

SEVENTY-FIFTH DAY - MAY 13, 2019

LEGISLATIVE JOURNAL

**ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION**

SEVENTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, May 13, 2019

PRAYER

The prayer was offered by Father Ryan Lewis, Holy Ghost Catholic Church, Omaha.

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 Howard and Stinner who were excused; and Senators Bolz, Cavanaugh, DeBoer, Groene, Pansing Brooks, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-fourth day was approved.

COMMITTEE REPORT(S)

Government, Military and Veterans Affairs

LEGISLATIVE BILL 109. Placed on General File.

(Signed) Tom Brewer, Chairperson

GENERAL FILE

LEGISLATIVE BILL 600A. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 86A. Advanced to Enrollment and Review for Engrossment.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 96.

A BILL FOR AN ACT relating to building codes; to amend sections 71-6404 and 71-6406, Reissue Revised Statutes of Nebraska; to change provisions relating to local building and construction codes; 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, 39:

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

Voting in the negative, 0.

Present and not voting, 3:

Albrecht	Erdman	Lowe
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Excused and not voting, 7:

Bolz	DeBoer	Howard	Wayne
Cavanaugh	Groene	Stinner	

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

LEGISLATIVE BILL 179.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-1902, Reissue Revised Statutes of Nebraska; to authorize the appeal of certain motions as final orders; to harmonize provisions; to provide severability; 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, 43:

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

Voting in the negative, 0.

Excused and not voting, 6:

Bolz	DeBoer	Howard
Cavanaugh	Groene	Stinner

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 LB184 with 36 ayes, 5 nays, 3 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 184.

A BILL FOR AN ACT relating to telecommunications and technology; to amend the Small Wireless Facilities Deployment Act.

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

Voting in the negative, 0.

Excused and not voting, 5:

Bolz DeBoer Groene Howard Stinner

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

The following bill was read and put upon final passage:

LEGISLATIVE BILL 375.

A BILL FOR AN ACT relating to public records; to amend section 84-712.05, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to documents which may be withheld from the public; 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	Crawford	Hansen, M.	Lindstrom	Quick
Arch	Dorn	Hilgers	Linehan	Scheer
Blood	Erdman	Hilkemann	Lowe	Slama
Bostelman	Friesen	Hughes	McCollister	Vargas
Brandt	Geist	Hunt	McDonnell	Walz
Brewer	Gragert	Kolowski	Morfeld	Wayne
Briese	Groene	Kolterman	Moser	Williams
Chambers	Halloran	La Grone	Murman	Wishart
Clements	Hansen, B.	Lathrop	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 1:

Cavanaugh

Excused and not voting, 4:

Bolz DeBoer Howard Stinner

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 LB411 with 34 ayes, 8 nays, 3 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 411. With Emergency Clause.

A BILL FOR AN ACT relating to government; to amend sections 18-2515, 23-149, 23-202, 23-293, 23-2501, 23-2502, 23-2505, 23-2508, 23-2509, 23-2511, 23-2512, 23-2513, 23-2515, 23-2516, 31-787, 31-793, 32-116, 32-202, 32-221, 32-223, 32-230, 32-231, 32-236, 32-552, 32-618, 32-631, 32-803, 32-816, 32-901, 32-903, 32-904, 32-907, 32-910, 32-916, 32-952, 32-956, 32-1002, 32-1008, 32-1010, 32-1012, 32-1013, 32-1041, 32-1121, 32-1306, 32-1309, 32-1405, 32-1407, 32-1409, 32-1524, and 49-1499.03, Reissue Revised Statutes of Nebraska, and sections 14-2103, 18-2713, 23-148, 23-2503, 23-2504, 23-2506, 23-2507, 23-2510, 23-2514, 32-330, 32-607, 32-1007, 32-1303, and 49-14,126, Revised Statutes Cumulative Supplement, 2018; to name, change, and transfer provisions regarding the county civil service commission; to change provisions relating to metropolitan utilities districts, initiative and referendum petitions, municipal economic development programs, county boards, county organization, sanitary and improvement districts, election provisions, recall provisions, conflicts of interest, and penalty provisions for violations relating to political accountability and disclosure; to harmonize provisions; to provide operative dates; 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, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Bolz Howard Stinner

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB418 with 32 ayes, 8 nays, 6 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 418.

A BILL FOR AN ACT relating to state government; to amend sections 48-193, 48-194, 48-195, 48-196, 48-197, 48-1,108, 81-8,224, 81-8,239.02, and 81-1021, Reissue Revised Statutes of Nebraska, and sections 48-122 and 48-1,110, Revised Statutes Cumulative Supplement, 2018; to provide for settlement of claims of alien dependents, define a term, provide for applicability of changes, change provisions relating to claims, and prohibit debt collection while a matter is pending before the Nebraska Workers' Compensation Court as prescribed under the Nebraska Workers' Compensation Act; to change provisions relating to tort claims against the state; to change provisions relating to the State Self-Insured Liability Fund and state vehicles; 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, 35:

Blood	Crawford	Hilkemann	Lindstrom	Scheer
Bostelman	DeBoer	Hughes	McCollister	Slama
Brandt	Dorn	Hunt	McDonnell	Vargas
Briese	Friesen	Kolowski	Morfeld	Walz
Cavanaugh	Geist	Kolterman	Moser	Wayne
Chambers	Hansen, M.	La Grone	Pansing Brooks	Williams
Clements	Hilgers	Lathrop	Quick	Wishart

Voting in the negative, 0.

