

SIXTY-SECOND DAY - APRIL 18, 2019

LEGISLATIVE JOURNAL

**ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION**

SIXTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 18, 2019

PRAYER

The prayer was offered by Pastor Eddie Goff, New Hope Baptist Church, Hastings.

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 Senator Vargas who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-first day was approved.

MESSAGE(S) FROM THE GOVERNOR

April 17, 2019

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 34e, 217, 243e, 269, 270, 348, 409, 449, 590, and 619 were received in my office on April 11, 2019.

These bills were signed and delivered to the Secretary of State on April 17, 2019.

Sincerely,
(Signed) Pete Ricketts
Governor

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of April 17, 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

Husch Blackwell Strategies
Enhanced Capital
Paige Wireless
McDonald, Edison
GC Resolve, LLC

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>

ATTORNEY GENERAL'S OPINIONOpinion 19-004

SUBJECT: Constitutionality of LB 644—the *Nebraska Workforce Diploma Act*

REQUESTED BY: Senator Mike McDonnell
 Nebraska State Legislature

WRITTEN BY: Douglas J. Peterson, Attorney General
 Leslie S. Donley, Assistant Attorney General

You have requested an opinion from this office regarding the constitutionality of Legislative Bill 644, which would create the "Nebraska Workforce Diploma Act" (Act). You indicate in your opinion request letter that LB 644 "authorizes the Nebraska Department of Labor to institute a program providing a pathway for adults without a high school diploma to earn the missing credits necessary to receive a high school diploma." You state that "[u]nder the Act, an 'eligible workforce diploma program' is defined as an 'accredited or approved, public or private, high school provider.'" Program providers are directly reimbursed by the Department of Labor when students reach certain educational milestones described in the bill. You question whether LB 644 violates Neb. Const. art. VII, § 11, which prohibits the "appropriation of public funds . . . to any school or institution of learning not owned or exclusively controlled by the state or a political subdivision" You have also inquired whether a distinction exists between state "funding for private providers of K-12 high school programs

for ages five to twenty-one versus an adult high school program for ages twenty-two and older?" Our responses to your inquiries are set out below.

LEGISLATIVE BILL 644

Sections two to six of LB 644 create the Act. Section 3 requires the Department of Labor (Labor), on or before August 15, 2019, and each year thereafter, to "request applications from eligible program providers to participate in the workforce diploma program." Sec. 3(2). An "eligible workforce diploma program provider" is defined as

an accredited or approved, public or private, high school provider. An eligible program provider shall also have at least two years of experience providing adult dropout recovery services, including recruitment, learning plan development, and proactive coaching and mentoring culminating in qualification for a high school diploma.

Sec. 3(1). Participants in the workplace diploma program must be at least twenty-two years of age and have no high school diploma or high school equivalency diploma. *Id.* A "workplace diploma program" is not defined.

Providers applying to participate in the program must demonstrate "evidence" of several criteria, including "[a]ccreditation or approval by the State Department of Education or accreditation by a recognized regional accrediting body or consolidation thereof."¹ Sec. 3(2)(a)-(k). A workplace diploma program may be offered "in a campus-based, blended or online modality." Sec. 3(3). Labor is required to announce the approved providers on or before September 15, 2019. Providers are then required to establish a program and begin accepting students on or before October 15, 2019. Unless otherwise required in the Act, a provider is not required to reapply once approved. Sec. 3(4).

Section 4 requires Labor to reimburse each provider participating in the program an amount which correlates to a student's completion of a specific "milestone." The bill lists six milestones, beginning with a \$250 reimbursement for the completion of five credit hours,² and culminating in a \$1,000 reimbursement when a "high school diploma" is attained. Sec. 4(1)(a)-(f). Labor is required to reimburse providers based on the order of invoices received until all available funds are exhausted. Sec. 4(3). Section 5 sets out the reporting requirements and the minimum program performance standards for providers. Section 6 sets out the legislative intent to

¹ The bill is silent as to what standards the State Department of Education or other accrediting body would employ to accredit or approve the entities seeking to become providers under the program.

² For purposes of section 4, "five credits equals one unit of instruction that correlates to one semester of one course in the traditional high school environment." Sec. 4(2).

appropriate \$2,500,000 for fiscal years 2019-20 and 2020-21 to carry out the provisions of the Act. Finally, Section 8 includes an emergency clause.

The Introducer's Statement of Intent for LB 644 indicates that

[i]n an effort to promote workforce development in Nebraska, LB 644 is intended to provide the framework for creation, administration, and implementation of an adult workforce diploma program that would provide adults, at least twenty-two years of age, the opportunity to complete their high school diploma and develop critical career and technical skills to prepare for employment.

Procedurally, the bill was scheduled for hearing by the Legislature's Business and Labor Committee on February 11, 2019. It remains in committee.

RELEVANT CONSTITUTIONAL, STATUTORY AND REGULATORY PROVISIONS

Nebraska Constitution

Three provisions in the Nebraska Constitution are pertinent to your inquiries. First, Neb. Const. art. VII, § 1 provides, in pertinent part, that "[t]he Legislature shall provide for the free instruction in the common schools of this state of all persons between the ages of five and twenty-one years." Second, Neb. Const. art. VII, § 2 provides that "[t]he State Department of Education shall be comprised of a State Board of Education and a Commissioner of Education. The State Department of Education shall have general supervision and administration of the school system of the state and of such other activities as the Legislature may direct." Third, Neb. Const. art. VII, § 11 states, in pertinent part, that "[n]otwithstanding any other provision in the Constitution, appropriation of public funds shall not be made to any school or institution of learning not owned or exclusively controlled by the state or a political subdivision thereof"

Revised Statutes of Nebraska

Several provisions of law govern the qualifications for and issuance of high school diplomas and their equivalents. With respect to high school diplomas awarded to an individual attending high school, Neb. Rev. Stat. § 79-729 (2014) states:

The Legislature recognizes the importance of assuring that all persons who graduate from Nebraska high schools possess certain minimum levels of knowledge, skills, and understanding. Beginning in school year 1987-88, each high school student shall complete a minimum of two hundred high school credit hours prior to graduation. At least eighty percent of such credit hours shall be core curriculum courses prescribed by the State Board of Education. The State Board of

Education may establish recommended statewide graduation guidelines. This section does not apply to high school students whose individualized education plans prescribe a different course of instruction. This section does not prohibit the governing board of any high school from prescribing specific graduation guidelines as long as such guidelines do not conflict with this section. For purposes of this section, high school means grades nine through twelve and credit hour shall be defined by appropriate rules and regulations of the State Board of Education but shall not be less than the amount of credit given for successful completion of a course which meets at least one period per week for at least one semester.

