

SIXTY-SEVENTH DAY - APRIL 29, 2019

LEGISLATIVE JOURNAL

**ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION**

SIXTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, April 29, 2019

PRAYER

The prayer was offered by Pastor Russell Lambert, Immanuel Lutheran Church, Coleridge.

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 M. Hansen who was excused; and Senators Cavanaugh, DeBoer, Halloran, Lindstrom, Vargas, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-sixth day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 26, 2019, at 12:15 p.m. were the following: LBs 23e, 31e, 31Ae, 180, 222, and 252.

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

RESOLUTION(S)

LEGISLATIVE RESOLUTION 95. Introduced by Slama, 1.

PURPOSE: The purpose of this interim study is to examine the prevalence and economic costs of methamphetamine use in the state and determine ways to assist local communities in combating this growing problem.

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 96. Introduced by Slama, 1.

PURPOSE: The purpose of this interim study is to examine the long-term public power generation and transmission options in the state.

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

1. That the Natural Resources 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.

WITHDRAW - Amendment to LB304

Senator Chambers withdrew his amendment, FA56, found on page 1319, to LB304.

ANNOUNCEMENT

The Chair announced the birthday of Senator McCollister.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 304.

A BILL FOR AN ACT relating to the Nebraska Pure Food Act; to amend sections 81-2,239 and 81-2,245.01, Revised Statutes Cumulative Supplement, 2018; to exempt certain operations from the definition of a food establishment as prescribed; to require registration of certain operations; 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, 40:

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

Voting in the negative, 0.

Present and not voting, 2:

Albrecht Lathrop

Excused and not voting, 7:

| | | | |
|-----------|------------|-----------|-------|
| Cavanaugh | Halloran | Lindstrom | Wayne |
| DeBoer | Hansen, M. | Vargas | |

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

LEGISLATIVE BILL 428.

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-648.02, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to the computation of wages; 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, 42:

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

Voting in the negative, 0.

Excused and not voting, 7:

| | | | |
|-----------|------------|-----------|-------|
| Cavanaugh | Halloran | Lindstrom | Wayne |
| DeBoer | Hansen, M. | Vargas | |

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

LEGISLATIVE BILL 445.

A BILL FOR AN ACT relating to cities and villages; to amend section 18-1208, Reissue Revised Statutes of Nebraska; to require annual reports relating to occupation taxes as prescribed; 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, 42:

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

Voting in the negative, 0.

Excused and not voting, 7:

| | | | |
|-----------|------------|-----------|-------|
| Cavanaugh | Halloran | Lindstrom | Wayne |
| DeBoer | Hansen, M. | Vargas | |

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 LB556 with 33 ayes, 4 nays, 6 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 556. With Emergency Clause.

A BILL FOR AN ACT relating to prescription drugs; to amend section 71-2454, Reissue Revised Statutes of Nebraska, and sections 28-473,

28-474, and 38-101, Revised Statutes Cumulative Supplement, 2018; to transfer provisions to the Uniform Credentialing Act; to change duties for practitioners related to certain prescriptions; to exempt certain prescriptions from requirements; to change provisions relating to the prescription drug monitoring program; to define and redefine terms; to eliminate obsolete provisions; 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, 44:

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

Voting in the negative, 0.

Excused and not voting, 5:

| | | | | |
|----------|------------|-----------|--------|-------|
| Halloran | Hansen, M. | Lindstrom | Vargas | Wayne |
|----------|------------|-----------|--------|-------|

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 LB556A to Select File

Senator Hunt moved to return LB556A to Select File for the following specific amendment:

FA57

Strike the enacting clause.

Senator Hunt withdrew her motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 556A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to

aid in carrying out the provisions of Legislative Bill 556, 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, 44:

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

Voting in the negative, 0.

Present and not voting, 1:

Briese

Excused and not voting, 4:

Halloran Hansen, M. Lindstrom Wayne

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 LB638 to Select File

Senator Cavanaugh moved to return LB638 to Select File for the following specific amendment:

FA58

Strike the enacting clause.