Present and not voting, 11:

Albrecht	Erdman	Halloran	Lowe
Arch	Gragert	Hansen, B.	Murman
Brewer	Groene	Linehan	

Excused and not voting, 3:

Bolz Howard Stinner

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

The following bill was read and put upon final passage:

LEGISLATIVE BILL 478. With Emergency Clause.

A BILL FOR AN ACT relating to rules of evidence; to amend section 27-412, Reissue Revised Statutes of Nebraska; to prohibit evidence of a minor's consent in any civil proceeding involving certain alleged sex offenses; 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, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Bolz Howard Stinner

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB560 with 32 ayes, 7 nays, 7 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 560.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.07, 77-5203, 77-5209, 77-5209.01, 77-5211, and 77-5212, Reissue Revised Statutes of Nebraska; to change provisions relating to tax credits under the Beginning Farmer Tax Credit Act; to define a term; 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, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Groene

Excused and not voting, 2:

Howard Stinner

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

The following bills were read and put upon final passage:

LEGISLATIVE BILL 570. With Emergency Clause.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-7611, Reissue Revised Statutes of Nebraska, and sections 81-6,121 and 81-6,122, Revised Statutes Cumulative Supplement, 2018; to change transfers to the Nebraska Health Care Cash Fund; to restate legislative intent; to change provisions regarding the strategic plan for providing services to persons with disabilities as prescribed; to provide

powers and duties; to require reports; to eliminate obsolete 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	Hansen, B.	Lathrop	Quick
Arch	Clements	Hansen, M.	Lindstrom	Scheer
Blood	Crawford	Hilgers	Linehan	Slama
Bolz	DeBoer	Hilkemann	McCollister	Vargas
Bostelman	Dorn	Hughes	McDonnell	Walz
Brandt	Friesen	Hunt	Morfeld	Wayne
Brewer	Geist	Kolowski	Moser	Williams
Briese	Gragert	Kolterman	Murman	Wishart
Cavanaugh	Halloran	La Grone	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 3:

Erdman	Groene	Lowe
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Excused and not voting, 2:

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

LEGISLATIVE BILL 570A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2018, LB944, section 15; to appropriate funds to aid in carrying out the provisions of Legislative Bill 570, One Hundred Sixth Legislature, First Session, 2019; to reduce an appropriation as prescribed; to state intent; 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, 45:

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

Voting in the negative, 0.

Present and not voting, 2:

Erdman Lowe

Excused and not voting, 2:

Howard Stinner

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB595 with 37 ayes, 7 nays, 3 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 595.

A BILL FOR AN ACT relating to alternative dispute resolution; to amend sections 25-2901, 25-2902, 25-2903, 25-2904, 25-2905, 25-2906, 25-2908, 25-2909, 25-2911, 25-2912, 25-2913, 25-2914, 25-2915, 25-2916, 25-2917, 25-2918, 25-2919, 25-2920, 25-2921, 43-245, 43-246, 43-247.03, 43-247.04, 43-260.06, 43-275, 43-276, 43-2,108.01, 43-2,108.04, 43-2922, 43-2937, 43-2938, 79-209, and 79-258, Reissue Revised Statutes of Nebraska, sections 43-274 and 43-286, Revised Statutes Cumulative Supplement, 2018, and sections 43-2,108.02 and 43-2,108.03, Reissue Revised Statutes of Nebraska, as amended by sections 3 and 4, respectively, Legislative Bill 354, One Hundred Sixth Legislature, First Session, 2019; to restate legislative findings; to define and redefine terms; to change provisions relating to the qualifications of the Director of the Office of Dispute Resolution, the membership of the Advisory Council on Dispute Resolution, and the office's and director's duties; to change provisions relating to approved centers, cases accepted for restorative justice and dispute resolution, and qualifications of mediators and restorative justice

facilitators; to provide a privilege for communications made in restorative justice as prescribed; to provide for immunity and reparation plan agreements; to change provisions relating to tolling of statutes of limitations, an annual report, and legislative intent regarding a fund; to provide for restorative justice in juvenile cases as prescribed; to authorize referrals to restorative justice practices or services for compulsory attendance collaborative plans and under the Student Discipline Act; to provide for licensed attorneys to serve as parenting plan mediators; to eliminate obsolete provisions; 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, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Howard Stinner

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

MOTION(S) - Return LB155 to Select File

Senator Wayne moved to return LB155 to Select File for his specific amendment, AM1611, found on page 1440.

Senator Wayne withdrew his motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 155.

A BILL FOR AN ACT relating to privately developed renewable energy

generation facilities; to amend sections 70-1014.02 and 70-1015, Reissue Revised Statutes of Nebraska; to change provisions relating to eminent domain; 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, 44:

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

Voting in the negative, 0.

Present and not voting, 3:

Cavanaugh	Hunt	Walz
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Excused and not voting, 2:

Howard	Stinner
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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 96, 179, 184, 375, 411, 418, 478, 560, 570, 570A, 595, and 155.

SELECT FILE

LEGISLATIVE BILL 600. ER92, found on page 1329, was adopted.

Senator Bolz withdrew her amendments, AM1483 and AM1575, found on pages 1337 and 1401.

Senator Bolz offered the following amendment:
AM1650 is available in the Bill Room.

Senator Bolz moved for a call of the house. The motion prevailed with 19

ayes, 6 nays, and 24 not voting.

Senator Bolz requested a roll call vote on her amendment.

