed with 0 ayes, 42 nays, 1 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO57

Reconsider the vote taken to bracket.

Pending.

**COMMITTEE REPORT(S)**

## Enrollment and Review

**LEGISLATIVE BILL 212.** Placed on Select File with amendment.

ER63

1 1. On page 1, strike beginning with "the" in line 1 through line 4  
2 and insert "government; to amend sections 23-906 and 77-1601.02, Reissue  
3 Revised Statutes of Nebraska, and sections 13-519, 13-520, and 84-1411,  
4 Revised Statutes Cumulative Supplement, 2018; to change provisions  
5 relating to budget limitations and procedures, hearing notices for county  
6 budgets under the County Budget Act of 1937, hearing notices for property  
7 tax requests, and requirements for holding meetings by videoconference  
8 and telephone conference under the Open Meetings Act; and to repeal the  
9 original sections."

**LEGISLATIVE BILL 15.** Placed on Select File.

**LEGISLATIVE RESOLUTION 14CA.** Placed on Select File.

**LEGISLATIVE BILL 637.** Placed on Select File with amendment.

ER64

1 1. On page 1, line 6, strike "and" and after "sections" insert "  
2 and to declare an emergency".

(Signed) Julie Slama, Chairperson

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator Slama name added to LB227.

Senator Wishart name added to LB611.

Senator Quick name added to LB641.

**VISITOR(S)**

Visitors to the Chamber were Joe Trader from Bennington; students and sponsor from Creighton's Schlegel Center for Service and Justice, Omaha; FFA students from Randolph High School; students from Crawford Public Schools; students from Faith Lutheran School, Lincoln; students and sponsors from Winnebago Public Schools; Rene and Craig Mahood from Glenwood, IA; students, teacher, and sponsors from Golden Plains School, Madrid; students, teacher, and sponsors from St. John Lutheran School, Battle Creek; and students from Field Club Elementary School, Omaha.

The Doctor of the Day was Dr. Jayashree Paknikar from Omaha.

**ADJOURNMENT**

At 12:23 p.m., on a motion by Speaker Scheer, the Legislature adjourned until 9:00 a.m., Monday, April 8, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature