

SIXTY-EIGHTH DAY - APRIL 30, 2019**LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION****SIXTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 30, 2019

PRAYER

The prayer was offered by Pastor Carl Sirotzki, Thabor Lutheran Church, Wausa.

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 Senators Groene, McCollister, Morfeld, Stinner, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1235, line 11, after "if" insert ", due to a high rate of unemployment combined with a high poverty rate as determined by law."

Page 1235, line 22, after "if" insert ", due to a high rate of unemployment combined with a high poverty rate as determined by law,"

The Journal for the sixty-second day was approved as corrected.

The Journal for the sixty-seventh day was approved.

COMMITTEE REPORT(S)

Judiciary

LEGISLATIVE BILL 519. Placed on General File with amendment.
AM1460 is available in the Bill Room.

(Signed) Steve Lathrop, Chairperson

SELECT FILE

LEGISLATIVE BILL 641A. Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 149. Title read. Considered.

Committee AM901, found on page 960, was offered.

Senator Friesen offered his amendment, AM1478, found on page 1286, to the committee amendment.

Senator Lowe moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 2 nays, and 16 not voting.

Senator Friesen moved for a call of the house. The motion prevailed with 24 ayes, 8 nays, and 17 not voting.

Senator Quick requested a roll call vote, in reverse order, on the Friesen amendment.

Voting in the affirmative, 22:

Bolz	Erdman	Howard	McDonnell	Vargas
Brandt	Friesen	Hughes	Murman	Walz
Cavanaugh	Halloran	Kolowski	Pansing Brooks	
Chambers	Hansen, M.	Lathrop	Quick	
Dorn	Hilkemann	Linehan	Stinner	

Voting in the negative, 25:

Albrecht	Briese	Gragert	Kolterman	Moser
Arch	Clements	Groene	La Grone	Scheer
Blood	Crawford	Hansen, B.	Lindstrom	Slama
Bostelman	DeBoer	Hilgers	Lowe	Wayne
Brewer	Geist	Hunt	Morfeld	Wishart

Present and not voting, 1:

McCollister

Excused and not voting, 1:

Williams

The Friesen amendment lost with 22 ayes, 25 nays, 1 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Pending.

EXPLANATION(S) OF VOTE(S)

Had I been present, I would have voted "aye" on final passage of LBs 304, 428, 445, 556e, 556Ae, 638, 663, and 698e.

(Signed) Matt Hansen

Had I been present, I would have voted "aye" on final passage of LBs 304, 428, 445, 556e, 556Ae, 638, 663, and 698e.

(Signed) Justin Wayne

BILL ON FIRST READING

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

LEGISLATIVE BILL 657A. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 657, One Hundred Sixth Legislature, First Session, 2019; and to declare an emergency.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 184. Placed on Select File with amendment.

ER101

- 1 1. In the Standing Committee amendments, AM1252:
- 2 a. On page 1, line 23, after the second "and" insert "the";
- 3 b. On page 2, line 7, after the comma insert "(a)"; in line 9 strike
- 4 the second comma and after the second "and" insert "(b)"; in line 13
- 5 strike the comma; and in line 15 strike "right-of-way" and insert
- 6 "rights-of-way";
- 7 c. On page 3, line 8; and page 21, line 13, strike "permit granting"
- 8 and insert "permit-granting";
- 9 d. On page 4, line 14, strike beginning with the second comma
- 10 through "section" and insert "of Historic Places, in accordance with
- 11 Stipulation"; and strike beginning with the second "the" in line 15
- 12 through "Antennas" in line 16 and insert "Review of Effects on Historic
- 13 Properties for Certain Undertakings Approved by the Federal
- 14 Communications Commission";
- 15 e. On page 8, line 31, strike "non-discriminatory" and insert
- 16 "nondiscriminatory"; and
- 17 f. On page 22, line 15, strike "area" and insert "areas".

LEGISLATIVE BILL 478. Placed on Select File with amendment.

ER94

1 1. On page 1, strike beginning with "civil" in line 1 through line 4
2 and insert "rules of evidence; to amend section 27-412, Reissue Revised
3 Statutes of Nebraska; to prohibit evidence of a minor's consent in any
4 civil proceeding involving certain alleged sex offenses; and to repeal
5 the original section."

LEGISLATIVE BILL 595. Placed on Select File with amendment.