Voting in the affirmative, 28:

Blood	Dorn	Kolowski	McDonnell	Walz
Bolz	Hansen, B.	Kolterman	Pansing Brooks	Wayne
Cavanaugh	Hansen, M.	La Grone	Quick	Williams
Chambers	Hilgers	Lathrop	Scheer	Wishart
Crawford	Hilkemann	Lindstrom	Slama	
DeBoer	Hunt	McCollister	Vargas	

Voting in the negative, 3:

Albrecht	Lowe	Moser
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Present and not voting, 15:

Arch	Brewer	Erdman	Gragert	Hughes
Bostelman	Briese	Friesen	Groene	Linehan
Brandt	Clements	Geist	Halloran	Murman

Excused and not voting, 3:

Howard	Morfeld	Stinner
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The Bolz amendment was adopted with 28 ayes, 3 nays, 15 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 538. ER84, found on page 1197, was adopted.

Senator Lathrop withdrew his amendment, AM1544, found on page 1355.

Senator Lathrop offered the following amendment:
AM1768

(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, as

9 amended by section 2, Legislative Bill 237, One Hundred Sixth
10 Legislature, First Session, 2019, is amended to read:
11 77-5601 (1) From August 1, 2004, through October 31, 2004, there
12 shall be conducted a tax amnesty program with regard to taxes due and
13 owing that have not been reported to the Department of Revenue. Any
14 person applying for tax amnesty shall pay all unreported taxes that were
15 due on or before April 1, 2004. Any person that applies for tax amnesty
16 and is accepted by the Tax Commissioner shall have any penalties and
17 interest waived on unreported and delinquent taxes notwithstanding any
18 other provisions of law to the contrary.

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

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

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

13 (5)(a) Except for any local option sales tax collected and returned
14 to the appropriate municipality and any motor vehicle fuel, diesel fuel,
15 and compressed fuel taxes, which shall be deposited in the Highway Trust
16 Fund or Highway Allocation Fund as provided by law, no less than eighty
17 percent of all revenue received pursuant to the tax amnesty program shall
18 be deposited in the General Fund; and ten percent, not to exceed five
19 hundred thousand dollars, shall be deposited in the Department of Revenue
20 Enforcement Fund; and ten percent, not to exceed five hundred thousand
21 dollars, shall be deposited in the Department of Revenue Enforcement
22 Technology Fund. Any amount that would otherwise be deposited in the
23 Department of Revenue Enforcement Fund or the Department of Revenue
24 Enforcement Technology Fund that is in excess of the five-hundred-
25 thousand-dollar limitation shall be deposited in the General Fund.

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

1 ~~the purposes of acquiring lists, software, programming, computer~~
2 ~~equipment, and other technological methods for enforcing the act.~~
3 (c) For fiscal years after fiscal year 2005-06, twenty percent of
4 all proceeds received during the previous calendar year due to the
5 efforts of auditors and investigators hired pursuant to subdivision (5)
6 (b) of this section, not to exceed seven hundred fifty thousand dollars,
7 shall be deposited in the Department of Revenue Enforcement Fund for
8 purposes of employing investigators and auditors or continuing such
9 employment for purposes of increasing enforcement of the act.
10 (d) Ten percent of all proceeds received during each calendar year
11 due to the contracts entered into pursuant to section 77-367 shall be
12 deposited in the Department of Revenue Enforcement Fund for purposes of
13 identifying nonfilers of returns, underreporters, nonpayers of taxes, and
14 improper or fraudulent payments.
15 (6)(a) The department shall prepare a report by April 1, 2005, and
16 by February 1 of each year thereafter detailing the results of the tax
17 amnesty program and the subsequent enforcement efforts. For the report
18 due April 1, 2005, the report shall include (i) the amount of revenue
19 obtained as a result of the tax amnesty program broken down by tax
20 program, (ii) the amount obtained from instate taxpayers and from out-of-
21 state taxpayers, and (iii) the amount obtained from individual taxpayers
22 and from business enterprises.
23 (b) For reports due in subsequent years, the report shall include
24 (i) the number of personnel hired for purposes of subdivision (5)(b) of
25 this section and their duties, (ii) a description of lists, software,
26 programming, computer equipment, and other technological methods acquired
27 ~~pursuant to such subdivision~~ and the purposes of each, and (iii) the
28 amount of new revenue obtained as a result of the new personnel and
29 acquisitions during the prior calendar year, broken down into the same
30 categories as described in subdivision (6)(a) of this section.
31 (7) ~~The Department of Revenue Enforcement Fund is and the Department~~
1 ~~of Revenue Enforcement Technology Fund are created.~~ Transfers may be made
2 from the Department of Revenue Enforcement Fund to the General Fund at
3 the direction of the Legislature. The Department of Revenue Enforcement
4 Fund may receive transfers from the Civic and Community Center
Financing
5 Fund at the direction of the Legislature for the purpose of administering
6 the Sports Arena Facility Financing Assistance Act. The Department of
7 Revenue Enforcement Fund shall include any money credited to the fund (a)
8 under section 77-2703, and such money shall be used by the Department of
9 Revenue to defray the costs incurred to implement Legislative Bill 237,
10 One Hundred Sixth Legislature, First Session, 2019, and (b) under the
11 Mechanical Amusement Device Tax Act, and such money shall be used by the
12 department to defray the costs incurred to implement and enforce this
13 legislative bill and any rules and regulations adopted and promulgated to
14 carry out this legislative bill this legislative bill. Any money in the
15 Department of Revenue Enforcement Fund ~~and the Department of Revenue~~
16 ~~Enforcement Technology Fund~~ available for investment shall be invested by
17 the state investment officer pursuant to the Nebraska Capital Expansion

18 Act and the Nebraska State Funds Investment Act. ~~The Department of~~
19 ~~Revenue Enforcement Technology Fund shall terminate on July 1, 2006. Any~~
20 ~~unobligated money in the fund at that time shall be deposited in the~~
21 ~~General Fund.~~

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

27 2. On page 4, line 26, after the first "a" insert "cash".