Neb. Rev. Stat. §§ 79-730 to 79-733 (2014) pertain to diplomas of high school equivalency.³ The Commissioner of Education may issue this diploma to any person when the conditions enumerated in Neb. Rev. Stat. § 79-730 are met. A diploma of high school equivalency "convey[s] all the significance and privilege of a regular high school diploma." *Id.* Under Neb. Rev. Stat. § 79-733, the University of Nebraska, the state colleges, and the community colleges must accept diplomas of high school equivalency for enrollment purposes.⁴

Nebraska Administrative Code

In accordance with the authority in Neb. Rev. Stat. § 79-732 (2014) and § 79-2307 (2014), the State Board of Education has adopted and promulgated Title 92, *Nebraska Administrative Code*, Chapter 81, *Rules and Regulations for the High School Equivalency Program* (rev. April 27, 2016)⁵ (Rule 81) and Title 92, *Nebraska Administrative Code*, Chapter 82, *Regulations Governing the Diploma of High School Equivalency Assistance Act* (rev. March 20, 2016) (Rule 82). Under Rule 81, § 002.01, the approved test for purposes of attaining a diploma of high school equivalency is "the General Educational Development Test as prepared and furnished by GED[®] Testing Service." Applicants are required to register online with the GED[®] Testing Service (§ 004.01), and the minimum passing scores are determined by the GED[®] Testing Service in effect at the time the test is taken

³ Legislation giving the State Board of Education authority to issue "certificates" of high school equivalency was first enacted in 1959. *See* 1959 Neb. Laws LB 249 [Session Laws, 1959, ch. 399, page 1358].

⁴ In 2013, the Nebraska Legislature adopted the Diploma of High School Equivalency Assistance Act, Neb. Rev. Stat. §§ 79-2301 to 79-2308 (2014, Cum. Supp. 2018). Under Neb. Rev. Stat. § 79-2302 (2014), "[t]he purpose of the . . . [a]ct is to provide assistance to institutions which offer high school equivalency programs in order to defray the costs associated with participation in such programs."

⁵ The earliest regulations pertaining to diplomas of high school equivalency date back to January 1978.

(§ 005.01A). "Official GED® Testing Centers" include Nebraska public secondary and postsecondary institutions authorized by the Commissioner of Education to administer the GED® test (§ 002.04).

ANALYSIS

You have asked whether LB 644 would violate Neb. Const. art. VII, § 11, which prohibits the "appropriation of public funds . . . to any school or institution of learning not owned or exclusively controlled by the state or a political subdivision thereof . . ." Obviously, the answer to your question depends on the type of provider selected to operate a workforce diploma program. The bill defines a provider as "an accredited or approved, public or private, high school provider." A "high school provider" is not defined in the bill and, on its face, could encompass a variety of entities, like a school district or community college. However, it is our understanding that LB 644 is premised on private companies acting as high school providers, so we will respond to your questions on that basis. Also, based on your opinion request letter, a high school provider, which must be accredited or approved by the State Department of Education or other recognized accrediting body, is presumed to be a private school under the Act.

Neb. Const. art. VII, § 11

Our analysis begins with the fundamental principle that the Nebraska Legislature has plenary legislative authority except as limited by the state and federal Constitutions. *Lenstrom v. Thone*, 209 Neb. 783, 789, 311 N.W.2d 884, 888 (1981) ["*Lenstrom*"]. "The Nebraska Constitution is not a grant but, rather, a restriction on legislative power, and the Legislature may legislate on any subject not inhibited by the Constitution." *Id.*; *State ex rel. Stenberg v. Moore*, 249 Neb. 589, 595, 544 N.W.2d 344, 349 (1996).

The question as to whether a high school provider can receive appropriations of public funds is controlled by a series of Nebraska Supreme Court cases construing art. VII, § 11. In *Lenstrom*, the Nebraska Supreme Court determined that a scholarship program providing financial assistance directly to students attending eligible postsecondary institutions did not violate art. VII, § 11. The court noted that "[t]he literal language of the [provision] prohibits 'appropriation . . . to' any school not owned by the state." *Id.* at 787, 311 N.W.2d at 887. It further noted that the Legislature was free to enact laws and appropriate funds for any public purpose unless restricted by the state or federal Constitution. *Id.* at 789, 311 N.W.2d at 888. The court found that art. VII, § 11 did not prohibit appropriations to students attending nonpublic schools, and it was not for the court to determine, absent "some plain restriction in the Constitution" that the scholarship program did not serve a public purpose. *Id.* at 791, 311 N.W.2d at 889.

In *State ex rel. Bouc v. School Dist. of City of Lincoln*, 211 Neb. 731, 320 N.W.2d 472 (1982), a parent of a student attending private school sought a writ of mandamus to compel the local school district to provide bus

transportation for the child. The request was based on a statute that requires a public school district, in the event it provides transportation facilities for its students, to extend those facilities to children in approved nonpublic private schools under certain circumstances. The trial court found the statute to be constitutional, and ordered the school district to provide the requested bus service. *Id.* at 732, 320 N.W.2d at 474. Drawing on its recent holding in *Lenstrom*, the court found that "[t]he record . . . does not reflect that this is an instance involving a direct appropriation of public funds to a nonpublic institution" and that "any benefit that may inure to the nonprofit private institution is merely incidental and certainly cannot be deemed to be an 'appropriation . . . to' that institution." *Id.* at 737, 320 N.W.2d at 476.

In *State ex rel. Creighton University v. Smith*, 217 Neb. 682, 353 N.W.2d 267 (1984), Creighton University sought a writ of mandamus requiring the state health director to consider its contract proposal for cancer research authorized under Neb. Rev. Stat. §§ 81-637 to 81-640 (Reissue 1981). Those statutes specified the considerations to be taken by the director in making grants and contracts for the research of cancer and smoking diseases. Regulations subsequently adopted under those statutes limited the contract awards to only the University of Nebraska or any other Nebraska public postsecondary institution having a college of medicine. *Id.* at 685-86, 353 N.W.2d at 270. The trial court issued a writ a mandamus finding, *inter alia*, that the regulations should be drafted to permit private institutions with a college of medicine in Nebraska to qualify for the contracts. On appeal, since the statutes at issue did not set aside money for Creighton's use or "vest in Creighton any right to receive state funds," the court concluded that "there [was] no appropriation of public funds to Creighton." *Id.* at 690, 353 N.W.2d at 272.⁶

Legislative bill 644 would create a workplace diploma program where an approved provider is authorized to receive reimbursements directly from the governing state agency based on educational milestones achieved by the students enrolled in the program. A provider is required to "submit monthly invoices to [Labor] no later than the tenth day of each month for milestones met in the previous calendar month." Sec. 4(3). In addition, "[t]he department shall reimburse approved program providers in the order in which invoices are received *until all funds appropriated for the workforce diploma program are exhausted.*" *Id.* (emphasis added).

⁶ See also *Father Flanagan's Boys Home v. Dept. of Social Services*, 255 Neb. 303, 583 N.W.2d 774 (1998) (Finding constitutional a statute requiring the state to pay the educational costs of state wards in a nonpublic school.); and *Cunningham v. Lutjeharms*, 231 Neb. 756, 437 N.W.2d 806 (1989) (A statute requiring public school districts to purchase and lend textbooks to students in private schools determined to be constitutional where the court found that the statute permitted neither the distribution of public funds nor the loaning of publicly owned textbooks to private schools.)