ER95

1 1. On page 1, strike lines 2 through 23 and insert "sections
2 25-2901, 25-2902, 25-2903, 25-2904, 25-2905, 25-2906, 25-2908, 25-2909,
3 25-2911, 25-2912, 25-2913, 25-2914, 25-2915, 25-2916, 25-2917, 25-2918,
4 25-2919, 25-2920, 25-2921, 43-245, 43-246, 43-247.03, 43-247.04,
5 43-260.06, 43-275, 43-276, 43-2,108.01, 43-2,108.02, 43-2,108.03,
6 43-2,108.04, 43-2922, 43-2937, 43-2938, 79-209, and 79-258, Reissue
7 Revised Statutes of Nebraska, and sections 43-274 and 43-286, Revised
8 Statutes Cumulative Supplement, 2018; to restate legislative findings; to
9 define and redefine terms; to change provisions relating to the
10 qualifications of the Director of the Office of Dispute Resolution, the
11 membership of the Advisory Council on Dispute Resolution, and the
12 office's and director's duties; to change provisions relating to approved
13 centers, cases accepted for restorative justice and dispute resolution,
14 and qualifications of mediators and restorative justice facilitators; to
15 provide a privilege for communications made in restorative justice as
16 prescribed; to provide for immunity and reparation plan agreements; to
17 change provisions relating to tolling of statutes of limitations,".
18 2. On page 2, line 5, after the first semicolon insert "to provide
19 for licensed attorneys to serve as parenting plan mediators;".

LEGISLATIVE BILL 96. Placed on Select File with amendment.

ER93

1 1. On page 2, line 9, strike "and" and show as stricken.

LEGISLATIVE BILL 538A. Placed on Select File.**LEGISLATIVE BILL 179.** Placed on Select File.**LEGISLATIVE BILL 468.** Placed on Select File with amendment.

ER96

1 1. On page 1, strike beginning with "the" in line 1 through line 6
2 and insert "government; to amend sections 43-2201, 43-2203, 43-2204,
3 43-2205, and 43-2209, Reissue Revised Statutes of Nebraska, and section
4 68-901, Revised Statutes Supplement, 2017, as amended by section 1,
5 Initiative Law 2018, No. 427; to restate intent; to change and eliminate
6 provisions related to family finding services; to eliminate a pilot
7 project and a termination date; to prohibit coverage of long-term care
8 services and supports under the medicaid managed care program of the
9 Medical Assistance Act as prescribed; to harmonize provisions; to repeal

10 the original sections; and to outright repeal sections 43-2206 and
11 43-2208, Reissue Revised Statutes of Nebraska."

LEGISLATIVE BILL 418. Placed on Select File with amendment.

ER99

1 1. In the Standing Committee amendments, AM1266, on page 9, line 27,
2 strike "claim" and insert "claims".
3 2. On page 1, strike beginning with "the" in line 1 through line 5
4 and insert "state government; to amend sections 48-193, 48-194, 48-195,
5 48-196, 48-197, 48-1,108, 81-8,224, 81-8,239.02, and 81-1021, Reissue
6 Revised Statutes of Nebraska, and sections 48-122 and 48-1,110, Revised
7 Statutes Cumulative Supplement, 2018; to provide for settlement of claims
8 of alien dependents, define a term, provide for applicability of changes,
9 change provisions relating to claims, and prohibit debt collection while
10 a matter is pending before the Nebraska Workers' Compensation Court as
11 prescribed under the Nebraska Workers' Compensation Act; to change
12 provisions relating to tort claims against the state; to change
13 provisions relating to the State Self-Insured Liability Fund and state
14 vehicles; to harmonize provisions; and to repeal the original sections."

LEGISLATIVE BILL 560. Placed on Select File with amendment.

ER97

1 1. In the Standing Committee amendments, AM1414, on page 8, line 19,
2 strike "(4)" and insert "(7)".
3 2. On page 1, line 2, strike "77-5209, 77-5209.01, and 77-5211" and
4 insert "77-2715.07, 77-5203, 77-5209, 77-5209.01, 77-5211, and 77-5212";
5 and in line 4 after the first semicolon insert "to define a term;".

LEGISLATIVE BILL 433. Placed on Select File with amendment.

ER100

1 1. On page 1, line 2, strike "section 76-1416" and insert "sections
2 76-1416 and 76-1431"; and in line 4 after "damages" insert "and the
3 period of time relating to a written notice to quit" and strike "section"
4 and insert "sections".

LEGISLATIVE BILL 86. Placed on Select File with amendment.

ER98 is available in the Bill Room.

(Signed) Julie Slama, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 97. Introduced by Cavanaugh, 6;
Albrecht, 17; Blood, 3; Bolz, 29; Chambers, 11; Crawford, 45; DeBoer, 10;
Dorn, 30; Friesen, 34; Groene, 42; Hansen, M., 26; Hilkemann, 4; Howard,
9; Hughes, 44; Hunt, 8; Kolowski, 31; Kolterman, 24; La Grone, 49;
Lindstrom, 18; Linehan, 39; McCollister, 20; McDonnell, 5;

Pansing Brooks, 28; Quick, 35; Scheer, 19; Stinner, 48; Walz, 15; Wayne, 13; Williams, 36; Wishart, 27.

