

SIXTY-SIXTH DAY - APRIL 26, 2019
LEGISLATIVE JOURNAL
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

SIXTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, April 26, 2019

PRAYER

The prayer was offered by Pastor Terry Krueger, St. Mark's Lutheran Church, Bloomfield.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Scheer presiding.

The roll was called and all members were present except Senator Brewer who was excused; and Senators Cavanaugh, Groene, and Morfeld who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-fifth day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of April 25, 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

Baird Holm LLP
People United for Privacy (Withdrawn 04/22/2019)
Karl, Jamie
Nebraska Chamber of Commerce & Industry (Withdrawn 04/18/2019)
Lyons, Liz
Children's Hospital & Medical Center
Peetz & Company
TradeWind Energy (Withdrawn 04/24/2019)

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>

GENERAL FILE

LEGISLATIVE BILL 641A. Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 23. With Emergency Clause.

A BILL FOR AN ACT relating to the Property Assessed Clean Energy Act; to amend sections 13-3202, 13-3203, 13-3204, and 13-3205, Revised Statutes Cumulative Supplement, 2018; to change legislative findings; to redefine terms; to change provisions relating to requirements for ordinances or resolutions, assessment contracts, and duties of municipalities; 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, 45:

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

Voting in the negative, 0.

Present and not voting, 1:

Groene

Excused and not voting, 3:

Brewer Cavanaugh Morfeld

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

MOTION(S) - Return LB31 to Select File

Senator Chambers moved to return LB31 to Select File for the following specific amendment:

FA52

Strike the enacting clause.

Senator Chambers withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 31. With Emergency Clause.

A BILL FOR AN ACT relating to retirement; to amend sections 79-978.01 and 84-1503, Revised Statutes Cumulative Supplement, 2018; to provide for a work plan relating to a transfer of management of Class V school employees retirement systems established under the Class V School Employees Retirement Act to the Public Employees Retirement Board as prescribed; to require a report; to create a fund; to provide duties for the Public Employees Retirement Board; to provide for reimbursement for expenses incurred in completing such work plan; to harmonize provisions; to provide for severability; 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, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Brewer Halloran

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

PRESIDENT FOLEY PRESIDING

LEGISLATIVE BILL 31A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 31, One Hundred Sixth Legislature, First Session, 2019; 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, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

Kolowski

Excused and not voting, 1:

Brewer

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

MOTION(S) - Return LB180 to Select File

Senator Chambers moved to return LB180 to Select File for the following specific amendment:

FA53

Strike the enacting clause.

Senator Chambers withdrew his motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 180.

A BILL FOR AN ACT relating to the Community College Gap Assistance Program Act; to amend section 85-2002, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to eligibility; to redefine a term; 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, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Linehan

Excused and not voting, 2:

Brewer Williams

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

MOTION(S) - Return LB222 to Select File

Senator Chambers moved to return LB222 to Select File for the following specific amendment:

FA54

Strike the enacting clause.

Senator Chambers withdrew his motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 222.

A BILL FOR AN ACT relating to the Volunteer Emergency Responders Incentive Act; to amend sections 77-3104 and 77-3105, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to notice, reporting, the approval and certification of volunteer members who are eligible for a tax credit, and the claiming of the tax credit; to provide an operative date; 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, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

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

MOTION(S) - Return LB252 to Select File

Senator Chambers moved to return LB252 to Select File for the following specific amendment:

FA55

Strike the enacting clause.

Senator Chambers withdrew his motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 252.

A BILL FOR AN ACT relating to the State Lottery Act; to amend section 9-823, Reissue Revised Statutes of Nebraska; to provide a condition relating to advertisements; 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, 45:

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

Voting in the negative, 0.

Present and not voting, 1:

Groene

Excused and not voting, 3:

Brewer Morfeld Williams

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

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 23, 31, 31A, 180, 222, and 252.

COMMITTEE REPORT(S)

Agriculture

LEGISLATIVE BILL 157. Placed on General File with amendment.

AM1484

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

2 sections:

3 Section 1. Section 81-2,165.01, Reissue Revised Statutes of

4 Nebraska, is amended to read:

5 81-2,165.01 Sections 81-2,165 to 81-2,180 and section 3 of this act

6 shall be known and may be cited as the Nebraska Apiary Act.