Senator Cavanaugh withdrew her motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 638.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 77-4602, Reissue Revised Statutes of Nebraska; to change provisions

relating to the transfer of excess General Fund net receipts to the Cash Reserve Fund; to provide a qualified limit for such transfers; to provide an operative date; 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 | Chambers | Groene | La Grone | Pansing Brooks |
| Arch | Clements | Hansen, B. | Lathrop | Quick |
| Blood | Crawford | Hilgers | Linehan | Scheer |
| Bolz | DeBoer | Hilkemann | Lowe | Slama |
| Bostelman | Dorn | Howard | McCollister | Stinner |
| Brandt | Erdman | Hughes | McDonnell | Vargas |
| Brewer | Friesen | Hunt | Morfeld | Walz |
| Briese | Geist | Kolowski | Moser | Williams |
| Cavanaugh | Gragert | Kolterman | Murman | Wishart |

Voting in the negative, 0.

Excused and not voting, 4:

| | | | |
|----------|------------|-----------|-------|
| Halloran | Hansen, M. | Lindstrom | Wayne |
|----------|------------|-----------|-------|

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

LEGISLATIVE BILL 663.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-118, Reissue Revised Statutes of Nebraska; to change provisions relating to Nebraska adjusted basis; 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, 44:

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

Voting in the negative, 0.

Present and not voting, 1:

Hilgers

Excused and not voting, 4:

Halloran Hansen, M. Lindstrom Wayne

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

MOTION(S) - Return LB698 to Select File

Senator Chambers moved to return LB698 to Select File for the following specific amendment:

FA60

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 698. With Emergency Clause.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,304, Revised Statutes Cumulative Supplement, 2018; to change load provisions and penalties for commercial motor vehicles and commercial trailers; to define terms; to repeal the original section; 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, 44:

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

Voting in the negative, 0.

Present and not voting, 1:

Groene

Excused and not voting, 4:

Halloran Hansen, M. Lindstrom Wayne

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 SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 304, 428, 445, 556, 556A, 638, 663, and 698.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 86 and 89 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 86 and 89.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 600. Placed on Select File with amendment.
ER92

1 1. On page 1, strike beginning with "the" in line 1 through line 4
2 and insert "government; to amend sections 43-4201, 43-4202, 43-4204,
3 43-4206, 43-4216, 43-4217, and 68-1212, Reissue Revised Statutes of
4 Nebraska, and sections 43-4203, 43-4207, 43-4218, 43-4513, 43-4701, and
5 81-8,244, Revised Statutes Cumulative Supplement, 2018; to change and
6 eliminate legislative findings, declarations, and intent relating to the
7 Nebraska Children's Commission; to provide, change, and eliminate
8 provisions relating to the administration, membership, and duties of the
9 commission; to eliminate a termination date; to state intent regarding
10 funding; to provide, change, and eliminate duties of the Department of
11 Health and Human Services and the Office of Probation Administration
12 related to the commission; to change and eliminate reporting
13 requirements; to eliminate certain duties of the Bridge to Independence
14 Advisory Committee; to eliminate obsolete provisions; to change
15 provisions relating to the authority of the deputy public counsel for

16 institutions; to eliminate provisions relating to legislative findings
 17 and intent regarding foster care; to harmonize provisions; to provide an
 18 operative date; to repeal the original sections; to outright repeal
 19 sections 43-4205, 43-4208, 43-4209, 43-4210, 43-4211, 43-4213, and
 20 43-4214, Reissue Revised Statutes of Nebraska; and to declare an
 21 emergency."

LEGISLATIVE BILL 460. Placed on Select File with amendment.
 ER91

1 1. On page 1, strike beginning with "child" in line 1 through line 8
 2 and insert "children and families; to amend sections 68-1206, 68-1724,
 3 71-1912, and 71-1924, Reissue Revised Statutes of Nebraska; to change
 4 provisions relating to transitional child care assistance and cash
 5 assistance; to require background checks as prescribed under the Child
 6 Care Licensing Act and Children's Residential Facilities and Placing
 7 Licensure Act; to provide powers and duties for the Department of Health
 8 and Human Services and the Nebraska State Patrol; to define terms; to
 9 harmonize provisions; to provide operative dates; to repeal the original
 10 sections; and to declare an emergency."