WHEREAS, April is Sexual Assault Awareness Month, a time to raise public awareness and educate communities on sexual violence; and

WHEREAS, sexual assault is a serious and widespread issue, as one in three women and one in six men have experienced some form of sexual violence in their lifetime, and one in five women and one in seventy-one men will be raped in their lifetime; and

WHEREAS, silence and lack of knowledge about sexual assault play a large part in why it persists. By building awareness, we can end the shame and stigma with which survivors are burdened; and

WHEREAS, preventing sexual assault means stopping sexual violence before it has a chance to happen and will require changing the social norms, from individual attitudes, values, and behaviors, to laws and institutions; and

WHEREAS, the theme of the National Sexual Violence Resource Center for the 2019 Sexual Assault Awareness Month is "I Ask", which champions the message that asking for consent is a healthy, normal, and necessary part of everyday interactions. By uplifting the importance of consent, we are providing a clear example of what it takes to end sexual harassment, abuse, and assault; and

WHEREAS, sexual assault prevention is everyone's responsibility. We can all work to create and promote safe environments, to intervene to stop concerning behavior, to promote and model healthy attitudes and relationships, and to believe survivors and assist them in finding resources; and

WHEREAS, we can enact public policies and build systems that prevent sexual assault and support survivors in their search for physical and mental health care, safety, and justice.

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

1. That the Legislature recognizes April 2019 as Sexual Assault Awareness Month in Nebraska.
2. That the Legislature encourages Nebraskans to educate and engage policymakers and the public in addressing and preventing sexual assault and to unite in supporting sexual assault survivors.

Laid over.

LEGISLATIVE RESOLUTION 98. Introduced by Lowe, 37; Arch, 14; Blood, 3; Brandt, 32; Briese, 41; Hunt, 8.

PURPOSE: The purpose of this interim study is to examine the special designated license issued by the Nebraska Liquor Control Commission and review potential reforms.

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

1. That the General Affairs 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.

GENERAL FILE

LEGISLATIVE BILL 149. Senator Wayne offered his amendment, AM1228, found on page 1314, to the committee amendment.

SPEAKER SCHEER PRESIDING

PRESIDENT FOLEY PRESIDING

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

Senator Wayne requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 21:

Arch	Erdman	Hilgers	Lowe	Wishart
Bostelman	Geist	Hilkemann	McDonnell	
Brewer	Groene	Hunt	Scheer	
Clements	Halloran	Kolterman	Slama	
DeBoer	Hansen, B.	La Grone	Wayne	

Voting in the negative, 21:

Albrecht	Dorn	Hughes	Pansing Brooks Williams
Brandt	Friesen	Lindstrom	Quick
Briese	Gragert	McCollister	Stinner
Cavanaugh	Hansen, M.	Moser	Vargas
Crawford	Howard	Murman	Walz

Present and not voting, 7:

Blood	Chambers	Lathrop	Morfeld
Bolz	Kolowski	Linehan	

The Wayne amendment lost with 21 ayes, 21 nays, and 7 present and not

voting.

The Chair declared the call raised.

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 99. Introduced by Nebraska Retirement Systems Committee: Kolterman, 24, Chairperson; Bolz, 29; Groene, 42; Kolowski, 31; Lindstrom, 18; Stinner, 48.

WHEREAS, Michael Walden-Newman began serving as the State Investment Officer for the Nebraska Investment Council in December of 2014; and

WHEREAS, at Mr. Walden-Newman's recommendation, the Nebraska Investment Council has initiated a strategic "blank sheet" review of the investment portfolio, focusing on one asset class at a time. The multi-year approach will result in a final investment structure and selection of best-in-class managers in order to keep the portfolio fresh and fine-tuned; and

WHEREAS, under Mr. Walden-Newman's tenure, several honors have been bestowed on council staff and endeavors; and

WHEREAS, the Council was awarded the 2017 Silver Summit Creative Award in the Government Website category in recognition of improved transparency and public access following the redesign of the web site. This creative competition drew more than 5,000 submissions from 24 countries in 18 major categories; and

WHEREAS, Joe Spitznagel, a portfolio manager for the Nebraska Investment Council, was named one of the Top 30 Public Pension Institutional Investors in 2018 by Trusted Insight in recognition of being a front runner in the public pension industry by implementing innovative investment strategies to generate alpha and achieve long-term return goals; and

WHEREAS, Jeremiah Garber, a Portfolio Manager for the Nebraska Investment Council, was named one of the Top 30 Institutional Investors in the Midwest in 2018 by Trusted Insight in recognition of his talent as a senior-level investment professional tasked with incorporating long-term investment strategies; and

WHEREAS, Michael Walden-Newman is one of five nominees for the Trusted Insight 2019 Distinguished CIO Award that recognizes chief investment officers who have generously given their time, intellect, and wisdom to encourage the community's innovative efforts, collaboration, and leadership. Other nominees include chief investment officers from the Robert Wood Johnson Foundation, Alaska Permanent Fund, Teacher Retirement System of Texas, New Mexico Educational Retirement Board, and Parkland Management Company; and