7 Sec. 2. Section 81-2,166, Reissue Revised Statutes of Nebraska, is

8 amended to read:

9 81-2,166 For purposes of the Nebraska Apiary Act, unless the context

10 otherwise requires:

11 (1) Abandoned apiary shall mean any apiary not regularly attended in

12 accordance with good beekeeping practices and which constitutes a

13 disease, parasite, or pest hazard to the beekeeping industry;

14 (2) Apiary shall mean any place where one or more colonies of bees

15 or nuclei of bees are located;

16 (3) Bee equipment shall mean hives, supers, frames, veils, gloves,

17 or any other apparatus, tool, machine, vehicle, or device used in the

18 handling, moving, or manipulating of bees, honey, wax, or hives,

19 including containers of honey or wax which may be used in any apiary or

20 in transporting bees and their products and apiary supplies;

21 (4) Beekeeping shall mean the moving, raising, and producing of

22 bees, beeswax, and honey which is an agricultural pursuit;

23 (5) Bees shall mean any stage of the common honeybee, *Apis mellifera*

24 L;

25 (6) Colony shall mean the aggregate of worker bees, drones, the

26 queen, and developing young bees living together as a family unit in a

27 hive or other dwelling;

1 (7) Commercial beekeeper means any person who owns, maintains, or

2 manages a beekeeping operation of two hundred or more colonies located

3 within one or more apiaries established within the state for any part of

4 a year;

5 (8) ~~(7)~~ Department shall mean the Department of Agriculture;

6 (9) ~~(8)~~ Director shall mean the Director of Agriculture or his or

7 her designated representative, employee, or authorized agent;

8 (10) ~~(9)~~ Disease shall mean American foulbrood, European foulbrood,

9 chalkbrood, sacbrood, paralysis, or any other abnormal condition of egg,

10 larva, pupa, or adult stages of bees;

11 (11) ~~(10)~~ Exotic disease, parasite, or pest shall mean any disease,

12 parasite, or pest not known to be established in this state;
13 ~~(12) (41)~~ Hive shall mean a frame hive, box hive, box, barrel, log
14 gum, skep, or any other receptacle or container, natural or artificial,
15 or any part thereof, which is used or employed as a domicile for bees;
16 ~~(13) (42)~~ Nuclei shall mean a small mass of bees and combs of brood
17 used in forming a new colony;
18 ~~(14) (43)~~ Parasite shall mean any harmful organism living in or on
19 bees, including, but not limited to, *Varroa jacobsoni*, *Acarapis woodi*,
20 and *Tropilaelaps clareae*; and
21 ~~(15) (44)~~ Pest shall mean any harmful subspecies of the honeybee
22 *Apis mellifera*, including, but not limited to, *Apis mellifera scutellata*.
23 Words used in the act shall be construed to import either the plural
24 or singular, as the case demands.
25 Sec. 3. (1) The department shall establish a process for commercial
26 beekeepers to voluntarily register apiary locations within the state and
27 shall maintain and make a registry of such apiary locations available on
28 its web site and upon request. For purposes of this section, an apiary
29 location shall be identified by legal description and shall be presumed
30 to be the center of the quarter section in which the apiary is located. A
31 commercial beekeeper may register apiary locations subject to the
1 following restrictions:
2 (a) No person may register more than five apiary locations;
3 (b) An apiary location may only be registered by a person who is a
4 commercial beekeeper and who establishes and maintains an apiary at such
5 registered location;
6 (c) If an apiary location is on property not owned by the person
7 registering the location, a statement signed by the owner of the property
8 where the registered location is located stating the landowner's
9 concurrence with the registration of the apiary location shall be
10 provided with the registration application;
11 (d) No apiary location may be registered within a distance of two
12 miles of a previously registered location unless such location (i) is
13 registered by the person who placed the previously registered location on
14 the registry or (ii) is on property owned by the person registering; and
15 (e) No apiary location shall be registered unless the registration
16 fee charged by the department pursuant to this section is provided with
17 the registration application.
18 (2) The department shall impose and collect apiary location
19 registration fees and annual registration renewal fees sufficient to
20 recover the department's costs of administering the voluntary
21 registration process and to publish and provide registry information. All
22 fees collected under this section shall be remitted to the State Apiary
23 Cash Fund. Registry of apiary locations shall be accepted beginning on
24 the effective date of this act and the initial period of registration
25 shall begin on the date the department accepts an application for
26 registration through the following March 31. Registrations may be renewed
27 annually on or before April 1 of the year a registration period

28 terminates and each annual renewal period shall terminate on March 31 of
29 the subsequent year.
30 Sec. 4. Original sections 81-2,165.01 and 81-2,166, Reissue Revised
31 Statutes of Nebraska, are repealed.