28 3. On page 8, after line 17 insert the following new subdivision:

29 "(b) An owner or operator of a retail establishment shall operate no
30 more than one cash device for each one thousand square feet of space at
31 such establishment up to a maximum of fifteen cash devices."; and in
1 lines 16 and 18 strike "(b)" and insert "(c)".

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

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

10 (b) After any rules and regulations adopted and promulgated to carry
11 out this section become effective, until any determination of compliance
12 or noncompliance by the department, any manufacturer, distributor, or
13 owner may continue to manufacture, sell, transport, place, possess, or
14 enter into a transaction involving cash devices described in subdivision
15 (10)(a) of this section if, within ninety days after the date when any
16 such rules and regulations become effective, the manufacturer or
17 distributor files an application with the department for such a
18 determination.

19 (c) If a manufacturer or distributor receives a determination from
20 the department that a device described in subdivision (10)(a) of this
21 section is not in compliance with the Mechanical Amusement Device Tax
22 Act, such manufacturer or distributor shall have thirty days after the
23 issuance of that determination to remove any such device from operation
24 in Nebraska.

25 (11) Application fees collected under subsection (2) of this section
26 and annual decal fees collected under subsection (8) of this section
27 shall be remitted to the State Treasurer for credit to the Department of
28 Revenue Enforcement Fund."

29 5. On page 10, line 15, strike "section 3" and insert "sections 3
30 and 4"; and in line 19 after the last comma insert "and section 77-5601,
31 Reissue Revised Statutes of Nebraska, as amended by section 2,
1 Legislative Bill 237, One Hundred Sixth Legislature, First Session,
2 2019".

3 6. Renumber the remaining sections accordingly.

The Lathrop amendment was adopted with 32 ayes, 1 nay, 11 present and not voting, and 5 excused and not voting.

Senator Wayne offered the following amendment:
AM1511

(Amendments to AM1278)

1 1. Strike sections 1, 9, and 10 and insert the following new
2 sections:
3 Section 1. Sections 1 to 7 of this act shall be known and may be
4 cited as the Fantasy Contests Act.
5 Sec. 2. For purposes of the Fantasy Contests Act:
6 (1) Confidential information means information related to the play
7 of a fantasy contest obtained by a fantasy contest operator or by an
8 employee of such operator;
9 (2) Department means the Department of Revenue;
10 (3) Entry fee means cash or cash equivalent required to be paid by a
11 fantasy contest player to a fantasy contest operator in order to
12 participate in a fantasy contest;
13 (4) Fantasy contest means any online fantasy or simulated game or
14 contest with an entry fee required for participation and in which:
15 (a) The value of all prizes and awards offered to winning fantasy
16 contest players is established and made known to the fantasy contest
17 players in advance of the fantasy contest;
18 (b) All winning outcomes reflect the relative knowledge and skill of
19 the fantasy contest players and such outcomes are determined by
20 accumulated statistical results of the performance of individuals,
21 including athletes in the case of sports events; and
22 (c) No winning outcome is based on the score, point spread, or
23 performance of any single actual team or combination of teams or solely
24 on any single performance of an individual athlete or player in any
25 single actual event;
26 (5) Fantasy contest operator means a person that offers a digital
1 platform for the playing of a fantasy contest, administers one or more
2 fantasy contests, and awards any prize of value;
3 (6) Fantasy contest player means a person who pays an entry fee to
4 participate in a fantasy contest offered by a fantasy contest operator;
5 (7) Gross fantasy contest revenue means the amount equal to the
6 total of entry fees that a fantasy contest operator collects from fantasy
7 contest players less the total of sums paid out as prizes to fantasy
8 contest players multiplied by the location percentage; and
9 (8) Location percentage means, for each fantasy contest, the
10 percentage rounded to the nearest tenth of a percent of the total of
11 entry fees collected from fantasy contest players located in Nebraska at
12 the time of entry into the fantasy contest divided by the total entry
13 fees collected from fantasy contest players in all locations in the
14 fantasy contest.
15 Sec. 3. (1) No fantasy contest operator shall offer any fantasy
16 contest in Nebraska without first registering with the department, except
17 that a fantasy contest operator may offer a fantasy contest in Nebraska