Article VII, § 11 "prohibits appropriations by the Legislature to nonpublic schools." *Cunningham v. Lutjeharms*, 231 Neb. 756, 759, 437 N.W.2d 806, 809 (1989) (emphasis in original). "Regarding appropriation of public funds, to appropriate means to set apart, or assign to a particular person or use in exclusion of others, to use or employ for a particular purpose, or in a particular case." *State ex rel. Creighton* at 688, 353 N.W.2d at 271. In the cases set out above, the Nebraska Supreme Court found the various statutes at issue to be constitutional because there was no direct appropriation of funds to the nonpublic schools involved and any benefit that might inure to the schools was merely incidental. Here, LB 644 requires, on its face, that public funds be set aside to directly reimburse the nonpublic school providers. The benefit to the provider is in no way incidental; it is a direct monetary payment to a provider. Consequently, we conclude that the direct reimbursements to a nonpublic school provider contemplated in the Nebraska Workplace Diploma Act contravene art. VII, § 11, and find LB 644 unconstitutional on this basis.⁷

Your second question asks us to consider whether a distinction exists "between the state providing funding for private providers of K-12 high school programs for ages five to twenty-one versus an adult high school program for ages twenty-two and older?" The constitutional provision implicated by your question, art. VII, § 1, requires the Legislature to "provide for the free instruction in the common schools of this state of all persons between the ages of five and twenty-one years." Your question suggests that art. VII, § 11 may not apply to LB 644 because the individuals participating in the program will be over twenty-one.

"In ascertaining the intent of a constitutional provision from its language, the court may not supply any supposed omission, or add words to or take words from the provision as framed. Constitutional provisions are not open to construction as a matter of course; construction is appropriate only when it has been demonstrated that the meaning of the provision is not clear and therefore construction is necessary." *Pony Lake School Dist. 30 v. State Comm. for the Reorg. of School Dists.*, 271 Neb. 173, 185, 710 N.W.2d 609, 620 (2006) (internal citations omitted). The prohibition under art. VII, § 11 is the appropriation of public funds to nonpublic schools. An exception in this provision allows the state to contract with nonpublic schools for nonsectarian services for the benefit of disabled children under the age of twenty-one. However, there are no other exceptions or distinctions in art. VII, § 11 that would obviate the prohibition.

⁷ While not encompassed in your opinion request letter, we also believe there is a serious question whether LB 644 unconstitutionally divests the State Department of Education of its constitutional authority to supervise and administer the school system of the state. See *State ex rel. Ry. Com'n v. Ramsey*, 151 Neb. 333, 37 N.W.2d 502 (1949).

In addition, a presumption that school districts are limited to providing "high school" instruction to individuals up to the age of twenty-one is misplaced. Under Neb. Rev. Stat. § 79-11,133 (2014), school districts may provide for the instruction of any person who is sixteen years old or older, who is not in high school and not required to be in high school, and "who lacks sufficient mastery of basic educational skills to enable him or her to function effectively in society" ⁸ There is no distinction to be drawn regarding the age of the individual receiving the instruction. As such, our conclusion that LB 644 violates art. VII, § 11 remains unchanged.

Neb. Const. art. III, § 25

Neb. Const. art. III, § 25 provides, in pertinent part, that

[n]o money shall be drawn from the treasury except in pursuance of a specific appropriation made by law, and on the presentation of a warrant issued as the Legislature may direct, and no money shall be diverted from any appropriation made for any purpose or taken from any fund whatever by resolution.

In 1979, the Legislature enacted laws to clarify what constitutes a "specific appropriation" under art. III, § 25. In that regard, Neb. Rev. Stat. § 49-804 (2010) provides:

An appropriation shall only exist when the following criteria have been met:

- (1) There shall be included the phrase there is hereby appropriated;
- (2) A specific fund type shall be identified and the fund shall be appropriated;
- (3) The amount to be appropriated from such fund shall be identified;
- (4) A specific budget program or a specific statement reflecting the purpose for expending such funds shall be identified; and
- (5) The time period during which such funds shall be expended shall be identified.

In addition, Neb. Rev. Stat. § 49-805 (2010) states that "[a]ny legislation not meeting the criteria established in section 49-804 shall not be considered a valid appropriation as defined in Article III, section 22, of the Nebraska Constitution."

⁸ See also Neb. Rev. Stat. §§ 79-11,134 to 79-11,135 (2014), which govern the Adult Education Program established in the State Department of Education.

Section 6 of LB 644 indicates that "[i]t is the intent of the Legislature to appropriate two million five hundred thousand dollars each fiscal year for fiscal years 2019-20 and 2020-21 to the Department of Labor to carry out the Nebraska Workforce Diploma Act." And as noted by the Legislative Fiscal Analyst's Office in its Fiscal Note to LB 644, prepared February 6, 2019: "LB 644 is silent regarding the fund source for the appropriation intended in section 6. It is assumed that funding would come from the General Fund." Obviously, Section 6 does not contain all of the criteria listed in § 49-804 and, as a result, does not constitute "a specific appropriation made by law" required under art. III, § 25; § 49-804; and the *Rules of the Nebraska Unicameral Legislature*, Rule 5, Sec. 2(d) (adopted January 23, 2019).

CONCLUSION

Based on the foregoing, we conclude that LB 644's authorization of direct reimbursement payments to a nonpublic school provider operating a workforce diploma program is an impermissible appropriation of public funds in violation of Neb. Const. art. VII, § 11. We further conclude that the intent language in Section 6 of the bill is insufficient to constitute a valid appropriation of public funds under applicable Nebraska law.

Sincerely,
DOUGLAS J. PETERSON
Attorney General
(Signed) Leslie S. Donley
Assistant Attorney General

pc: Patrick J. O'Donnell
Clerk of the Nebraska Legislature

49-2184-29

RESOLUTION(S)

LEGISLATIVE RESOLUTION 86. Introduced by Lathrop, 12; Bolz, 29; Chambers, 11; Geist, 25; Hansen, M., 26; Hilgers, 21; Morfeld, 46; Pansing Brooks, 28; Wishart, 27.

WHEREAS, Nancy Hicks Rose spent 46 years as a journalist in Nebraska, including more than 20 years reporting on state government and the Legislature for newspapers in Lincoln and Omaha; and

WHEREAS, journalists provide an essential service, keeping residents informed and holding government accountable; and

WHEREAS, Nancy is highly regarded for fairness and objectivity in her writing, as well as her questioning of public officials; and

WHEREAS, Nancy has taken a similar approach to her coverage of local government in the city of Lincoln in the final years of her career; and

WHEREAS, the inscription over the main entrance of the Capitol, written by Hartley Burr Alexander, is "The Salvation of the State is Watchfulness of the Citizen"; and

WHEREAS, through her work, Nancy Hicks Rose has embodied this premise and demonstrated many of the best traits a journalist can possess; and

WHEREAS, Nancy will retire from journalism on April 19, 2019; and

WHEREAS, Nancy will continue to serve as an example of the value of well-reported, local journalism in our state.

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

1. That the Legislature recognizes the impact Nancy Hicks Rose and her fellow journalists have had on the state and the importance of their contributions to a well-functioning government.

2. That the Legislature congratulates Nancy Hicks Rose on her retirement.

3. That copies of this resolution be sent to Nancy Hicks Rose and the Lincoln Journal Star.

Laid over.