WHEREAS, the Nebraska Investment Council, under the guidance of State Investment Officer Michael Walden-Newman and teamwork of the eight-member investment team, JoLynn Winkler, Joseph Jurich, Chris

Sanders, Joyce Schlautman, Jennifer Hatfield, Kathy Dawes, Jeremiah Garber, and Joe Spitznagel, have been recognized nationally for the Council's portfolio performance; and

WHEREAS, the retirement portfolio invested by the Council is currently ranked among the top ten best funded state-administered retirement systems. Plans are funded at the following levels: The County Employees Retirement System is funded at 108%, the State Employees Retirement System is funded at 104%, the Judges Retirement System is funded at 96%, the School Employees Retirement System is funded at 89%, and the Nebraska State Patrol Retirement System is funded at 87%.

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

1. That the Legislature recognizes the important investment work and significant achievements of the Nebraska Investment Council, State Investment Officer, Michael Walden-Newman, and the Council staff.

2. That the Legislature recognizes the contributions of Michael Walden-Newman to the work of the Nebraska Investment Council that have resulted in numerous national and regional awards and recognition.

3. That a copy of this resolution be sent to Michael Walden-Newman and the Nebraska Investment Council.

Laid over.

VISITOR(S)

Visitors to the Chamber were Senator Briese's brother and sister-in-law, Tim and Teresa Briese, from Colorado Springs, CO; students from St. Wenceslaus School, Dodge; students from Emmanuel-Faith Lutheran School, York; Senator Quick's wife, Alice, from Grand Island; students, teacher, and sponsors from Trinity Lutheran Elementary School, Grand Island; students from Deshler Elementary School; and Aya Yoosuf, UNO student body president and student regent.

RECESS

At 11:45 a.m., on a motion by Senator McDonnell, 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 Senators Hilkemann and McDonnell who were excused until they arrive.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 100. Introduced by Clements, 2.

WHEREAS, Louisville High School received a 2018 NebraskARTS Award presented by Nebraskans for the Arts; and

WHEREAS, Nebraskans for the Arts annually recognizes select schools and school districts that make notable and worthwhile contributions to the arts and arts education in Nebraska; and

WHEREAS, Louisville High School demonstrates high educational standards and provides all students the opportunity to learn through the enjoyment of the arts; and

WHEREAS, Louisville High School provides numerous opportunities for students to improve their craft and share their talents and hard work with the community; and

WHEREAS, Louisville High School was one of only two schools to receive this award for 2018; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Louisville High School for receiving a 2018 NebraskARTS award.

2. That a copy of this resolution be sent to Louisville High School Principal, Brett Schwartz, on behalf of the school's students, teachers, staff, and parents.

Laid over.

MOTION(S) - Override Veto on LB472

Senator Dorn offered his motion, MO68, found on page 1288, that LB472 becomes law notwithstanding the objections of the Governor.

Senator Dorn moved for a call of the house. The motion prevailed with 31 ayes, 8 nays, and 10 not voting.

Senator Dorn requested a roll call vote, in reverse order, on the motion to override the Governor's veto.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 41:

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

Voting in the negative, 8:

Albrecht	Erdman	Hilgers	Lowe
Clements	Geist	La Grone	Slama

Not voting, 0.

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

The Chair declared the call raised.

COMMUNICATION

April 30, 2019

The Honorable Robert Evnen
 Secretary of State
 2300 State Capitol
 Lincoln, NE 68509

Dear Mr. Secretary:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB472 with a certificate attached thereto signed by the President of the Legislature certifying the passage of LB472, notwithstanding the objections of the Governor.

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

PJO:lg
 Enc.

CERTIFICATE

Legislative Bill 472, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, has become law this 30th day of April 2019.

(Signed) Mike Foley
 President of the Legislature

AMENDMENT(S) - Print in Journal

Senator Linehan filed the following amendment to LB334:
AM1283

(Amendments to E & R amendments, ER72)

1 1. Insert the following new section:

2 Sec. 7. Section 81-829.42, Revised Statutes Cumulative Supplement,
3 2018, is amended to read:

4 81-829.42 (1) The Legislature recognizes that, while appropriations
5 are adequate to meet the normal needs, the necessity exists for
6 anticipating and making advance provision to care for the unusual and
7 extraordinary burdens imposed on the state and its political subdivisions
8 by disasters, emergencies, or civil defense emergencies. To meet such
9 situations, it is the intention of the Legislature to confer emergency
10 powers on the Governor, acting through the Adjutant General and the
11 Nebraska Emergency Management Agency, and to vest him or her with
12 adequate power and authority within the limitation of available funds
13 appropriated to the Governor's Emergency Program to meet any disaster,
14 emergency, or civil defense emergency.

15 (2) There is hereby established the Governor's Emergency Program.
16 Funds appropriated to the program shall be expended, upon direction of
17 the Governor, for any state of emergency. The state of emergency
18 proclamation shall set forth the emergency and shall state that it
19 requires the expenditure of public funds to furnish immediate aid and
20 relief. The Adjutant General shall administer the funds appropriated to
21 the program.