(Signed) Steve Halloran, Chairperson

Education

LEGISLATIVE BILL 544. Placed on General File with amendment.
AM1450

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

3 Section 1. Sections 1 to 5 of this act shall be known and may be
4 cited as the Meadowlark Act.

5 Sec. 2. For purposes of the Meadowlark Act:

6 (1) Eligible educational institution has the same meaning as in
7 section 85-1802;

8 (2) Nebraska educational savings plan trust has the same meaning as
9 in section 85-1802;

10 (3) Qualified higher education expenses has the same meaning as in
11 section 85-1802;

12 (4) Qualified individual means an individual born on or after
13 January 1, 2020, who is a resident of this state at the time of birth;

14 and

15 (5) Qualified private contribution means a contribution from an
16 individual or private entity which is made for the purpose of providing
17 an ongoing source of funding for the Meadowlark Program established in
18 section 4 of this act.

19 Sec. 3. (1) There is hereby established in the state treasury a
20 trust fund to be known as the Meadowlark Endowment Fund. The fund shall
21 be administered by the State Treasurer and shall consist of qualified
22 private contributions and any amounts appropriated or transferred to the
23 fund by the Legislature. No General Funds shall be transferred to the
24 Meadowlark Endowment Fund. Any money in the fund available for investment
25 shall be invested by the state investment officer pursuant to the
26 Nebraska Capital Expansion Act and the Nebraska State Funds Investment
27 Act. No portion of the principal of the fund shall be expended for any
1 purpose except investment pursuant to this subsection.

2 (2) The State Treasurer shall accept qualified private contributions
3 and shall credit all such contributions received to the Meadowlark
4 Endowment Fund. The State Treasurer shall determine the total amount of
5 qualified private contributions received under this subsection and shall
6 transfer an equal amount from the College Savings Plan Expense Fund or
7 the Unclaimed Property Escheat Trust Fund, as determined by the State
8 Treasurer, to the Meadowlark Endowment Fund.

9 Sec. 4. (1) The Meadowlark Program is created. The program shall be
10 administered by the State Treasurer. The purpose of the program is to
11 promote access to postsecondary educational opportunities by providing

12 funds to qualified individuals to help pay the qualified higher education
13 expenses associated with attendance at an eligible educational
14 institution located in this state.
15 (2) Any qualified individual shall be eligible to participate in the
16 Meadowlark Program. No later than March 1 of each year, the Department of
17 Health and Human Services shall transmit information to the State
18 Treasurer which is necessary to administer the program and to establish
19 whether the children born in this state in the previous calendar year are
20 qualified individuals. Such information shall include, but not be limited
21 to, the full name and residential address of each child's parent or legal
22 guardian and the birth date of each child. Costs associated with the
23 transfer of information by the Department of Health and Human Services
24 shall be paid from the College Savings Plan Expense Fund.
25 (3) Following receipt of the information described in subsection (2)
26 of this section, the State Treasurer shall send a notification explaining
27 the Meadowlark Program to the parent or legal guardian of each qualified
28 individual. The State Treasurer shall provide such parent or legal
29 guardian with the opportunity to exclude his or her child from the
30 program. Any child who is not excluded shall be deemed to be enrolled in
31 the program. Upon enrollment into the program, the child shall have an
1 account opened for him or her under the Nebraska educational savings plan
2 trust.
3 (4) On or before April 1 of each year, the State Treasurer shall
4 determine (a) the number of accounts opened under the Meadowlark Program
5 in the previous calendar year and (b) the amount of investment income
6 generated by the Meadowlark Endowment Fund in the previous calendar year.
7 The State Treasurer shall evenly distribute the investment income from
8 the previous calendar year to the accounts opened in the previous
9 calendar year.
10 (5) The Nebraska educational savings plan trust shall own all
11 accounts opened under the Meadowlark Program. Neither the qualified
12 individual nor his or her parent or legal guardian shall have any
13 ownership rights or interest in, title to, or power or control over such
14 an account.
15 (6) Any disbursement from an account opened under the Meadowlark
16 Program shall be made before the qualified individual reaches thirty
17 years of age. Once a qualified individual reaches thirty years of age,
18 any unused funds in his or her account shall be transferred to the
19 Meadowlark Endowment Fund.
20 (7) Funds disbursed from an account opened under the Meadowlark
21 Program shall only be used to pay the qualified higher education expenses
22 associated with attending an eligible educational institution located in
23 this state.
24 (8) The State Treasurer shall take measures to ensure the security
25 and confidentiality of the information received under subsection (2) of
26 this section.
27 Sec. 5. The State Treasurer may adopt and promulgate rules and
28 regulations to carry out the Meadowlark Act.
29 Sec. 6. Section 85-1807, Reissue Revised Statutes of Nebraska, is

30 amended to read:

31 85-1807 (1) The State Treasurer shall deposit money received by the
 1 Nebraska educational savings plan trust into three funds: The College
 2 Savings Plan Program Fund, the College Savings Plan Expense Fund, and the
 3 College Savings Plan Administrative Fund. The State Treasurer shall
 4 deposit money received by the trust into the appropriate fund. The State
 5 Treasurer and Accounting Administrator of the Department of
 6 Administrative Services shall determine the state fund types necessary to
 7 comply with section 529 of the Internal Revenue Code and state policy.
 8 The money in the funds shall be invested by the state investment officer
 9 pursuant to policies established by the Nebraska Investment Council. The
 10 program fund, the expense fund, and the administrative fund shall be
 11 separately administered. The Nebraska educational savings plan trust
 12 shall be operated with no General Fund appropriations.