MOTION(S) - Confirmation Report(s)

Senator Lathrop moved the adoption of the Judiciary Committee report for the confirmation of the following appointment(s) found on page 1169:

Board of Parole

Robert W. Twiss

Voting in the affirmative, 40:

Albrecht	Clements	Hansen, M.	Lathrop	Quick
Arch	Crawford	Hilgers	Linehan	Scheer
Blood	Dorn	Howard	Lowe	Slama
Bostelman	Erdman	Hughes	McDonnell	Stinner
Brandt	Geist	Hunt	Morfeld	Vargas
Brewer	Gragert	Kolowski	Moser	Wayne
Cavanaugh	Groene	Kolterman	Murman	Williams
Chambers	Hansen, B.	La Grone	Pansing Brooks	Wishart

Voting in the negative, 0.

Present and not voting, 9:

Bolz	DeBoer	Halloran	Lindstrom	Walz
Briese	Friesen	Hilkemann	McCollister	

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

Senator Lathrop moved the adoption of the Judiciary Committee report for the confirmation of the following appointment(s) found on page 1169:

Nebraska Crime Commission
Don Arp Jr., Director

Voting in the affirmative, 42:

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

Voting in the negative, 0.

Present and not voting, 7:

Briese	Hunt	Lindstrom	Vargas
Howard	Kolowski	Pansing Brooks	

The appointment was confirmed with 42 ayes, 0 nays, and 7 present and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 59.

A BILL FOR AN ACT relating to the Children's Residential Facilities and Placing Licensure Act; to amend section 71-1936, Reissue Revised Statutes of Nebraska; to change provisions relating to investigations; to require reports; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 87.

A BILL FOR AN ACT relating to the Department of Economic Development; to amend section 81-12,149, Reissue Revised Statutes of Nebraska, and sections 58-708, 81-1201.21, and 81-12,156, Revised Statutes Cumulative Supplement, 2018; to authorize the distribution of funds from the Affordable Housing Trust Fund, from the Job Training Cash Fund, from the Site and Building Development Fund, and under the Business Innovation Act relating to opportunity zones as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB212 with 34 ayes, 9 nays, and 6 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 212.

A BILL FOR AN ACT relating to government; to amend sections 23-906 and 77-1601.02, Reissue Revised Statutes of Nebraska, and sections 13-519, 13-520, and 84-1411, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to budget limitations and procedures, hearing notices for county budgets under the County Budget Act of 1937, hearing notices for property tax requests, and requirements for holding meetings by videoconference and telephone conference under the Open Meetings Act; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 268.

A BILL FOR AN ACT relating to the Nebraska Telecommunications Regulation Act; to amend section 86-136, Reissue Revised Statutes of Nebraska; to change a provision relating to the filing of an application for a certificate of convenience and necessity; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Present and not voting, 1:

Geist

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 316. With Emergency Clause.

A BILL FOR AN ACT relating to pharmacy; to provide duties for pharmacists and contracted pharmacies regarding disclosure of cost, price, or copayment of prescription drugs; to prohibit insurers from requiring excessive payments as prescribed; to define terms; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB320 with 34 ayes, 6 nays, and 9 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 320.

A BILL FOR AN ACT relating to the Pesticide Act; to amend sections 2-2628, 2-2630, 2-2632, 2-2637, 2-2640, 2-2643, 2-2643.02, 2-2645, and 2-2653, Reissue Revised Statutes of Nebraska, and sections 2-2624, 2-2626, 2-2629, 2-2635, 2-2636, 2-2638, 2-2639, 2-2641, 2-2642, 2-2646, and 2-2656, Revised Statutes Cumulative Supplement, 2018; to redefine terms; to update federal references; to change Department of Agriculture powers and duties; to change provisions relating to registration requirements and applications, service of process, labeling requirements, application fees, pesticide applicator and restricted-use pesticide provisions, commercial, noncommercial, and private applicator licenses, noncertified applicator restrictions, records requirements, license holder duties, violations, claims of damages, inspections, and prohibited acts; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 352.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-1912, Reissue Revised Statutes of Nebraska; to adopt requirements relating to testimony by jailhouse informants; to define terms; to create duties for prosecutors and provide for court orders for failure to comply with such duties; to change provisions relating to requests for discovery by criminal defendants; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

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

Voting in the negative, 1:

Groene

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 390.

A BILL FOR AN ACT relating to public safety; to state findings; to define terms; and to provide duties for the State Department of Education, law enforcement agencies, security agencies, and school districts relating to school resource officers and security guards as prescribed.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Present and not voting, 1:

Moser

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION(S) - Return LB472 to Select File

Senator Lowe moved to return LB472 to Select File for the following specific amendment:

FA48

Strike the enacting clause.

The Lowe motion to return failed with 6 ayes, 32 nays, and 11 present and not voting.

BILLS ON FINAL READING**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB472 with 34 ayes, 8 nays, and 7 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 472.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-319, 39-2510, 39-2520, 77-2703.01, 77-2703.04, 77-2704.31, 77-2708, 77-2711, 77-2712.05, 77-5725, and 77-5726, Reissue Revised Statutes of Nebraska; to adopt the Qualified Judgment Payment Act; to provide for a sales and use tax and a property tax levy; to provide a termination date; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

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

Voting in the negative, 6:

Albrecht	Hilgers	Lowe
Geist	La Grone	Slama

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 514.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-611, Reissue Revised Statutes of Nebraska; to include child support credit and spousal support credit as property obtained under issuing or passing a bad check or other order; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 603.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-157.01, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to automatic teller machine fees; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 637. With Emergency Clause.

A BILL FOR AN ACT relating to the Nebraska Visitors Development Act; to amend sections 81-3701, 81-3711, and 81-3728, Revised Statutes Cumulative Supplement, 2018; to provide a duty for the Nebraska Tourism Commission; to authorize sales of tourism promotional products; to change provisions relating to vendor duties; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill

was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 713.

A BILL FOR AN ACT relating to the Legislature; to amend section 50-419, Reissue Revised Statutes of Nebraska; to state findings; to provide duties for the Legislative Fiscal Analyst; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

RESOLUTION ON FINAL READING

The following resolution was read and put upon final passage:

LEGISLATIVE RESOLUTION 14CA.

THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2020, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VIII, section 12:

VIII-12 For the purpose of rehabilitating, acquiring, or redeveloping substandard and blighted property in a redevelopment project as determined by law, any city or village of the state may, notwithstanding any other provision in the Constitution, and without regard to charter limitations and restrictions, incur indebtedness, whether by bond, loans, notes, advance of money, or otherwise. Notwithstanding any other provision in the

Constitution or a local charter, such cities or villages may also pledge for and apply to the payment of the principal, interest, and any premium on such indebtedness all taxes levied by all taxing bodies, ~~which taxes shall be at such rate for a period not to exceed fifteen years,~~ on the assessed valuation of the property in the project area portion of a designated blighted and substandard area that is in excess of the assessed valuation of such property for the year prior to such rehabilitation, acquisition, or redevelopment. Cities and villages may pledge such taxes for a period not to exceed fifteen years, except that the Legislature may allow cities and villages to pledge such taxes for a period not to exceed twenty years if, due to a high rate of unemployment combined with a high poverty rate as determined by law, more than one-half of the property in the project area is designated as extremely blighted.

When such indebtedness and the interest thereon have been paid in full, such property thereafter shall be taxed as is other property in the respective taxing jurisdictions and such taxes applied as all other taxes of the respective taxing bodies.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to authorize the Legislature to allow cities and villages to pledge property taxes as part of a redevelopment project for a period not to exceed twenty years if, due to a high rate of unemployment combined with a high poverty rate as determined by law, more than one-half of the property in the project area is extremely blighted.