22 (3) It is the intent of the Legislature that the first recourse
23 shall be to funds regularly appropriated to state and local agencies. If
24 the Governor finds that the demands placed upon these funds are
25 unreasonably great, he or she may make funds available from the
26 Governor's Emergency Program. Expenditures may be made upon the direction
1 of the Governor for any or all emergency management functions or to meet
2 the intent of the state emergency operations plans as outlined in section
3 81-829.41. Expenditures may also be made to state and federal agencies to
4 meet the matching requirement of any applicable assistance programs.

5 (4) Assistance shall be provided from the funds appropriated to the
6 Governor's Emergency Program to political subdivisions of this state
7 which have suffered from a disaster, emergency, or civil defense
8 emergency to such an extent as to impose a severe financial burden
9 exceeding the ordinary capacity of the subdivision affected. Applications
10 for aid under this section shall be made to the Nebraska Emergency
11 Management Agency on such forms as shall be prescribed and furnished by
12 the agency. The forms shall require the furnishing of sufficient
13 information to determine eligibility for aid and the extent of the
14 financial burden incurred. The agency may call upon other agencies of the
15 state in evaluating such applications. The Adjutant General shall review
16 each application for aid under this section and recommend its approval or
17 disapproval, in whole or in part, to the Governor. If the Governor

18 approves, he or she shall determine and certify to the Adjutant General
19 the amount of aid to be furnished. The Adjutant General shall thereupon
20 issue his or her voucher to the Director of Administrative Services who
21 shall issue his or her warrants therefor to the applicant.

22 (5) When a state of emergency has been proclaimed by the Governor,
23 the Adjutant General, upon order of the Governor, shall have authority to
24 expend funds for purposes including, but not limited to:

25 (a) The purposes of the Emergency Management Act, including
26 emergency management functions and the responsibilities of the Governor
27 as outlined in the act;

28 (b) Employing for the duration of the state of emergency additional
29 personnel and contracting or otherwise procuring all necessary
30 appliances, supplies, and equipment;

31 (c) Performing services for and furnishing materials and supplies to
1 state government agencies and local governments with respect to
2 performance of any duties enjoined by law upon such agencies and local
3 governments which they are unable to perform because of extreme climatic
4 phenomena and receiving reimbursement in whole or in part from such
5 agencies and local governments able to pay therefor under such terms and
6 conditions as may be agreed upon by the Adjutant General and any such
7 agency or local government;

8 (d) Performing services for and furnishing materials to any
9 individual in connection with alleviating hardship and distress growing
10 out of extreme climatic phenomena and receiving reimbursement in whole or
11 in part from such individual under such terms as may be agreed upon by
12 the Adjutant General and such individual;

13 (e) Opening up, repairing, and restoring roads and highways;

14 (f) Repairing and restoring bridges;

15 (g) Furnishing transportation for supplies to alleviate suffering
16 and distress;

17 (h) Restoring means of communication;

18 (i) Furnishing medical services and supplies to prevent the spread
19 of disease and epidemics;

20 (j) Quelling riots and civil disturbances;

21 (k) Training individuals or governmental agencies for the purpose of
22 perfecting the performance of emergency management duties as provided in
23 the Nebraska emergency operations plans;

24 (l) Procurement and storage of special emergency supplies or
25 equipment, determined by the Adjutant General to be required to provide
26 rapid response by state government to assist local governments in
27 impending or actual disasters, emergencies, or civil defense emergencies;

28 (m) Clearing or removing debris and wreckage which may threaten
29 public health or safety from publicly owned or privately owned land or
30 water; and

31 (n) Such other measures as are customarily necessary to furnish
1 adequate relief in cases of disaster, emergency, or civil defense
2 emergency.

3 (6) If response to a disaster or emergency is immediately required,
4 the Adjutant General may make expenditures of up to twenty-five thousand

5 dollars per event without a state of emergency proclamation issued by the
6 Governor. Such expenditures shall be used for the purposes as provided in
7 subsection (5) of this section.

8 (7) The Governor may receive such voluntary contributions as may be
9 made from any nonfederal source to aid in carrying out the purposes of
10 this section and shall credit the same to the Governor's Emergency Cash
11 Fund.

12 (8) All obligations and expenses incurred by the Governor in the
13 exercise of the powers and duties vested in the Governor by this section
14 shall be paid by the State Treasurer out of available funds appropriated
15 to the Governor's Emergency Program, and the Director of Administrative
16 Services shall draw his or her warrants upon the State Treasurer for the
17 payment of such sum, or so much thereof as may be required, upon receipt
18 by him or her of proper vouchers duly approved by the Adjutant General.