18 during the period that the application for registration is pending before
19 the department. An application for registration shall be on an electronic
20 or paper form prescribed by the department. To be eligible to obtain a
21 registration to offer a fantasy contest in Nebraska, a fantasy contest
22 operator shall (a) be authorized to transact business in Nebraska and (b)
23 pay a registration fee of ten thousand dollars to the department.
24 (2) On or before each annual anniversary date of the payment made
25 pursuant to subsection (1) of this section, a fantasy contest operator
26 shall pay an annual registration renewal fee of six percent of the
27 fantasy contest operator's gross fantasy contest revenue for the
28 preceding twelve months to the department. Initial and renewal
29 registration fees shall be paid in a manner prescribed by the department.
30 No refunds shall be allowed of any registration fees collected by the
31 department. Any fantasy contest operator that allows a registration to
1 lapse without requesting an extension of time to file an application for
2 renewal shall be required to resubmit an initial registration
3 application. The department may grant an extension upon receipt of a
4 written request from a fantasy contest operator.
5 (3) The department shall remit all registration and renewal fees
6 collected under this section to the State Treasurer for credit to the
7 General Fund.
8 (4) Any fantasy contest operator offering a fantasy contest to
9 residents of Nebraska prior to the operative date of this section may
10 continue to offer such fantasy contest until sixty days after an
11 application for registration is made available to the public by the
12 department. Except as provided in section 4 of this act, a fantasy
13 contest operator who has applied for registration during such sixty-day
14 period may continue to operate while the registration is pending. A
15 fantasy contest operator who has not registered shall cease operations
16 within Nebraska by the expiration of the sixty-day period.
17 Sec. 4. (1) The department shall consider each application filed
18 for registration and shall issue a valid registration to any applicant
19 who meets the criteria set forth in the Fantasy Contests Act. The
20 department shall deny registration to any applicant who does not meet
21 such criteria.
22 (2) Any fantasy contest operator applying for initial registration
23 or renewal of a registration may operate during the period pending
24 application approval unless the department has reasonable cause to
25 believe that such operator is or may be in violation of the Fantasy
26 Contests Act and the department requires such operator to suspend
27 operation of any fantasy contest until an application for initial
28 registration or renewal is approved.
29 (3) The department shall issue or deny a registration application
30 within sixty days after receipt of the application. If the registration
31 is not issued, the department shall provide the fantasy contest operator
1 with the specific justification for not issuing such registration.
2 (4) Any pending application made under the Fantasy Contests Act
3 shall not be considered a public record for purposes of sections 84-712
4 to 84-712.09 until made public by the department pursuant to section 3 of

5 this act.

6 Sec. 5. (1) The department shall adopt and promulgate rules and
7 regulations to implement and administer the Fantasy Contests Act,
8 including, but not limited to, rules and regulations:

9 (a) To provide for the prevention of practices detrimental to the
10 public interest and to safeguard the integrity of fantasy contests; and

11 (b) To establish the necessary scope of review of registration
12 applications filed by fantasy contest operators.

13 (2) The department shall not adopt and promulgate rules and
14 regulations limiting or regulating:

15 (a) Game rules governing the play of individual fantasy contests;

16 (b) The statistical components of a fantasy contest; or

17 (c) The digital platform of a fantasy contest operator.

18 Sec. 6. (1) As a condition of registration, a fantasy contest
19 operator shall submit evidence satisfactory to the department that the
20 operator has established and implemented or has the ability to implement
21 commercially reasonable procedures for fantasy contests that:

22 (a) Prevent a fantasy contest operator, any employee of the fantasy
23 contest operator, and any relative living in the same household as such
24 fantasy contest operator or employee from participating as a fantasy
25 contest player in any fantasy contest offered by a fantasy contest
26 operator;

27 (b) Prevent the sharing of confidential information with third
28 parties that could affect fantasy contest play until the information is
29 made publicly available;

30 (c) Prohibit the following persons from participating in a fantasy
31 contest based on the sport or competition in which the person
1 participates or with which the person is otherwise associated:

2 (i) An athlete, referee, umpire, coach, or other individual who
3 participates or officiates in a game or competition that is the subject
4 of a fantasy contest; or

5 (ii) Any sports agent, team employee, or league official associated
6 with a sport or athletic event that is the subject of a fantasy contest;

7 (d) Verify that a fantasy contest player in a fantasy contest is
8 nineteen years of age or older;

9 (e) Provide a fantasy contest player with access to information on
10 responsible play and access to information on seeking assistance for
11 compulsive gambling behavior;

12 (f) Provide a fantasy contest player with information regarding the
13 fantasy contest player's play history and account details;

14 (g) Ensure that a person who is a player in a real-world game or
15 sporting event is restricted from participating in a fantasy contest that
16 is determined, in whole or in part, on the accumulated statistical
17 results of that player, the player's real-world team, or the sport or
18 competition in which he or she is a player;

19 (h) Allow a person to restrict himself or herself from entering a
20 fantasy contest upon request and provide reasonable steps to prevent the
21 person from entering any fantasy contest offered by the fantasy contest
22 operator;

23 (i) Disclose the number of entries that a fantasy contest player may
24 submit to each fantasy contest and provide reasonable steps to prevent a
25 fantasy contest player from submitting more than the allowable number;
26 (j) Segregate fantasy contest player funds from operational funds or
27 maintain a reserve that exceeds the amount of player funds on deposit,
28 which reserve may not be used for operational activities. The reserve
29 funds may be in the form of cash, cash equivalents, payment processor
30 reserves, payment processor receivables, an irrevocable letter of credit,
31 a bond, or any combination thereof, in the amount that must exceed the
1 total balances of the accounts of all fantasy contest players; and
2 (k) Prohibit the use of unauthorized third-party scripts on the
3 platform.

4 (2) A fantasy contest operator shall not offer a fantasy contest
5 based on the performance of a participant in a collegiate, high school,
6 or youth athletic event.

7 (3) A fantasy contest operator shall:

8 (a) Contract annually with a certified public accountant to conduct
9 an independent financial audit consistent with the standards accepted by
10 the American Institute of Certified Public Accountants; and
11 (b) Submit a copy of the audit report prepared pursuant to
12 subdivision (3)(a) of this section to the department.

13 Sec. 7. Any person who knowingly violates any provision of the
14 Fantasy Contests Act shall be liable for a civil penalty of not more than
15 one thousand dollars for each violation, not to exceed five thousand
16 dollars for violations arising out of the same transaction or occurrence,
17 which shall accrue to the state, and which may be recovered in a civil
18 action brought by the department. All money collected by the department
19 pursuant to this section shall be remitted to the State Treasurer for
20 distribution in accordance with Article VII, section 5, of the
21 Constitution of Nebraska.