LEGISLATIVE BILL 460A. Placed on Select File.

(Signed) Julie Slama, Chairperson

GENERAL FILE

LEGISLATIVE BILL 209. Title read. Considered.

Committee AM1432, found on page 1263, was offered.

Senator Albrecht moved for a call of the house. The motion prevailed with
 27 ayes, 3 nays, and 19 not voting.

Senator Albrecht requested a roll call vote on the committee amendment.

Voting in the affirmative, 39:

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

Voting in the negative, 3:

| | | |
|----------|------|----------------|
| Chambers | Hunt | Pansing Brooks |
|----------|------|----------------|

Present and not voting, 3:

Cavanaugh Kolowski Vargas

Excused and not voting, 4:

Hansen, M. Lindstrom Morfeld Wayne

The committee amendment was adopted with 39 ayes, 3 nays, 3 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Howard offered the following amendment:

AM1524

(Amendments to Standing Committee amendments, AM1432)

1 1. Insert the following new section:

2 Sec. 3. Section 28-345, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 28-345 The Department of Health and Human Services shall prepare and
5 keep on permanent file compilations of the information submitted on the
6 abortion reporting forms and reporting forms regarding attempts at
7 continuing a woman's pregnancy after taking mifepristone pursuant to such
8 rules and regulations as established by the department, which
9 compilations shall be a matter of public record. Under no circumstances
10 shall the compilations of information include the name of any attending
11 physician or identify in any respect facilities where abortions are
12 performed. The department, in order to maintain and keep such
13 compilations current, shall file with such reports any new or amended
14 information.

15 2. On page 8, after line 18, insert the following new subsection:

16 "(7)(a) The Department of Health and Human Services shall prescribe
17 a reporting form which shall be used for the reporting of every attempt
18 at continuing a woman's pregnancy after taking mifepristone as described
19 in this section performed in this state. Such form shall include the
20 following items:

21 (i) The age of the pregnant woman;

22 (ii) The location of the facility where the service was performed;

23 (iii) The type of service provided;

24 (iv) Complications, if any;

25 (v) The name of the attending medical professional;

26 (vi) The pregnant woman's obstetrical history regarding previous
1 pregnancies, abortions, and live births;

2 (vii) The state of the pregnant woman's legal residence;

3 (viii) Whether an emergency situation caused the physician to waive
4 any of the requirements of section 28-327; and

5 (ix) Such other information as may be prescribed in accordance with
6 section 71-602.

7 (b) The completed form shall be signed by the attending medical
8 professional and sent to the department within fifteen days after each
9 reporting month. The completed form shall be an original, typed or
10 written legibly in durable ink, and shall not be deemed complete unless
11 the omission of any item of information required shall have been
12 disclosed or satisfactorily accounted for. Carbon copies shall not be
13 acceptable. The reporting form shall not include the name of the person
14 for whom the service was provided. The reporting form shall be
15 confidential and shall not be revealed except upon the order of a court
16 of competent jurisdiction in a civil or criminal proceeding."
17 3. Renumber the remaining section and correct the repealer
18 accordingly.

The Howard amendment was adopted with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

Pending.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 29, 2019, at 11:15 a.m. were the following: LBs 304, 428, 445, 556e, 556Ae, 638, 663, and 698e.

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

VISITOR(S)

Visitors to the Chamber were Representatives Brandon Woodard, Brett Parker, and Rui Xu from the Kansas House of Representatives; and a group of international journalists and interpreters sponsored by the U.S. State Department.

RECESS

At 11:48 a.m., on a motion by Senator Cavanaugh, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Foley presiding.

ROLL CALL

The roll was called and all members were present except Senator M. Hansen who was excused; and Senators Briese, Crawford, Groene, Hilkemann, Howard, Kolterman, Lindstrom, Linehan, and McCollister who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 209. Senator Hunt offered the following motion:
MO71
Recommit to the Judiciary Committee.