19 (9) This section shall be liberally construed in order to accomplish
20 the purposes of the Emergency Management Act and to permit the Governor
21 to adequately cope with any disaster, emergency, or civil defense
22 emergency which may arise, and the powers vested in the Governor by this
23 section shall be construed as being in addition to all other powers
24 presently vested in him or her and not in derogation of any existing
25 powers.

26 (10) Such funds as may be made available by the government of the
27 United States for the purpose of alleviating distress from disasters,
28 emergencies, and civil defense emergencies may be accepted by the State
29 Treasurer and shall be credited to a separate and distinct fund unless
30 otherwise specifically provided in the act of Congress making such funds
31 available or as otherwise allowed and provided by state law.

1 (11) It is the intent of the Legislature that the four million
2 dollars saved due to the elimination of funding for the Angel Investment
3 Tax Credit Act be used to increase the appropriation to the Military
4 Department for the Governor's Emergency Program by four million dollars
5 for fiscal year 2020-21.

6 2. On page 11, line 31, strike "2020-21" and insert "2021-22".

7 3. On page 13, line 11, after "50-1209," insert "81-829.42,".

8 4. Renumber the remaining sections accordingly.

Senator Linehan filed the following amendment to LB334A:

AM1281

1 1. On page 2, line 11, strike "Department of Economic Development"
2 and insert "Military Department" and strike "603" and insert "192"; and
3 after line 18 insert:

4 "Expenditures from this program shall not be restricted to state aid
5 if other expenditures are necessary to fulfill the goals of the
6 Governor's Emergency Program.".

GENERAL FILE

LEGISLATIVE BILL 149. Senator Quick offered the following amendment to the committee amendment:

FA62

Amend AM901

Strike sections 13, 14, 15, and 16. Renumber the following sections accordingly and correct the repealer accordingly.

The Quick amendment was adopted with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

The committee amendment, AM901, as amended, was adopted with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 532. Title read. Considered.

Committee AM674, found on page 1175, was adopted with 41 ayes, 0 nays, and 8 present and not voting.

Senator Cavanaugh withdrew her amendment, AM54, found on page 437.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, and 8 present and not voting.

LEGISLATIVE BILL 532A. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, and 15 present and not voting.

LEGISLATIVE BILL 492. Title read. Considered.

Committee AM628, found on page 1238, was offered.

SPEAKER SCHEER PRESIDING

Senator La Grone offered the following amendment to the committee amendment:

AM1552 is available in the Bill Room.

Senator La Grone withdrew his amendment.

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 470. Placed on Select File with amendment.

ER102

1 1. On page 1, strike lines 2 through 10 and insert "77-103, 77-105,
2 77-202, 77-1374, 77-1375, 77-2716, 77-5007, 85-1807, 85-1808, and
3 85-1810, Reissue Revised Statutes of Nebraska; to redefine terms; to
4 exempt dwelling complexes and any related amenities located on a United
5 States Department of Defense military installation from property taxes as
6 prescribed; to provide for payments in lieu of taxes as prescribed; to
7 change provisions relating to the assessment of improvements on leased
8 lands; to provide tax deductions for certain contributions to the
9 Nebraska educational savings plan trust as prescribed; to provide that
10 certain contributions to the Nebraska educational savings plan trust not
11 be recognized as income for certain purposes; to harmonize provisions; to
12 provide a duty for the Revisor of Statutes; to provide operative dates;
13 and to repeal the original sections."

(Signed) Julie Slama, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 138. Placed on Final Reading.**LEGISLATIVE BILL 177.** Placed on Final Reading.**LEGISLATIVE BILL 227.** Placed on Final Reading.

ST18

The following changes, required to be reported for publication in the
Journal, have been made:

1. On page 1, lines 2 through 4 have been struck and "sections 2-4403 and
2-4404, Reissue Revised Statutes of Nebraska; to change nuisance
provisions and provide for a limitation on nuisance actions; to provide for
applicability; to update an act reference; and to repeal the original sections."
inserted.

LEGISLATIVE BILL 237. Placed on Final Reading.**LEGISLATIVE BILL 237A.** Placed on Final Reading.**LEGISLATIVE BILL 496.** Placed on Final Reading.**LEGISLATIVE BILL 616.** Placed on Final Reading.**LEGISLATIVE BILL 641A.** Placed on Final Reading.**LEGISLATIVE BILL 693.** Placed on Final Reading.

(Signed) Julie Slama, Chairperson

AMENDMENT(S) - Print in Journal

Senator Cavanaugh filed the following amendment to LB397:
AM1528 is available in the Bill Room.

Senator Lathrop filed the following amendment to LB538:
AM1544

(Amendments to AM1278)

1 1. Insert the following new sections:

2 Sec. 4. No cash device shall be operated using a credit card,
3 charge card, or debit card. No person under nineteen years of age shall
4 play or participate in any way in the operation of a cash device. No
5 operator or employee or agent of any operator shall knowingly permit any
6 individual under nineteen years of age to play or participate in any way
7 in the operation of a cash device.