13 (2) The College Savings Plan Program Fund is created. All money paid
 14 by participants in connection with participation agreements and all
 15 investment income earned on such money shall be deposited as received
 16 into separate accounts within the program fund. Contributions to the
 17 trust made by participants may only be made in the form of cash. All
 18 funds generated in connection with participation agreements shall be
 19 deposited into the appropriate accounts within the program fund. A
 20 participant or beneficiary shall not provide investment direction
 21 regarding program contributions or earnings held by the trust. Money
 22 accrued by participants in the program fund may be used for payments to
 23 any eligible educational institution. Any money in the program fund
 24 available for investment shall be invested by the state investment
 25 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
 26 State Funds Investment Act.

27 (3) The College Savings Plan Administrative Fund is created. Money
 28 from the trust transferred from the expense fund to the administrative
 29 fund in an amount authorized by an appropriation from the Legislature
 30 shall be utilized to pay for the costs of administering, operating, and
 31 maintaining the trust, to the extent permitted by section 529 of the
 1 Internal Revenue Code. The administrative fund shall not be credited with
 2 any money other than money transferred from the expense fund in an amount
 3 authorized by an appropriation by the Legislature or any interest income
 4 earned on the balances held in the administrative fund. Any money in the
 5 administrative fund available for investment shall be invested by the
 6 state investment officer pursuant to the Nebraska Capital Expansion Act
 7 and the Nebraska State Funds Investment Act.

8 ~~(4)(a) (4) The College Savings Plan Expense Fund is created. The~~
 9 ~~expense fund shall be used to pay costs associated with the Nebraska~~
 10 ~~educational savings plan trust and shall be funded with fees assessed to~~
 11 ~~the program fund. The State Treasurer shall use the expense fund:~~

12 (i) To pay costs associated with the Nebraska educational savings
 13 plan trust;

14 (ii) For the purposes described in the Meadowlark Act; and

15 (iii) To transfer from the expense fund to the State Investment
 16 Officer's Cash Fund an amount equal to the pro rata share of the budget

17 appropriated to the Nebraska Investment Council as permitted in section
 18 72-1249.02, to cover reasonable expenses incurred for investment
 19 management of the Nebraska educational savings plan trust. Annually and
 20 prior to such transfer to the State Investment Officer's Cash Fund, the
 21 State Treasurer shall report to the budget division of the Department of
 22 Administrative Services and to the Legislative Fiscal Analyst the amounts
 23 transferred during the previous fiscal year. The report submitted to the
 24 Legislative Fiscal Analyst shall be submitted electronically.
 25 (b) Transfers may be made from the expense fund to the General Fund
 26 at the direction of the Legislature. Any money in the expense fund
 27 available for investment shall be invested by the state investment
 28 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
 29 State Funds Investment Act.
 30 Sec. 7. Original section 85-1807, Reissue Revised Statutes of
 31 Nebraska, is repealed.

(Signed) Mike Groene, Chairperson

Judiciary

LEGISLATIVE BILL 106. Placed on General File.

LEGISLATIVE BILL 427. Placed on General File.

LEGISLATIVE BILL 219. Placed on General File with amendment.

AM1472

- 1 1. Strike original section 3.
- 2 2. On page 5, strike beginning with "On" in line 18 through "a" in
 3 line 21; and in line 21 reinstate the stricken "A".
- 4 3. Renumber the remaining section and correct the repealer
 5 accordingly.

LEGISLATIVE BILL 479. Placed on General File with amendment.

AM1473

- 1 1. On page 7, line 6; and page 8, line 5, after "lawful" insert
 2 "pat-down or".

LEGISLATIVE BILL 533. Placed on General File with amendment.