Pending.

COMMITTEE REPORT(S)
General Affairs

LEGISLATIVE BILL 592. Placed on General File with amendment.
AM1359

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 53-103.13, Reissue Revised Statutes of Nebraska,
4 is amended to read:
5 53-103.13 Farm winery means any enterprise which produces and sells
6 wines produced from grapes, other fruit, or other suitable agricultural
7 products of which at least ~~sixty seventy five~~ percent of the finished
8 product is grown in this state or which meets the requirements of section
9 53-123.13.
10 Sec. 2. Section 53-123.11, Revised Statutes Cumulative Supplement,
11 2018, is amended to read:
12 53-123.11 (1) A farm winery license shall entitle the holder to:
13 (a) Sell wines produced at the farm winery onsite at wholesale and
14 retail and to sell wines produced at the farm winery at off-premises
15 sites holding the appropriate retail license;
16 (b) Sell wines produced at the farm winery at retail for consumption
17 on the premises;
18 ~~(c) (e)(i)~~ Permit a customer to remove one unsealed bottle of wine
19 for consumption off the premises. The licensee or his or her agent shall
20 ~~(i) (A)~~ securely reseal such bottle and place the bottle in a bag
21 designed so that it is visibly apparent that the resealed bottle of wine
22 has not been opened or tampered with and ~~(ii) (B)~~ provide a dated receipt
23 to the customer and attach to such bag a copy of the dated receipt for
24 the resealed bottle of wine. ~~(ii)~~ If the resealed bottle of wine is
25 transported in a motor vehicle, it must be placed in the trunk of the
26 motor vehicle or the area behind the last upright seat of such motor
27 vehicle if the area is not normally occupied by the driver or a passenger
1 and the motor vehicle is not equipped with a trunk;
2 (d) Ship wines produced at the farm winery by common carrier and
3 sold at retail to recipients in and outside the State of Nebraska, if the
4 output of such farm winery for each calendar year as reported to the
5 commission by December 31 of each year does not exceed thirty thousand
6 gallons. In the event such amount exceeds thirty thousand gallons, the
7 farm winery shall be required to use a licensed wholesaler to distribute
8 its wines for the following calendar year, except that this requirement

9 shall not apply to wines produced and sold onsite at the farm winery
10 pursuant to subdivision (1)(a) of this section;

11 (e) Allow sampling and sale of the wine at the farm winery and at
12 four ~~one~~ branch outlets ~~outlet~~ in the state in reasonable amounts;

13 (f) Sell wines produced at the farm winery to other Nebraska farm
14 winery licensees, in bulk, bottled, labeled, or unlabeled, in accordance
15 with 27 C.F.R. 24.308, 27 C.F.R. 24.309, and 27 C.F.R. 24.314, as such
16 regulations existed on January 1, 2008;

17 (g) Purchase distilled spirits from licensed microdistilleries in
18 Nebraska, in bulk or bottled, made entirely from Nebraska-licensed farm
19 winery wine to be used in the production of fortified wine at the
20 purchasing licensed farm winery; and

21 (h) Store and warehouse products produced at the farm winery in a
22 designated, secure, offsite storage facility if the holder of the farm
23 winery license notifies the commission of the location of the facility
24 and maintains, at the farm winery and at the facility, a separate
25 perpetual inventory of the product stored at the facility. Consumption of
26 alcoholic liquor at the facility is strictly prohibited.

27 (2) No farm winery shall manufacture wine in excess of fifty
28 thousand gallons per year.

29 (3) A farm winery may manufacture and sell hard cider on its
30 licensed premises. A farm winery shall not otherwise distribute the hard
31 cider it manufactures except by sale to a wholesaler licensed under the
1 Nebraska Liquor Control Act.

2 (4) A holder of a farm winery license may obtain a special
3 designated license pursuant to section 53-124.11.

4 (5) A holder of a farm winery license may obtain an annual catering
5 license pursuant to section 53-124.12.