8 Sec. 10. Section 77-5601, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 77-5601 (1) From August 1, 2004, through October 31, 2004, there
11 shall be conducted a tax amnesty program with regard to taxes due and
12 owing that have not been reported to the Department of Revenue. Any
13 person applying for tax amnesty shall pay all unreported taxes that were
14 due on or before April 1, 2004. Any person that applies for tax amnesty
15 and is accepted by the Tax Commissioner shall have any penalties and
16 interest waived on unreported and delinquent taxes notwithstanding any
17 other provisions of law to the contrary.

18 (2) To be eligible for the tax amnesty provided by this section, the
19 person shall apply for amnesty within the amnesty period, file a return
20 for each taxable period for which the amnesty is requested by December
21 31, 2004, if no return has been filed, and pay in full all taxes for
22 which amnesty is sought with the return or within thirty days after the
23 application if a return was filed prior to the amnesty period. Tax
24 amnesty shall not be available for any person that is under civil or
25 criminal audit, investigation, or prosecution for unreported or
26 delinquent taxes by this state or the United States Government on or
1 before April 16, 2004.

2 (3) The department shall not seek civil or criminal prosecution
3 against any person for any taxable period for which amnesty has been
4 granted. The Tax Commissioner shall develop forms for applying for the
5 tax amnesty program, develop procedures for qualification for tax
6 amnesty, and conduct a public awareness campaign publicizing the program.

7 (4) If a person elects to participate in the amnesty program, the
8 election shall constitute an express and irrevocable relinquishment of
9 all administrative and judicial rights to challenge the imposition of the
10 tax or its amount. Nothing in this section shall prohibit the department
11 from adjusting a return as a result of any state or federal audit.

12 (5)(a) Except for any local option sales tax collected and returned
13 to the appropriate municipality and any motor vehicle fuel, diesel fuel,
14 and compressed fuel taxes, which shall be deposited in the Highway Trust
15 Fund or Highway Allocation Fund as provided by law, no less than eighty

16 percent of all revenue received pursuant to the tax amnesty program shall
17 be deposited in the General Fund ~~and~~ ; ten percent, not to exceed five
18 hundred thousand dollars, shall be deposited in the Department of Revenue
19 Enforcement Fund; ~~and ten percent, not to exceed five hundred thousand~~
20 ~~dollars, shall be deposited in the Department of Revenue Enforcement~~
21 ~~Technology Fund.~~ Any amount that would otherwise be deposited in the
22 Department of Revenue Enforcement Fund ~~or the Department of Revenue~~
23 ~~Enforcement Technology Fund~~ that is in excess of the five-hundred-
24 thousand-dollar limitation shall be deposited in the General Fund.

25 (b) For fiscal year 2005-06, all proceeds in the Department of
26 Revenue Enforcement Fund shall be appropriated to the department for
27 purposes of employing investigators, agents, and auditors and otherwise
28 increasing personnel for enforcement of the Nebraska Revenue Act of 1967.

29 ~~For fiscal year 2005-06, all proceeds in the Department of Revenue~~
30 ~~Enforcement Technology Fund shall be appropriated to the department for~~
31 ~~the purposes of acquiring lists, software, programming, computer~~
1 ~~equipment, and other technological methods for enforcing the act.~~

2 (c) For fiscal years after fiscal year 2005-06, twenty percent of
3 all proceeds received during the previous calendar year due to the
4 efforts of auditors and investigators hired pursuant to subdivision (5)
5 (b) of this section, not to exceed seven hundred fifty thousand dollars,
6 shall be deposited in the Department of Revenue Enforcement Fund for
7 purposes of employing investigators and auditors or continuing such
8 employment for purposes of increasing enforcement of the act.

9 (d) Ten percent of all proceeds received during each calendar year
10 due to the contracts entered into pursuant to section 77-367 shall be
11 deposited in the Department of Revenue Enforcement Fund for purposes of
12 identifying nonfilers of returns, underreporters, nonpayers of taxes, and
13 improper or fraudulent payments.

14 (6)(a) The department shall prepare a report by April 1, 2005, and
15 by February 1 of each year thereafter detailing the results of the tax
16 amnesty program and the subsequent enforcement efforts. For the report
17 due April 1, 2005, the report shall include (i) the amount of revenue
18 obtained as a result of the tax amnesty program broken down by tax
19 program, (ii) the amount obtained from in-state taxpayers and from out-of-
20 state taxpayers, and (iii) the amount obtained from individual taxpayers
21 and from business enterprises.

22 (b) For reports due in subsequent years, the report shall include
23 (i) the number of personnel hired for purposes of subdivision (5)(b) of
24 this section and their duties, (ii) a description of lists, software,
25 programming, computer equipment, and other technological methods acquired
26 ~~pursuant to such subdivision~~ and the purposes of each, and (iii) the
27 amount of new revenue obtained as a result of the new personnel and
28 acquisitions during the prior calendar year, broken down into the same
29 categories as described in subdivision (6)(a) of this section.