AM414

- 1 1. Insert the following new section:
- 2 Sec. 2. Section 42-106, Reissue Revised Statutes of Nebraska, is
 3 amended to read:
 4 42-106 When an application is made for a license to the county
 5 clerk, he or she shall, upon the granting of such license, state in the
 6 license the information contained in the application as provided in
 7 section 42-104. The license shall, prior to the issuing thereof, be
 8 entered of record in the office of the county clerk in a suitable book to
 9 be provided for that purpose.
 10 The forms for the application, license, and certificate of marriage
 11 shall be provided by the Department of Health and Human Services at

12 actual cost as determined by the department. The forms for the
 13 application, license, and certificate of marriage shall refer to the
 14 parties using the designations Applicant 1 and Applicant 2.
 15 2. Renumber the remaining sections and correct the repealer
 16 accordingly.

LEGISLATIVE BILL 690. Placed on General File with amendment.
 AM1488 is available in the Bill Room.

(Signed) Steve Lathrop, Chairperson

AMENDMENT(S) - Print in Journal

Senator Wayne filed the following amendment to LB149:
 AM1228

(Amendments to Standing Committee amendments, AM901)

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 28-1418, Reissue Revised Statutes of Nebraska, is
 5 amended to read:
 6 28-1418 Whoever, being a minor ~~under the age of eighteen years,~~
 7 shall smoke cigarettes or cigars, use electronic nicotine delivery
 8 systems ~~vapor products~~ or alternative nicotine products, or use tobacco
 9 in any form whatever, in this state, shall be guilty of a Class V
 10 misdemeanor. Any minor charged with a violation of this section may be
 11 free from prosecution if he or she furnishes evidence for the conviction
 12 of the person or persons selling or giving him or her the cigarettes,
 13 cigars, electronic nicotine delivery systems ~~vapor products~~, alternative
 14 nicotine products, or tobacco.
 15 Sec. 2. Section 28-1418.01, Reissue Revised Statutes of Nebraska, is
 16 amended to read:
 17 28-1418.01 For purposes of sections 28-1418 to 28-1429.03:
 18 (1) Alternative nicotine product means any noncombustible product
 19 containing nicotine that is intended for human consumption, whether
 20 chewed, absorbed, dissolved, or ingested by any other means. Alternative
 21 nicotine product does not include any electronic nicotine delivery system
 22 ~~vapor product~~, cigarette, cigar, or other tobacco product, or any product
 23 regulated as a drug or device by the United States Food and Drug
 24 Administration under Chapter V of the Federal ~~federal~~ Food, Drug, and
 25 Cosmetic Act;
 26 (2) Cigarette means any product that contains nicotine, is intended
 1 to be burned or heated under ordinary conditions of use, and consists of
 2 or contains (a) any roll of tobacco wrapped in paper or in any substance
 3 not containing tobacco, (b) tobacco, in any form, that is functional in
 4 the product which, because of its appearance, the type of tobacco used in
 5 the filler, or its packaging and labeling, is likely to be offered to, or
 6 purchased by, consumers as a cigarette, or (c) any roll of tobacco
 7 wrapped in any substance containing tobacco which, because of its

8 appearance, the type of tobacco used in the filler, or its packaging and
 9 labeling, is likely to be offered to, or purchased by, consumers as a
 10 cigarette described in subdivision (2)(a) of this section:

11 (3)(a) Electronic nicotine delivery system means any product or
 12 device containing nicotine, tobacco, or tobacco derivatives that employs
 13 a heating element, power source, electronic circuit, or other electronic,
 14 chemical, or mechanical means, regardless of shape or size, to simulate
 15 smoking by delivering the nicotine, tobacco, or tobacco derivatives in
 16 vapor, fog, mist, gas, or aerosol form to a person inhaling from the
 17 product or device.

18 (b) Electronic nicotine delivery system includes, but is not limited
 19 to, the following:

20 (i) Any substance containing nicotine, tobacco, or tobacco
 21 derivatives, whether sold separately or sold in combination with a
 22 product or device that is intended to deliver to a person nicotine,
 23 tobacco, or tobacco derivatives in vapor, fog, mist, gas, or aerosol
 24 form;

25 (ii) Any product or device marketed, manufactured, distributed, or
 26 sold as an electronic cigarette, electronic cigar, electronic cigarillo,
 27 electronic pipe, electronic hookah, or similar products, names,
 28 descriptors, or devices; and

29 (iii) Any component, part, or accessory of such a product or device
 30 that is used during operation of the product or device when sold in
 31 combination with any substance containing nicotine, tobacco, or tobacco
 1 derivatives.