6 Sec. 3. Section 53-123.13, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 53-123.13 (1) If the operator of a farm winery is unable to produce
9 or purchase sixty ~~seventy-five~~ percent of the grapes, fruit, or other
10 suitable agricultural products used in the farm winery from within the
11 state due to natural disaster which causes substantial loss to the
12 Nebraska-grown crop, such operator may petition the commission to waive
13 the sixty-percent ~~seventy-five percent~~ requirement prescribed in section
14 53-103.13 for one year.

15 (2) It shall be within the discretion of the commission to waive the
16 sixty-percent ~~seventy-five percent~~ requirement taking into consideration
17 the availability of products used in farm wineries in this area and the
18 ability of such operator to produce wine from products that are abundant
19 within the state.

20 (3) If the operator of a farm winery is granted a waiver, any
21 product purchased as concentrated juice from grapes or other fruits from
22 outside of Nebraska, when reconstituted from concentrate, may not exceed
23 in total volume along with other products purchased the total percentage
24 allowed by the waiver.

25 (4) Any product purchased under the waiver or as part of the forty
26 ~~twenty-five~~ percent of allowable product purchased that is not Nebraska-

27 grown for the production of wine shall not exceed the ~~forty twenty five~~
 28 percent volume allowed under state law if made from concentrated grapes
 29 or other fruit, when reconstituted. The concentrate shall not be reduced
 30 to less than twenty-two degrees Brix in accordance with 27 C.F.R. 24.180.
 31 Sec. 4. Original sections 53-103.13 and 53-123.13, Reissue Revised
 1 Statutes of Nebraska, and section 53-123.11, Revised Statutes Cumulative
 2 Supplement, 2018, are repealed.

(Signed) Tom Briese, Chairperson

COMMITTEE REPORT(S)
 Enrollment and Review

LEGISLATIVE BILL 641A. Placed on Select File.

(Signed) Julie Slama, Chairperson

AMENDMENT(S) - Print in Journal

Senator Chambers filed the following amendment to LB209:

FA61

Amend AM1432

Page 1, line 18, strike and show as stricken "unborn child" and insert
 "fetus"; in line 20 strike and show as stricken "child" and insert
 "pregnancy".

GENERAL FILE

LEGISLATIVE BILL 583. Title read. Considered.

Senator Hilgers withdrew his amendment, AM523, found on page 983.

Senator Hilgers offered the following amendment:

AM1490

1 1. On page 2, line 23, strike "or an eligible county" and insert "
 2 an eligible county, a city of the metropolitan class, or a city of the
 3 primary class".

4 2. On page 5, line 12, after "county" insert "a city of the
 5 metropolitan class, or a city of the primary class"; and in line 14 after
 6 "county" insert "a city of the metropolitan class, or city of the primary
 7 class".

8 3. On page 15, line 9, after "county" insert "a city of the
 9 metropolitan class, or a city of the primary class".

Senator Chambers offered the following motion:

MO72

Bracket until June 5, 2019.

SPEAKER SCHEER PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 13 ayes, 1 nay, and 35 not voting.

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

Voting in the affirmative, 0.

Voting in the negative, 42:

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

Present and not voting, 2:

Chambers Clements

Excused and not voting, 5:

Halloran Hansen, M. Hilkemann Kolowski Walz

The Chambers motion to bracket failed with 0 ayes, 42 nays, 2 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO73

Reconsider the vote taken to bracket.

Senator Chambers asked unanimous consent to withdraw his motion, MO73, to reconsider the vote. No objections. So ordered.

The Hilgers amendment, AM1490, was adopted with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

AMENDMENT(S) - Print in Journal

Senator Bolz filed the following amendment to LB600:
AM1483 is available in the Bill Room.

VISITOR(S)

Visitors to the Chamber were union members of firefighters, utility workers, teamsters, and electricians from across the state.

The Doctor of the Day was Dr. Douglas Inciarte from Omaha.

ADJOURNMENT

At 4:32 p.m., on a motion by Senator Morfeld, the Legislature adjourned until 9:00 a.m., Tuesday, April 30, 2019.

Patrick J. O'Donnell
Clerk of the Legislature