30 (7) The Department of Revenue Enforcement Fund ~~is and the Department~~
31 ~~of Revenue Enforcement Technology Fund are created.~~ Transfers may be made
1 from the Department of Revenue Enforcement Fund to the General Fund at
2 the direction of the Legislature. The Department of Revenue Enforcement

3 Fund may receive transfers from the Civic and Community Center Financing
4 Fund at the direction of the Legislature for the purpose of administering
5 the Sports Arena Facility Financing Assistance Act. The Department of
6 Revenue Enforcement Fund shall include any money credited to the fund
7 under the Mechanical Amusement Device Tax Act, and such money shall be
8 used by the department to defray the costs incurred to enforce such act.

9 Any money in the Department of Revenue Enforcement Fund ~~and the~~
10 ~~Department of Revenue Enforcement Technology Fund~~ available for
11 investment shall be invested by the state investment officer pursuant to
12 the Nebraska Capital Expansion Act and the Nebraska State Funds
13 Investment Act. ~~The Department of Revenue Enforcement Technology Fund~~
14 ~~shall terminate on July 1, 2006. Any unobligated money in the fund at~~
15 ~~that time shall be deposited in the General Fund.~~

16 (8) For purposes of this section, taxes mean any taxes collected by
17 the department, including, but not limited to state and local sales and
18 use taxes, individual and corporate income taxes, financial institutions
19 deposit taxes, motor vehicle fuel, diesel fuel, and compressed fuel
20 taxes, cigarette taxes, transfer taxes, and charitable gaming taxes.

21 2. On page 1, strike lines 11 through 20 and insert the following
22 new subsection:

23 "(2) The owner or operator of a retail establishment who is not a
24 manufacturer, distributor, or seller of mechanical amusement devices as
25 defined under the Mechanical Amusement Device Tax Act shall not be
26 subject to prosecution for possession of a gambling device or entering
27 into a transaction affecting or designed to affect ownership, custody, or
28 use of any gambling device if:

29 (a) Such owner or operator does not own the device and the only
30 connection of the owner or operator to the device is entering into an
31 agreement for payment or profit-sharing in exchange for placement of the
1 device in such owner's or operator's retail establishment; and

2 (b) Such owner or operator does not have actual knowledge that the
3 operation of the device in the owner's or operator's retail establishment
4 constitutes unlawful gambling activity or violates the Mechanical
5 Amusement Device Tax Act."

6 3. On page 4, line 26, after the first "a" insert "cash".

7 4. On page 9, after line 6 insert the following new subsections:

8 "(10)(a) Before any rules and regulations adopted and promulgated to
9 carry out this section become effective, any manufacturer, distributor,
10 or owner may continue to manufacture, sell, transport, place, possess, or
11 enter into a transaction involving (i) cash devices already in operation
12 at an establishment as of May 1, 2019, or (ii) other cash devices that
13 are functionally identical to those already in operation at an
14 establishment as of May 1, 2019.

15 (b) After any rules and regulations adopted and promulgated to carry
16 out this section become effective, until any determination of compliance
17 or noncompliance by the department, any manufacturer, distributor, or
18 owner may continue to manufacture, sell, transport, place, possess, or
19 enter into a transaction involving cash devices described in subdivision

20 (10)(a) of this section if, within ninety days after the date when any

21 such rules and regulations become effective, the manufacturer or
22 distributor files an application with the department for such a
23 determination.
24 (c) If a manufacturer or distributor receives a determination from
25 the department that a device described in subdivision (10)(a) of this
26 section is not in compliance with the Mechanical Amusement Device Tax
27 Act, such manufacturer or distributor shall have thirty days after the
28 issuance of that determination to remove any such device from operation
29 in Nebraska.
30 (11) Application fees collected under subsection (2) of this section
31 and annual decal fees collected under section (8) of this section shall
1 be remitted to the State Treasurer for credit to the Department of
2 Revenue Enforcement Fund."
3 5. On page 10, line 15, strike "section 3" and insert "sections 3
4 and 4"; and in line 19 strike "and 77-3011" and insert "77-3011, and
5 77-5601".
6 6. Renumber the remaining sections accordingly.

VISITOR(S)

Visitors to the Chamber were students from Blue Sage Elementary School, Elkhorn; Lisa Albers of the Grand Island Public Schools Board of Education; students and teachers from Litchfield Elementary School; students from Woodland Park Elementary School, Norfolk; and Pamela Sorgen, Amanda Bohm, and Elizabeth Power from Omaha and Susan Thurman from La Vista.

The Doctor of the Day was Dr. Trisha Sams from Utica.

ADJOURNMENT

At 4:38 p.m., on a motion by Senator Bostelman, the Legislature adjourned until 9:00 a.m., Wednesday, May 1, 2019.

Patrick J. O'Donnell
Clerk of the Legislature