For

Against.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the resolution pass?' "

Voting in the affirmative, 43:

Albrecht	Chambers	Hilgers	Linehan	Slama
Arch	Crawford	Hilkemann	McCollister	Stinner
Blood	DeBoer	Howard	McDonnell	Vargas
Bolz	Dorn	Hughes	Morfeld	Walz
Bostelman	Friesen	Hunt	Moser	Wayne
Brandt	Geist	Kolowski	Murman	Williams
Brewer	Gragert	Kolterman	Pansing Brooks	Wishart
Briese	Halloran	Lathrop	Quick	
Cavanaugh	Hansen, M.	Lindstrom	Scheer	

Voting in the negative, 2:

Erdman Groene

Present and not voting, 4:

Clements Hansen, B. La Grone Lowe

A constitutional three-fifths majority having voted in the affirmative, the

resolution was declared passed for the general election.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 59, 87, 212, 268, 316, 320, 352, 390, 472, 514, 603, 637, and 713 and LR14CA.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 87. Introduced by Crawford, 45.

PURPOSE: The purpose of this resolution is to continue the work of the select interim committee of the Legislature created in LR437, One Hundred Fifth Legislature, second session, to fully and comprehensively analyze possible improvements and changes to the standing committee system.

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

1. That a select interim committee of the Legislature be designated to carry out the purposes of this resolution. The select interim committee shall be composed of the members of the Rules Committee of the Legislature, the Speaker of the Legislature, and two members of each congressional district selected by the Executive Board of the Legislative Council.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Executive Board of the Legislative Council on or before February 7, 2020.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 88. Introduced by McCollister, 20.

PURPOSE: The purpose of this interim study is to examine issues related to grandparents raising grandchildren and other kinship family relationships.

Over 10,500 Nebraska grandparents are responsible for their grandchildren who live with them. Twenty-eight thousand children live in homes headed by grandparents or other relatives. Forty percent of Nebraska children in out-of-home care are living with relatives.

The babies, children and youth who enter a relative's care often have experienced multiple adverse childhood experiences that place them at higher risk for behavior issues and health problems both now and as they age.

When children cannot remain with their parents, placing them with grandparents and other relatives reduces future trauma and can help to mitigate the impact of past trauma. The stability, supportive relationships, and extended family network that grandparents provide to children align with research-based protective factors that promote resiliency and healing.

Providing full-time care to grandchildren may decrease grandparents' ability to address their own physical and mental health needs and personal

well-being. Grandparents would, therefore, benefit from better coordination and dissemination of information and resources to support them in their caregiving responsibilities.

This interim study shall include, but not be limited to, an examination of the following:

- (1) The creation of a kinship navigator program through the federal Family First Prevention Services Act;
- (2) A review of the barriers facing grand-families and kinship-families both in and outside the child welfare system; and
- (3) The identification of resources to support grand-families and kinship-families.

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

1. That the Health and Human Services 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 89. Introduced by Hughes, 44.

WHEREAS, Adair Reese of Grant was crowned Mrs. Nebraska for 2019; and

WHEREAS, Adair has been married to her husband, Jason, for 14 years, and together they have two children, Ava (12) and Alec (10); and

WHEREAS, Adair was instrumental in establishing Reese Mechanical and Reese Appliance and Repair in Grant, works as the administrator for Perkins County Health Services Foundation, and is very active in her community, having served as President of her local Rotary, a member of the Perkins County Chamber, a consultant on the Perkins County swimming pool project, an umpire for youth sports in Grant, and a Teammate mentor; and

WHEREAS, Adair chose attention-deficit/hyperactivity disorder awareness in adults and children as her platform for the Mrs. Nebraska competition; and

WHEREAS, Adair will represent Nebraska and compete in the national Mrs. America pageant.

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

1. That the Legislature congratulates Adair Reese for being crowned Mrs. Nebraska for 2019.
2. That a copy of this resolution be sent to Adair Reese.

Laid over.

BILL ON FIRST READING

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

LEGISLATIVE BILL 532A. Introduced by Cavanaugh, 6.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 532, One Hundred Sixth Legislature, First Session, 2019.

SELECT FILE

LEGISLATIVE BILL 177. Senator Erdman withdrew his amendment, AM1408, found on page 1210.

Senator Erdman offered the following amendment:

FA50

1. Strike AM713 (committee amendments).
2. On page 2, line 4 strike "2029" and insert "2019".

Pending.

COMMITTEE REPORT(S)

Urban Affairs

LEGISLATIVE BILL 492. Placed on General File with amendment. AM628 is available in the Bill Room.

LEGISLATIVE BILL 564. Placed on General File with amendment. AM1276

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. Section 13-2702, Revised Statutes Cumulative Supplement,
- 4 2018, is amended to read:
- 5 13-2702 The purpose of the Civic and Community Center Financing Act
- 6 is to support the development of civic centers, historic buildings or
- 7 districts, public spaces ~~community~~, and recreation centers throughout
- 8 Nebraska. Furthermore, the act is intended to support projects that
- 9 foster maintenance or growth of communities.
- 10 Sec. 2. Section 13-2703, Revised Statutes Cumulative Supplement,
- 11 2018, is amended to read:
- 12 13-2703 For purposes of the Civic and Community Center Financing
- 13 Act:
- 14 (1) Civic center means a facility that is ~~primarily~~ used to host
- 15 conventions, meetings, and cultural events ~~or and~~ a library;
- 16 ~~(2) Community center means property that is owned by a municipality~~
- 17 ~~and located within the traditional center of a community, typically~~
- 18 ~~comprised of a cohesive core of residential, civic, religious, and~~

19 ~~commercial buildings, arranged around a main street and intersecting~~
20 ~~streets;~~

21 ~~(2) (3)~~ Department means the Department of Economic Development;

22 ~~(3) Eligible facility means any civic center, historic building or~~
23 ~~district, public space, or recreation center;~~

24 ~~(4) Fund means the Civic and Community Center Financing Fund;~~

25 ~~(5) Historic building or district means a building or district~~
26 ~~eligible for listing on or currently listed on the National Register of~~

27 ~~Historic Places or a building that is certified as contributing to the~~
1 ~~significance of a registered state or national historic district; and~~

2 ~~(6) Political subdivision means a county, school district, community~~
3 ~~college area, or natural resources district;~~

4 ~~(7) Public space means property located within the traditional~~
5 ~~center of a community, typically comprised of a cohesive core of~~
6 ~~residential, civic, religious, and commercial buildings, arranged around~~
7 ~~a main street and intersecting streets; and~~

8 ~~(8) (6)~~ Recreation center means a facility or park used for
9 athletics, fitness, sport activities, or recreation that is owned by a
10 municipality and is available for use by the general public with or
11 without charge. Recreation center does not include any facility that
12 requires a person to purchase a membership to utilize such facility.

13 Sec. 3. Section 13-2704, Revised Statutes Cumulative Supplement,
14 2018, is amended to read:

15 13-2704 (1) The Civic and Community Center Financing Fund is
16 created. The fund shall be administered by the department. Any money in
17 the fund available for investment shall be invested by the state
18 investment officer pursuant to the Nebraska Capital Expansion Act and the
19 Nebraska State Funds Investment Act. Transfers may be made from the fund
20 to the General Fund, the Department of Revenue Enforcement Fund, and the
21 State Colleges Sport Facilities Cash Fund at the direction of the
22 Legislature.