2 (c) Electronic nicotine delivery system does not include the
 3 following:

4 (i) An alternative nicotine product, cigarette, cigar, or other
 5 tobacco product, or any product regulated as a drug or device by the
 6 United States Food and Drug Administration under Chapter V of the Federal
 7 Food, Drug, and Cosmetic Act; or

8 (ii) Any component, part, or accessory of such a product or device
 9 that is used during operation of the product or device when not sold in
 10 combination with any substance containing nicotine, tobacco, or tobacco
 11 derivatives;

12 (4) Minor means any person under nineteen years of age, except that
 13 any person who is at least eighteen years of age on January 1, 2020,
 14 shall not be considered a minor;

15 (5) ~~(2)~~ Self-service display means a retail display that contains a
 16 tobacco product, a tobacco-derived product, an electronic nicotine
 17 delivery system ~~a vapor product~~, or an alternative nicotine product and
 18 is located in an area openly accessible to a retailer's customers and
 19 from which such customers can readily access the product without the
 20 assistance of a salesperson. Self-service display does not include a
 21 display case that holds tobacco products, electronic nicotine delivery
 22 systems ~~vapor products~~, or alternative nicotine products behind locked
 23 doors; and

24 (6) ~~(3)~~ Tobacco specialty store means a retail store that (a)
 25 derives at least seventy-five percent of its revenue from tobacco

26 products, tobacco-derived products, electronic nicotine delivery systems
 27 ~~vapor products~~, or alternative nicotine products and (b) does not permit
 28 minors ~~under the age of eighteen years~~ to enter the premises unless
 29 accompanied by a parent or legal guardian; ~~and~~
 30 (4) ~~Vapor product means any noncombustible product containing~~
 31 ~~nicotine that employs a heating element, power source, electronic~~
 1 ~~circuit, or other electronic, chemical, or mechanical means, regardless~~
 2 ~~of shape or size, that can be used to produce vapor from nicotine in a~~
 3 ~~solution or other form. Vapor product includes any electronic cigarette,~~
 4 ~~electronic cigar, electronic cigarillo, electronic pipe, or similar~~
 5 ~~product or device and any vapor cartridge or other container of nicotine~~
 6 ~~in a solution or other form that is intended to be used with or in an~~
 7 ~~electronic cigarette, electronic cigar, electronic cigarillo, electronic~~
 8 ~~pipe, or similar product or device. Vapor product does not include an~~
 9 ~~alternative nicotine product, cigarette, cigar, or other tobacco product,~~
 10 ~~or any product regulated as a drug or device by the United States Food~~
 11 ~~and Drug Administration under Chapter V of the federal Food, Drug, and~~
 12 ~~Cosmetic Act.~~

13 Sec. 3. Section 28-1419, Reissue Revised Statutes of Nebraska, is
 14 amended to read:

15 28-1419 Whoever shall sell, give, or furnish, in any way, any
 16 tobacco in any form whatever, or any cigarettes, cigarette paper,
 17 electronic nicotine delivery systems ~~vapor products~~, or alternative
 18 nicotine products, to any minor ~~under eighteen years of age~~, is guilty of
 19 a Class III misdemeanor for each offense.

20 Sec. 4. Section 28-1420, Reissue Revised Statutes of Nebraska, is
 21 amended to read:

22 28-1420 It shall be unlawful for any person, partnership, limited
 23 liability company, or corporation to sell, keep for sale, or give away in
 24 course of trade, any cigars, tobacco, electronic nicotine delivery
 25 systems, cigarettes, or cigarette material to anyone without first
 26 obtaining a license as provided in sections 28-1421 and 28-1422. It shall
 27 also be unlawful for any wholesaler to sell or deliver any cigars,
 28 tobacco, electronic nicotine delivery systems, cigarettes, or cigarette
 29 material to any person, partnership, limited liability company, or
 30 corporation who, at the time of such sale or delivery, is not the
 31 recipient of a valid tobacco license for the current year to retail the
 1 same as provided in such sections. It shall also be unlawful for any
 2 person, partnership, limited liability company, or corporation to
 3 purchase or receive, for purposes of resale, any cigars, tobacco,
 4 electronic nicotine delivery systems, cigarettes, or cigarette material
 5 if such person, partnership, limited liability company, or corporation is
 6 not the recipient of a valid tobacco license to retail such tobacco
 7 products at the time the same are purchased or received. Whoever shall be
 8 found guilty of violating this section shall be guilty of a Class III
 9 misdemeanor for each offense.

10 Sec. 5. Section 28-1421, Reissue Revised Statutes of Nebraska, is
 11 amended to read:

12 28-1421 Licenses for the sale of cigars, tobacco, electronic

13 nicotine delivery systems, cigarettes, and cigarette material to persons
14 of legal age to purchase such products over the age of eighteen years
15 shall be issued to individuals, partnerships, limited liability
16 companies, and corporations by the clerk or finance director of any city
17 or village and by the county clerk of any county upon application duly
18 made as provided in section 28-1422. The sale of cigarettes or cigarette
19 materials that contain perfumes or drugs in any form is prohibited and is
20 not licensed by the provisions of this section. Only cigarettes and
21 cigarette material containing pure white paper and pure tobacco shall be
22 licensed.