22 Sec. 8. Section 28-1101, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 28-1101 As used in this article, unless the context otherwise
25 requires:

26 (1) A person advances gambling activity if, acting other than as a
27 player, he or she engages in conduct that materially aids any form of
28 gambling activity. Conduct of this nature includes, but shall not be
29 limited to, conduct directed toward (a) the creation or establishment of
30 the particular game, contest, scheme, device, or activity involved, (b)
31 the acquisition or maintenance of premises, paraphernalia, equipment, or
1 apparatus therefor, or (c) engaging in the procurement, sale, or offering
2 for sale within this state of any chance, share, or interest in a lottery
3 of another state or government whether or not such chance, share, or
4 interest is an actual lottery ticket, receipt, contingent promise to pay,
5 order to purchase, or other record of such interest except as provided in
6 the Fantasy Contests Act, the Nebraska County and City Lottery Act, the
7 Nebraska Lottery and Raffle Act, the Nebraska Pickle Card Lottery Act,
8 the Nebraska Small Lottery and Raffle Act, the State Lottery Act, or
9 section 9-701;

10 (2) Bookmaking ~~means shall mean~~ advancing gambling activity by
11 unlawfully accepting bets from members of the public as a business upon
12 the outcome of future contingent events;

13 (3) A person profits from gambling activity if, other than as a
14 player, he or she accepts or receives money or other property pursuant to
15 an agreement or understanding with any person whereby he or she
16 participates or is to participate in the proceeds of gambling activity;

17 (4) A person engages in gambling if he or she bets something of
18 value upon the outcome of a future event, which outcome is determined by
19 an element of chance, or upon the outcome of a game, contest, or
20 election, or conducts or participates in any bingo, lottery by the sale
21 of pickle cards, lottery, raffle, gift enterprise, fantasy contest, or
22 other scheme not authorized or conducted in accordance with the Fantasy
23 Contests Act, the Nebraska Bingo Act, the Nebraska County and City
24 Lottery Act, the Nebraska Lottery and Raffle Act, the Nebraska Pickle
25 Card Lottery Act, the Nebraska Small Lottery and Raffle Act, the State
26 Lottery Act, or section 9-701, but a person does not engage in gambling
27 by:

28 (a) Entering into a lawful business transaction;

29 (b) Playing an amusement device or a coin-operated mechanical game
30 which confers as a prize an immediate, unrecorded right of replay not
31 exchangeable for something of value;

1 (c) Conducting or participating in a prize contest; or

2 (d) Conducting or participating in any bingo, lottery by the sale of
3 pickle cards, lottery, raffle, or gift enterprise conducted in accordance
4 with the Fantasy Contests Act, the Nebraska Bingo Act, the Nebraska
5 County and City Lottery Act, the Nebraska Lottery and Raffle Act, the
6 Nebraska Pickle Card Lottery Act, the Nebraska Small Lottery and Raffle
7 Act, the State Lottery Act, or section 9-701;

8 (5) Gambling device ~~means shall mean~~ any device, machine,
9 paraphernalia, writing, paper, instrument, article, or equipment that is
10 used or usable for engaging in gambling, whether that activity consists
11 of gambling between persons or gambling by a person involving the playing
12 of a machine. Gambling device ~~also includes shall also include~~ any
13 mechanical gaming device, computer gaming device, electronic gaming
14 device, or video gaming device which has the capability of awarding
15 something of value, free games redeemable for something of value,
16 instant-win tickets which also provide the possibility of participating
17 in a subsequent drawing or event, or tickets or stubs redeemable for
18 something of value, except as authorized in the furtherance of parimutuel
19 wagering. Supplies, equipment, cards, tickets, stubs, and other items
20 used in any bingo, lottery by the sale of pickle cards, other lottery,
21 raffle, ~~or~~ gift enterprise, or fantasy contest conducted in accordance
22 with the Fantasy Contests Act, the Nebraska Bingo Act, the Nebraska
23 County and City Lottery Act, the Nebraska Lottery and Raffle Act, the
24 Nebraska Pickle Card Lottery Act, the Nebraska Small Lottery and Raffle
25 Act, the State Lottery Act, or section 9-701 are not gambling devices
26 within this definition;

27 (6) Something of value shall mean any money or property, any token,

28 object, or article exchangeable for money or property, or any form of
29 credit or promise directly or indirectly contemplating transfer of money
30 or property or of any interest therein, or involving extension of a
31 service or entertainment; and

1 (7) Prize contest shall mean any competition in which one or more
2 competitors are awarded something of value as a consequence of winning or
3 achieving a certain result in the competition and (a) the value of such
4 awards made to competitors participating in the contest does not depend
5 upon the number of participants in the contest or upon the amount of
6 consideration, if any, paid for the opportunity to participate in the
7 contest or upon chance and (b) the value or identity of such awards to be
8 made to competitors is published before the competition begins.

9 Sec. 9. Section 28-1105, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 28-1105 (1) A person commits the offense of possession of gambling
12 records if, other than as a player, he or she knowingly possesses any
13 writing, paper, instrument, or article which is:

14 (a) Of a kind commonly used in the operation or promotion of a
15 bookmaking scheme or enterprise and such writing, paper, instrument, or
16 article has been used for the purpose of recording, memorializing, or
17 registering any bet, wager, or other gambling information; or

18 (b) Of a kind commonly used in the operation, promotion, or playing
19 of a lottery or mutuel scheme or enterprise or other scheme not conducted
20 pursuant to the Fantasy Contests Act, the Nebraska Bingo Act, the
21 Nebraska County and City Lottery Act, the Nebraska Lottery and Raffle
22 Act, the Nebraska Pickle Card Lottery Act, the Nebraska Small Lottery and
23 Raffle Act, the State Lottery Act, or section 9-701 and such writing,
24 paper, instrument, or article has been used for the purpose of recording,
25 memorializing, or registering any bet, wager, or other gambling
26 information not permitted by such acts or section.