23 (2)(a) The department shall use the Civic and Community Center
24 Financing Fund for the following purposes:

25 (i) For grants of assistance as described in section 13-2704.01;

26 (ii) For grants of assistance as described in section 13-2704.02;
27 and

28 (iii) For reasonable and necessary costs of the department directly
29 related to the administration of the fund, not to exceed the amount
30 needed to employ a one-half full-time equivalent employee.

31 (b) Grants of assistance shall ~~The fund may~~ not be used for
1 programming, marketing, advertising, or facility-staffing activities.

2 (3) The State Treasurer shall transfer two hundred fifty thousand
3 dollars from the Civic and Community Center Financing Fund to the State
4 Colleges Sport Facilities Cash Fund on October 1 of 2012, 2013, and 2014.

5 Commencing October 1, 2015, and every year thereafter, the State
6 Treasurer shall transfer three hundred thousand dollars from the Civic
7 and Community Center Financing Fund to the State Colleges Sport
8 Facilities Cash Fund.

9 Sec. 4. Section 13-2704.01, Revised Statutes Cumulative Supplement,

10 2018, is amended to read:

11 13-2704.01 (1) The department shall use the fund to provide grants
12 of assistance for the following purposes:

13 (a) To assist in the construction of new civic centers and
14 recreation centers or the renovation or expansion of existing civic
15 centers and recreation centers;

16 (b) To assist in the preservation, restoration, conversion,
17 rehabilitation, or reuse of historic buildings or districts; or

18 ~~(c) To assist in the preservation and restoration of historic~~
19 ~~buildings owned by a nonprofit organization if a contractual relationship~~
20 ~~is created between a municipality and the nonprofit organization; or~~

21 (c) ~~(d)~~ To assist in the construction or upgrade of public spaces
22 community centers, including the demolition of substandard and abandoned
23 buildings.

24 (2) Applications for grants of assistance pursuant to this section
25 shall be evaluated by the department pursuant to section 13-2707.

26 Sec. 5. Section 13-2705, Revised Statutes Cumulative Supplement,
27 2018, is amended to read:

28 13-2705 The department may conditionally approve grants of
29 assistance from the fund to eligible and competitive applicants subject
30 to within the following limits and requirements:

31 (1) Except as provided in subdivision (2) of this section, a grant
1 request shall be in an amount meeting the following requirements:

2 (a) For a grant of assistance under section 13-2704.01, at least
3 fifteen thousand dollars but no more than:

4 (i) For a city of the primary class, two million two hundred fifty
5 thousand dollars;

6 (ii) For a city with a population of at least more than forty
7 thousand inhabitants but fewer less than one hundred thousand inhabitants
8 as determined by the most recent federal decennial census or the most
9 recent revised certified count by the United States Bureau of the Census,
10 one million one hundred twenty-five thousand dollars;

11 (iii) For a city with a population of at least more than twenty
12 thousand inhabitants but fewer less than forty thousand inhabitants as
13 determined by the most recent federal decennial census or the most recent
14 revised certified count by the United States Bureau of the Census, seven
15 hundred fifty thousand dollars;

16 (iv) For a city with a population of at least more than ten thousand
17 inhabitants but fewer less than twenty thousand inhabitants as determined
18 by the most recent federal decennial census or the most recent revised
19 certified count by the United States Bureau of the Census, six hundred
20 thousand dollars; and

21 (v) For a municipality with a population of fewer less than ten
22 thousand inhabitants as determined by the most recent federal decennial
23 census or the most recent revised certified count by the United States
24 Bureau of the Census, three hundred seventy-five thousand dollars; and

25 (b) For a grant of assistance under section 13-2704.02, at least
26 three thousand dollars but no more than fifteen thousand dollars;

27 (2) Upon the balance of the fund reaching three million seven

28 hundred fifty thousand dollars, and until the balance of the fund falls
29 below one million five hundred thousand dollars, a grant request shall be
30 in an amount meeting the following requirements:

31 (a) For a grant of assistance under section 13-2704.01, at least
1 fifteen thousand dollars but no more than:

2 (i) For a city of the primary class, three million three hundred
3 seventy-five thousand dollars;

4 (ii) For a city with a population of at least ~~more than~~ forty
5 thousand inhabitants but fewer less than one hundred thousand inhabitants
6 as determined by the most recent federal decennial census or the most
7 recent revised certified count by the United States Bureau of the Census,
8 one million six hundred eighty-seven thousand dollars;

9 (iii) For a city with a population of at least ~~more than~~ twenty
10 thousand inhabitants but fewer less than forty thousand inhabitants as
11 determined by the most recent federal decennial census or the most recent
12 revised certified count by the United States Bureau of the Census, one
13 million one hundred twenty-five thousand dollars;

14 (iv) For a city with a population of at least ~~more than~~ ten thousand
15 inhabitants but fewer less than twenty thousand inhabitants as determined
16 by the most recent federal decennial census or the most recent revised
17 certified count by the United States Bureau of the Census, nine hundred
18 thousand dollars; and

19 (v) For a municipality with a population of fewer less than ten
20 thousand inhabitants as determined by the most recent federal decennial
21 census or the most recent revised certified count by the United States
22 Bureau of the Census, five hundred sixty-two thousand dollars; and

23 (b) For a grant of assistance under section 13-2704.02, at least
24 three thousand dollars but no more than fifteen thousand dollars;

25 (3) Assistance from the fund shall not amount to more than fifty
26 percent of the cost of the project for which a grant is requested;

27 (4) A municipality shall not be awarded more than one grant of
28 assistance under section 13-2704.01 and one grant of assistance under
29 section 13-2704.02 in any two-year period; ~~and~~

30 (5) Any eligible facility for which a grant of assistance under
31 section 13-2704.01 is made shall not be sold for at least five years
1 following the award of such grant of assistance; and A municipality shall
2 not sell any civic, community, or recreation center that received grant
3 funds for at least five years under the Civic and Community Center
4 Financing Act.

5 (6) Upon receipt of any application for a grant of assistance to
6 assist in the preservation, restoration, conversion, rehabilitation, or
7 reuse of a historic building or district, the department shall notify the
8 State Historic Preservation Officer of such application. The State
9 Historic Preservation Officer shall evaluate the work proposed in such
10 application to determine whether it conforms to the Secretary of the
11 Interior's Standards for the Treatment of Historic Properties and shall
12 notify the department of the determination. If the work does not conform
13 to such standards, the department shall not award a grant of assistance
14 for such application.