23 Sec. 6. Section 28-1423, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 28-1423 The term for which such license shall run shall be from the
26 date of filing such application and paying such license fee to and
27 including December 31 of the calendar year in which application for such
28 license is made, and the license fee for any person, partnership, limited
29 liability company, or corporation selling at retail shall be twenty-five
30 dollars in cities of the metropolitan class, fifteen dollars in cities of
31 the primary and first classes, and ten dollars in cities of all other
1 classes and in towns and villages and in locations outside of the limits
2 of cities, towns, and villages. Any person, partnership, limited
3 liability company, or corporation selling annually in the aggregate more
4 than one hundred fifty thousand cigars, packages of cigarettes,
5 electronic nicotine delivery systems, and packages of tobacco in any
6 form, at wholesale, shall pay a license fee of one hundred dollars, and
7 if such combined annual sales amount to less than one hundred fifty
8 thousand cigars, packages of cigarettes, electronic nicotine delivery
9 systems, and packages of tobacco, the annual license fee shall be fifteen
10 dollars. No wholesaler's license shall be issued in any year on a less
11 basis than one hundred dollars per annum unless the applicant for the
12 same shall file with such application a statement duly sworn to by
13 himself or herself, or if applicant is a partnership, by a member of the
14 firm, or if a limited liability company, by a member or manager of the
15 company, or if a corporation, by an officer or manager thereof, that in
16 the past such wholesaler's combined sales of cigars, packages of
17 cigarettes, electronic nicotine delivery systems, and packages of tobacco
18 in every form have not exceeded in the aggregate one hundred fifty
19 thousand annually, and that such sales will not exceed such aggregate
20 amount for the current year for which the license is to issue. Any person
21 swearing falsely in such affidavit shall be guilty of perjury and upon
22 conviction thereof shall be punished as provided by section 28-915 and
23 such wholesaler's license shall be revoked until the full license fee of
24 one hundred dollars is paid. If application for license is made after
25 July 1 of any calendar year, the fee shall be one-half of the fee
26 provided in this section.

27 Sec. 7. Section 28-1424, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 28-1424 The license, provided for in sections 28-1421 and 28-1422
30 shall, when issued, ~~shall~~ authorize the sale of cigars, tobacco,

31 electronic nicotine delivery systems, cigarettes, and cigarette material
 1 by the licensee and employees, to persons of legal age to purchase such
 2 products over the age of eighteen years, at the place of business
 3 described in such license for the term therein authorized, unless the
 4 license is same be forfeited as provided in section 28-1425.

5 Sec. 8. Section 28-1425, Reissue Revised Statutes of Nebraska, is
 6 amended to read:

7 28-1425 Any licensee who shall sell, give, or furnish in any way to
 8 any minor person under the age of eighteen years, or who shall willingly
 9 allow to be taken from his or her place of business by any minor person
 10 under the age of eighteen years, any cigars, tobacco, cigarettes,
 11 cigarette material, electronic nicotine delivery systems ~~vapor products~~,
 12 or alternative nicotine products is guilty of a Class III misdemeanor.
 13 Any officer, director, or manager having charge or control, either
 14 separately or jointly with others, of the business of any corporation
 15 which violates sections ~~28-1418.01~~, 28-1420 to 28-1429 or section, ~~and~~
 16 28-1429.03, if he or she has knowledge of such violation, shall be
 17 subject to the penalties provided in this section. In addition to the
 18 penalties provided in this section, such licensee shall be subject to the
 19 additional penalty of a revocation and forfeiture of his, her, their, or
 20 its license, at the discretion of the court before whom the complaint for
 21 violation of such sections may be heard. If such license is revoked and
 22 forfeited, all rights under such license shall at once cease and
 23 terminate.

24 Sec. 9. Section 28-1427, Reissue Revised Statutes of Nebraska, is
 25 amended to read:

26 28-1427 Any minor person under the age of eighteen years who shall
 27 obtain cigars, tobacco, cigarettes, cigarette material, electronic
 28 nicotine delivery systems ~~vapor products~~, or alternative nicotine
 29 products from a licensee by representing that he or she is not a minor of
 30 the age of eighteen years or over is guilty of a Class V misdemeanor.