27 (2) Possession of gambling records in the first degree is a Class II
28 misdemeanor.

29 Sec. 10. Section 28-1107, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 28-1107 (1) A person commits the offense of possession of a gambling
1 device if he or she manufactures, sells, transports, places, possesses,
2 or conducts or negotiates any transaction affecting or designed to affect
3 ownership, custody, or use of any gambling device, knowing that it shall
4 be used in the advancement of unlawful gambling activity.

5 (2) The owner or operator of a retail establishment who is not a
6 manufacturer, distributor, or seller of mechanical amusement devices as
7 defined under the Mechanical Amusement Device Tax Act, shall have an
8 affirmative defense to possession of a gambling device described in
9 subsection (1) of this section if the device bears an unexpired
10 mechanical amusement device decal as required by such act. However, such
11 affirmative defense may be overcome if the owner or operator had actual
12 knowledge that operation of the device constituted unlawful gambling
13 activity at any time such device was operated on the premises of the
14 retail establishment.

15 ~~(2) This section shall not apply to any coin-operated mechanical~~
 16 ~~gaming device, computer gaming device, electronic gaming device, or video~~
 17 ~~gaming device which has the capability of awarding free games, which is~~
 18 ~~intended to be played and is in fact played for amusement only, and which~~
 19 ~~may allow the player the right to replay such gaming device at no~~
 20 ~~additional cost, which right to replay shall not be considered money or~~
 21 ~~property, except that such mechanical game (a) can be discharged of~~
 22 ~~accumulated free replays only by reactivating the game for one additional~~
 23 ~~play for each accumulated free replay and (b) makes no permanent record~~
 24 ~~directly or indirectly of free replays so awarded.~~

25 (3) Notwithstanding any other provisions of this section, any
 26 mechanical game or device classified by the federal government as an
 27 illegal gambling device and requiring a federal Gambling Device Tax Stamp
 28 as required by the Internal Revenue Service in its administration of 26
 29 U.S.C. 4461 and 4462, amended July 1, 1965, by Public Law 89-44, are
 30 hereby declared to be illegal ~~and excluded from the exemption granted in~~
 31 ~~this section.~~

1 (4) ~~(3)~~ Possession of a gambling device is a Class II misdemeanor.
 2 Sec. 11. Section 28-1113, Reissue Revised Statutes of Nebraska, is
 3 amended to read:

4 28-1113 Nothing in this article shall be construed to:

5 (1) Apply to or prohibit wagering on the results of horseraces by
 6 the parimutuel or certificate method when conducted by licensees within
 7 the racetrack enclosure at licensed horserace meetings; or

8 (2) Prohibit or punish the conducting or participating in any bingo,
 9 lottery by the sale of pickle cards, lottery, raffle, ~~or~~ gift enterprise,
 10 or fantasy contest when conducted in accordance with the Fantasy Contests
 11 Act, the Nebraska Bingo Act, the Nebraska County and City Lottery Act,
 12 the Nebraska Lottery and Raffle Act, the Nebraska Pickle Card Lottery
 13 Act, the Nebraska Small Lottery and Raffle Act, the State Lottery Act, or
 14 section 9-701.

15 Sec. 19. Sections 10, 12, 13, 14, 15, 16, 17, 18, and 21 of this
 16 act become operative on January 1, 2020. The other sections of this act
 17 become operative on their effective date.

18 Sec. 20. Original sections 28-1101, 28-1105, and 28-1113, Reissue
 19 Revised Statutes of Nebraska, are repealed.

20 Sec. 21. Original sections 28-1107, 77-3001, 77-3006, 77-3007,
 21 77-3008, 77-3010, and 77-3011, Reissue Revised Statutes of Nebraska, are
 22 repealed.

23 2. Renumber the remaining sections and correct internal references
 24 accordingly.

Senator Wayne withdrew his amendment.

Senator Wayne offered the following amendment:
 AM1512 is available in the Bill Room.

The Wayne amendment lost with 3 ayes, 27 nays, 15 present and not voting,
 and 4 excused and not voting.

Senator Lathrop offered the following amendment:

FA72

In section 3, strike subsection (8)(b) and insert: "An owner or operator of a retail establishment shall operate no more than four cash devices, except an establishment with over four thousand square feet may have one cash device for each one thousand square feet, up to a maximum of fifteen cash devices".

SPEAKER SCHEER PRESIDING

The Lathrop amendment was adopted with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

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

LEGISLATIVE BILL 538A. Senator Lathrop offered the following amendment:

AM1571

1 1. On page 2, line 2, strike both occurrences of "General" and
2 insert "Department of Revenue Enforcement".

The Lathrop amendment was adopted with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 13, 2019, at 10:00 a.m. were the following: LBs 96, 179, 184, 375, 411e, 418, 478e, 560, 570e, 570Ae, 595, and 155.

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

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 492. Placed on Select File with amendment.

ER111

1 1. In the Standing Committee amendments, AM628:

2 a. On page 9, line 21, after "authority" insert "is"; and in lines
3 22 and 23 strike "is"; and

4 b. On page 18, line 23, after "to" insert "subdivision (19) of".

5 2. On page 1, line 6, after the semicolon insert "to provide a
6 budget limitation exception as prescribed;" in lines 6 and 7 strike "a
7 provision" and insert "provisions"; and in line 9 after the first

8 semicolon insert "to provide for election of the board of directors of an
9 authority;"

LEGISLATIVE BILL 690. Placed on Select File with amendment.