15 Sec. 6. Section 13-2707, Revised Statutes Cumulative Supplement,
16 2018, is amended to read:

17 13-2707 (1) The department shall evaluate all applications for
18 grants of assistance under section 13-2704.01 based on the following
19 criteria, which are listed in no particular order of preference:
20 (a) Retention Impact. Funding decisions by the department shall be
21 based on the likelihood of the project retaining existing residents in
22 the community where the project is located, developing, sustaining, and
23 fostering community connections, and enhancing the potential for economic
24 growth in a manner that will sustain the quality of life and promote
25 long-term economic development;
26 (b) New Resident Impact. Funding decisions by the department shall
27 be based on the likelihood of the project attracting new residents to the
28 community where the project is located;
29 (c) Visitor Impact. Funding decisions by the department shall be
30 based on the likelihood of the project enhancing or creating an
31 attraction that would increase the potential of visitors to the community
1 where the project is located from inside and outside the state;
2 (d) Readiness. ~~The applicant's fiscal, and economic, and operational~~
3 ~~capacity of the applicant, and of any political subdivision that owns the~~
4 ~~eligible facility jointly with the applicant, to finance and manage the~~
5 ~~project the local share and ability to proceed and implement its plan and~~
6 ~~to operate the eligible facility civic center, community center, or~~
7 ~~recreation center; and~~
8 (e) Project Planning. Projects with completed technical assistance
9 and feasibility studies shall be preferred to those with no prior
10 planning.

11 (2) The department shall give priority to applications from
12 municipalities which have not received a grant of assistance under
13 section 13-2704.01 within the last ten years.

14 (3) Any grant of assistance under section 13-2704.01 shall be
15 matched at least equally from local sources. At least fifty percent of
16 the local match must be in cash.

17 (4) To receive a grant of assistance under section 13-2704.01, the
18 project for which the grant is requested shall be located in the
19 municipality that applies for the grant or, for any city of the first
20 class, city of the second class, or village, within the municipality's
21 extraterritorial zoning jurisdiction.

22 (5) To receive a grant of assistance under section 13-2704.01, the
23 project for which the grant is requested shall involve an eligible
24 facility that is owned by the municipality applying for the grant, except
25 that a municipality may own an eligible facility jointly with a political
26 subdivision if the municipality's ownership interest in such eligible
27 facility is at least fifty percent. In any case, the municipality shall
28 be the applicant for the grant of assistance.

29 Sec. 7. Section 13-2707.01, Revised Statutes Cumulative Supplement,
30 2018, is amended to read:

31 13-2707.01 The department shall evaluate all applications for grants
1 of assistance under section 13-2704.02 based on the following criteria:

2 (1) Financial Support. Assistance from the fund shall be matched at
 3 least equally from local sources. At least fifty percent of the local
 4 match must be in cash. Projects with a higher level of local matching
 5 funds shall be preferred as compared to those with a lower level of
 6 matching funds; and

7 (2) Project Location. Assistance from the fund shall be for
 8 engineering and technical studies related to projects that will be
 9 located in the municipality that applies for the grant or, for any city
 10 of the first class, city of the second class, or village, in the
 11 municipality's extraterritorial zoning jurisdiction.

12 Sec. 8. Original sections 13-2702, 13-2703, 13-2704, 13-2704.01,
 13 13-2705, 13-2707, and 13-2707.01, Revised Statutes Cumulative Supplement,
 14 2018, are repealed.

(Signed) Justin Wayne, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 18, 2019, at 11:00 a.m. were the
 following: LBs 59, 87, 212, 268, 316e, 320, 352, 390, 472, 514, 603, 637e,
 and 713.

(Signed) Laura Gerkin
 Clerk of the Legislature's Office

PRESENTED TO THE SECRETARY OF STATE

Presented to the Secretary of State on April 18, 2019, at 11:00 a.m. was the
 following: LR14CA.

(Signed) Laura Gerkin
 Clerk of the Legislature's Office

AMENDMENT(S) - Print in Journal

Senator Wayne filed the following amendment to LB86:
 AM1199 is available in the Bill Room.

Senator Bostelman filed the following amendment to LB698:
 AM1288

1 1. Insert the following new section:
 2 Sec. 3. Since an emergency exists, this act takes effect when passed
 3 and approved according to law.

Senator Kolowski filed the following amendment to LB670:
 AM1351

(Amendments to Standing Committee amendments, AM1112)

1 1. Insert the following new amendment:
 2 1. On page 2, lines 2 and 26; page 4, lines 6 and 28; page 5, line

3 5; page 6, lines 3 and 28; page 7, line 21; page 8, line 9; page 10, line
 4 2; page 11, lines 5 and 13; page 13, line 27; page 16, line 21; page 17,
 5 line 13; page 18, lines 4 and 21; and page 21, line 15, strike
 6 "Opportunity" and insert "Private School".

Senator Kolowski filed the following amendment to LB670:
 AM1350

(Amendments to Standing Committee amendments, AM1112)

1 1. Insert the following new amendment:
 2 1. On page 3, line 24, strike "and"; and in line 26 after "79-318"
 3 insert ", and (e) does not use any form of academic screening as part of
 4 initial enrollment or maintaining enrollment, including, but not limited
 5 to, entrance exams, minimum grade-point averages, test scores, math
 6 ability assessments, reading ability assessments, letters of
 7 recommendation, and English language fluency assessments".

Senator Briese filed the following amendment to LB177:
 AM1428

1 1. Insert the following new sections:
 2 Sec. 2. Section 13-1304, Reissue Revised Statutes of Nebraska, is
 3 amended to read:
 4 13-1304 Any commission established under sections 13-1301 to 13-1312
 5 shall have power to:
 6 (1) Sue and be sued;
 7 (2) Have a seal and alter the seal;
 8 (3) Acquire, hold, and dispose of personal property for its
 9 corporate purposes;
 10 (4) Acquire in the name of the city and county, by gift, grant,
 11 bequest, purchase, or condemnation, real property or rights and easements
 12 thereon necessary or convenient for its corporate purposes and use such
 13 property or rights and easements so long as its corporate existence
 14 continues;
 15 (5) Make bylaws for the management and regulation of its affairs and
 16 make rules and regulations for the use of its projects;
 17 (6) With the consent of the city or the county, as the case may be,
 18 use the services of agents, employees, and facilities of the city or
 19 county, for which the commission may reimburse the city or the county its
 20 proper proportion of the compensation or cost thereof, and use the
 21 services of the city attorney as legal advisor to the commission;
 22 (7) Appoint officers, agents, and employees and fix their
 23 compensation, except that the county treasurer shall be the ex officio
 24 treasurer of the commission;
 25 (8) Design, acquire, construct, maintain, operate, improve, remodel,
 26 remove, and reconstruct, so long as its corporate existence continues,
 27 such projects for the use both by the city and county as are approved by
 1 the city and the county and all facilities necessary or convenient in
 2 connection with any such projects;
 3 (9) Enter into agreements with the city or county, or both, as to
 4 the operation, maintenance, repair, and use of its projects. Such

5 agreements may provide that the city or county, or both, has
6 responsibility for a certain area within any building, structure, or
7 facility, including the maintenance, repair, use, furnishing, or
8 management of such area;

9 (10) With the approval of both the city and the county, enter into
10 agreements with the United States of America, the State of Nebraska, any
11 body, board, agency, corporation, or other governmental entity of either
12 of them, or other governmental units for use by them of any projects to
13 the extent that such use is not required by the city or the county;

14 (11) Make all other contracts, leases, and instruments necessary or
15 convenient to the carrying out of the corporate purposes or powers of the
16 commission;