31 Sec. 10. Section 28-1429.01, Reissue Revised Statutes of Nebraska,
 1 is amended to read:

2 28-1429.01 The Legislature finds that the incumbent health risks
 3 associated with using smoking tobacco products have been scientifically
 4 proven. The Legislature further finds that the growing number of minors
 5 who start using tobacco products ~~smoking~~ is staggering, and even more
 6 abhorrent are the ages at which such use begins ~~children begin this~~
 7 ~~deadly habit~~. The Legislature has established an age restriction on the
 8 use of tobacco products by minors. To ensure that the use of tobacco
 9 products among minors is discouraged to the maximum extent possible, it
 10 is the intent of the Legislature to ban the use of vending machines and
 11 similar devices to dispense tobacco products in facilities, buildings, or
 12 areas which are open to the general public within Nebraska.

13 Sec. 11. Section 28-1429.02, Reissue Revised Statutes of Nebraska,
 14 is amended to read:

15 28-1429.02 (1) Except as provided in subsection (2) of this section,
 16 it shall be unlawful to dispense cigarettes, other tobacco products,
 17 electronic nicotine delivery systems ~~vapor products~~, or alternative

18 nicotine products from a vending machine or similar device. Any person
19 violating this section is guilty of a Class III misdemeanor. In addition,
20 upon conviction for a second offense, the court shall order a six-month
21 suspension of the offender's license to sell tobacco, if any, and, upon
22 conviction for a third or subsequent offense, the court shall order the
23 permanent revocation of the offender's license to sell tobacco, if any.

24 (2) Cigarettes, other tobacco products, electronic nicotine delivery
25 systems ~~vapor products~~, or alternative nicotine products may be dispensed
26 from a vending machine or similar device when such machine or device is
27 located in an area, office, business, plant, or factory which is not open
28 to the general public or on the licensed premises of any establishment
29 having a license issued under the Nebraska Liquor Control Act for the
30 sale of alcoholic liquor for consumption on the premises when such
31 machine or device is located in the same room in which the alcoholic
1 liquor is dispensed.

2 (3) Nothing in this section shall be construed to restrict or
3 prohibit a governing body of a city or village from establishing and
4 enforcing ordinances at least as stringent as or more stringent than the
5 provisions of this section.

6 Sec. 12. Section 28-1429.03, Reissue Revised Statutes of Nebraska,
7 is amended to read:

8 28-1429.03 (1) Except as provided in subsection (2) of this section
9 and section 28-1429.02, it shall be unlawful to sell or distribute
10 cigarettes, cigars, electronic nicotine delivery systems ~~vapor products~~,
11 alternative nicotine products, or tobacco in any form whatever through a
12 self-service display. Any person violating this section is guilty of a
13 Class III misdemeanor. In addition, upon conviction for a second or
14 subsequent offense within a twelve-month period, the court shall order a
15 six-month suspension of the license issued under section 28-1421.

16 (2) Cigarettes, cigars, electronic nicotine delivery systems ~~vapor~~
17 ~~products~~, alternative nicotine products, or tobacco in any form whatever
18 may be sold or distributed in a self-service display that is located in a
19 tobacco specialty store or cigar shop as defined in section 53-103.08.

20 Sec. 13. This act becomes operative on January 1, 2020.

21 Sec. 14. Original sections 28-1418, 28-1418.01, 28-1419, 28-1420,
22 28-1421, 28-1423, 28-1424, 28-1425, 28-1427, 28-1429.01, 28-1429.02, and
23 28-1429.03, Reissue Revised Statutes of Nebraska, are repealed.

Senator Groene filed the following amendment to LB675:

AM1499

(Amendments to Standing Committee amendments, AM1308)

1 1. On page 1, line 12, strike "and fifteen-hundredths".

Senator Chambers filed the following amendment to LB304:

FA56

Strike the enacting clause.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 94. Introduced by Wishart, 27; Hilgers, 21; La Grone, 49; Lindstrom, 18; Morfeld, 46; Williams, 36.

PURPOSE: The purpose of this interim study is to examine issues surrounding regulatory sandboxes. The issues addressed by this interim study shall include, but not be limited to:

- (1) How regulatory sandbox programs work;
- (2) Efforts in other states and countries to establish regulatory sandbox programs in an effort to encourage innovation, entrepreneurship, and economic development; and
- (3) Federal efforts to establish programs where regulations are mitigated and innovation is encouraged.

The examination of how regulatory sandbox programs work shall be conducted in conjunction with the office of the Attorney General and the Department of Banking and Finance.

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

1. That the Banking, Commerce and Insurance 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.

VISITOR(S)

Visitors to the Chamber were students from Sandy Creek Elementary School, Fairfield; and students from Hawthorne Elementary School, Hastings.

ADJOURNMENT

At 12:13 p.m., on a motion by Senator Albrecht, the Legislature adjourned until 9:00 a.m., Monday, April 29, 2019.

Patrick J. O'Donnell
Clerk of the Legislature