17 (12) Annually levy, assess, and certify to the governing body of the
18 county the amount of tax to be levied for the purposes of the commission
19 subject to section 77-3443, not to exceed one and seven-tenths cents on
20 each one hundred dollars upon the taxable valuation of all the taxable
21 property in the county. The governing body of the county shall collect
22 the tax so certified at the same time and in the same manner as other
23 county taxes are levied and collected, and the proceeds of such taxes
24 when due and as collected shall be set aside and deposited in the special
25 account or accounts in which other revenue of the commission is
26 deposited;

27 (13) Accept grants, loans, or contributions from the United States
28 of America, the State of Nebraska, any agency or instrumentality of
29 either of them, the city, the county, any other governmental unit, or any
30 private person, firm, or corporation and expend the proceeds thereof for
31 any corporate purposes;

1 (14) Subject to section 13-1306, incur ~~new~~ debt, issue bonds and
2 notes and provide for the rights of the holders thereof, and pledge and
3 apply to the payment of such bonds and notes the taxes and other
4 receipts, income, revenue, profits, and money of the commission;

5 (15) Enter on any lands, waters, and premises for the purpose of
6 making surveys, findings, and examinations; and

7 (16) Do all things necessary or convenient to carry out the powers
8 specially conferred on the commission by sections 13-1301 to 13-1312.

9 Sec. 3. Section 13-1306, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 13-1306 (1)(a) With the prior approval of both the city and the
12 county for which the commission was created, the commission shall have
13 the power and is hereby authorized from time to time to issue its bonds
14 for any corporate purpose in such amounts as may be required to carry out
15 and fully perform the purposes for which such commission is established.
16 Except as provided in subsection (2) of this section, no bonds shall be
17 issued by any commission on or after the effective date of this act until
18 the question has been submitted to the qualified electors of the county
19 at an election called for that purpose as provided in this subsection and
20 a majority of the qualified electors voting on the question voted in
21 favor of issuing the same.

22 (b) The county board shall give notice of the election at least

23 fifty days prior to the election. The question of issuing bonds may be
24 submitted at the statewide primary or general election. The election
25 shall be conducted in accordance with the Election Act.
26 (c) The question of bond issues, when defeated, shall not be
27 resubmitted in substance for a period of six months from and after the
28 date of such election.
29 (d) Before the issuance of bonds pursuant to sections 13-1301 to
30 13-1312, the commission shall make a written statement of all proceedings
31 relative to the vote upon the issuance of such bonds and the notice of
1 the election, the manner and time of giving notice, the question
2 submitted, and the result of the canvass of the vote on the proposition
3 pursuant to which it is proposed to issue such bonds, together with a
4 full statement of the taxable valuation and the total bonded indebtedness
5 of the county. Such statement shall be certified to under oath.
6 (2) The commission shall have power from time to time and when
7 refunding is deemed expedient to issue bonds in amounts sufficient to
8 refund any bonds, including any premiums payable upon the redemption of
9 the bonds to be refunded and interest to their redemption date upon the
10 bonds to be refunded, by the issuance of new bonds, whether the bonds to
11 be refunded have or have not matured. It may issue bonds partly to refund
12 bonds then outstanding and partly for any other corporate purpose. The
13 refunding bonds may be exchanged for the bonds to be refunded with such
14 cash adjustment as may be agreed or may be sold and the proceeds applied
15 to the purchase, redemption, or payment of the bonds to be refunded. For
16 refunding bonds issued on or after the effective date of this act, no
17 approval by the voters under subsection (1) of this section shall be
18 required if the county treasurer certifies to the Secretary of State, on
19 a form developed by the Secretary of State, that the refunding bonds will
20 not increase property taxes or the bonded indebtedness of the commission,
21 county, or city. If the Secretary of State does not receive the
22 certification from the county treasurer within thirty days after passage
23 of the authorizing resolution or resolutions, or the Secretary of State
24 does not accept such certification, then approval by the voters shall be
25 required.
26 (3) All bonds shall be general obligations of the commission issuing
27 the same and shall be payable out of the tax and other receipts, revenue,
28 income receipts, profits, or other money of the commission.
29 (4) A commission shall have power from time to time to issue bond
30 anticipation notes referred to as notes in this section and from time to
31 time to issue renewal notes, such notes in any case to mature not later
1 than thirty months from the date of incurring the indebtedness
2 represented thereby in an amount not exceeding in the aggregate at any
3 time outstanding the amount of bonds then or theretofore authorized. Such
4 notes shall be general obligations of the commission. Payment of such
5 notes shall be made from any money or revenue which the commission may
6 have available for such purpose or from the proceeds of the sale of bonds
7 of the commission or such notes may be exchanged for a like amount of
8 such bonds.
9 (5) All such bonds and notes shall be authorized by a resolution or

10 resolutions of the board, after approval by the voters if required under
11 this section, and shall bear such date or dates, mature at such time or
12 times, bear interest at such rate or rates, be in such denominations, be
13 in such form, either coupon or registered, carry such exchange
14 privileges, be executed in such manner, be payable in such medium of
15 payment at such place or places within or without the State of Nebraska
16 and be subject to such terms of redemption and at such redemption
17 premiums, as such resolution or resolutions may provide and the
18 provisions of section 10-126, shall not be applicable to such bonds or
19 notes. The bonds and notes may be sold at public or private sale for such
20 price or prices as the commission shall determine. No proceedings for the
21 issuance of bonds or notes of a commission shall be required other than
22 those required by the provisions of sections 13-1301 to 13-1312 and the
23 provisions of all other laws and city charters, if any, relative to the
24 terms and conditions for the issuance, payment, redemption, registration,
25 sale or delivery of bonds of public bodies, corporations or political
26 subdivisions of this state shall not be applicable to bonds and notes
27 issued by commissions pursuant to sections 13-1301 to 13-1312.
28 (6) The full faith and credit of the commission shall be pledged to
29 the payment and security of the bonds and notes issued by it, whether or
30 not such pledge shall be set forth in the bonds or notes. So long as any
31 of its bonds or notes are outstanding, the commission shall have the
1 power and be obligated to levy taxes within the limitation as provided in
2 section 13-1304 to the extent required, together with any other money
3 available to the commission therefor to pay the principal of and interest
4 and premium, if any, on such bonds and notes as the same become due and
5 payable.
6 (7) All bonds and notes issued pursuant to the provisions of
7 sections 13-1301 to 13-1312 shall be and are hereby made negotiable
8 instruments within the meaning of and for all the purposes of the Uniform
9 Commercial Code subject only to any provisions contained in such bonds
10 and notes for the registration of the principal thereof.
11 (8) A commission shall have power to purchase bonds or notes of the
12 commission out of any money available therefor. Any bonds so purchased
13 shall be canceled by the commission.
14 2. Renumber the remaining section and correct the repealer
15 accordingly.

VISITOR(S)

Visitors to the Chamber were Drs. Sean Kark and Tim Reid from Omaha; students from Milford Public Schools; students from Disney Elementary School, Millard; students from Ezra Elementary School, Millard; Kennedy, Autumn, Scarlet, Ella, and Carrie Paden from Lincoln; and Patrick Slattery from Omaha.

The Doctor of the Day was Dr. Dale Agner from Papillion.

ADJOURNMENT

At 11:49 a.m., on a motion by Senator Crawford, the Legislature adjourned until 9:00 a.m., Tuesday, April 23, 2019.

Patrick J. O'Donnell
Clerk of the Legislature