ER112

1 1. In the Standing Committee amendments, AM 1488:

2 a. On page 3, line 26, strike "prisoner" and insert "prisoner's";

3 and in line 28 strike the comma;

4 b. On page 4, line 13, strike "prisoner" and insert "prisoner's";

5 and

6 c. On page 6, line 19; and page 9, line 22, strike "Health" and

7 insert "Healthy".

8 2. On page 1, line 1, after the semicolon insert "to amend sections

9 13-910 and 81-8,219, Revised Statutes Cumulative Supplement, 2018;" and

10 in line 2 after "Act" insert "; to provide exemptions for claims under

11 the Political Subdivisions Tort Claims Act and the State Tort Claims Act;

12 and to repeal the original sections".

LEGISLATIVE BILL 427. Placed on Select File.

LEGISLATIVE BILL 447. Placed on Select File with amendment.

ER117

1 1. On page 1, strike beginning with "State" in line 1 through line 4

2 and insert "Nebraska State Historical Society; to amend section

3 82-101.01, Reissue Revised Statutes of Nebraska, and section 81-1316,

4 Revised Statutes Cumulative Supplement, 2018; to exempt certain employees

5 of the Nebraska State Historical Society from the State Personnel System;

6 to change provisions relating to election of the board of trustees of the

7 Nebraska State Historical Society; and to repeal the original sections."

LEGISLATIVE BILL 447A. Placed on Select File.

LEGISLATIVE BILL 315. Placed on Select File.

LEGISLATIVE BILL 281. Placed on Select File.

LEGISLATIVE BILL 454. Placed on Select File with amendment.

ER115

1 1. On page 1, line 1, strike "real estate licenses" and insert "the

2 Nebraska Real Estate License Act"; and strike beginning with "eliminate"

3 in line 3 through "license" in line 4 and insert "change education

4 requirements for issuance of a broker's or salesperson's license".

LEGISLATIVE BILL 260. Placed on Select File with amendment.

ER116

1 1. On page 1, line 3, after "contractors" insert "and a health

2 insurance premium assistance payment program".

LEGISLATIVE BILL 726. Placed on Select File with amendment.

ER114

1 1. On page 1, lines 3 and 4; and page 2, lines 13 and 14, strike ",
2 and section 2, Initiative Law 2018, No. 427".

LEGISLATIVE BILL 476. Placed on Select File.

LEGISLATIVE BILL 505. Placed on Select File with amendment.

ER113

1 1. In the Standing Committee amendments, AM125, on page 1, line 16,
2 strike "for" and show as stricken.

LEGISLATIVE BILL 374. Placed on Select File with amendment.

ER118

1 1. On page 1, line 4, after "to" insert "change provisions relating
2 to falconry permits; to".

LEGISLATIVE BILL 248. Placed on Select File.

LEGISLATIVE BILL 571. Placed on Select File with amendment.

ER120

1 1. On page 1, strike beginning with "provide" in line 2 through
2 "prescribed" in line 3 and insert "define terms; to require assisted-
3 living facilities to provide grievance procedures to the Department of
4 Health and Human Services as prescribed; to provide a duty for the
5 department".

LEGISLATIVE BILL 571A. Placed on Select File.

LEGISLATIVE BILL 561. Placed on Select File.

LEGISLATIVE BILL 525. Placed on Select File.

(Signed) Julie Slama, Chairperson

AMENDMENT(S) - Print in Journal

Senator Hilkemann filed the following amendment to LB298:

AM1748

(Amendments to Standing Committee amendments, AM1498)

1 1. Insert the following new section:

2 Sec. 18. Section 77-4212, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 77-4212 (1) For tax year 2007, the amount of relief granted under
5 the Property Tax Credit Act shall be one hundred five million dollars.

6 For tax year 2008, the amount of relief granted under the act shall be

7 one hundred fifteen million dollars. It is the intent of the Legislature

8 to fund the Property Tax Credit Act for tax years after tax year 2008

9 using available revenue. For tax year 2017, the amount of relief granted

10 under the act shall be two hundred twenty-four million dollars. The

11 relief shall be in the form of a property tax credit which appears on the
12 property tax statement.

13 (2)(a) For tax years prior to tax year 2017, to determine the amount
14 of the property tax credit, the county treasurer shall multiply the
15 amount disbursed to the county under subdivision (4)(a) of this section
16 by the ratio of the real property valuation of the parcel to the total
17 real property valuation in the county. The amount determined shall be the
18 property tax credit for the property.

19 (b) Beginning with tax year 2017, to determine the amount of the
20 property tax credit, the county treasurer shall multiply the amount
21 disbursed to the county under subdivision (4)(b) of this section by the
22 ratio of the credit allocation valuation of the parcel to the total
23 credit allocation valuation in the county. The amount determined shall be
24 the property tax credit for the property.

25 (3) If the real property owner qualifies for a homestead exemption
26 under sections 77-3501 to 77-3529, the owner shall also be qualified for
1 the relief provided in the act to the extent of any remaining liability
2 after calculation of the relief provided by the homestead exemption. If
3 the credit results in a property tax liability on the homestead that is
4 less than zero, the amount of the credit which cannot be used by the
5 taxpayer shall be returned to the State Treasurer by July 1 of the year
6 the amount disbursed to the county was disbursed. The State Treasurer
7 shall immediately credit any funds returned under this subsection to the
8 Property Tax Credit Cash Fund. Upon the return of any funds under this
9 subsection, the county treasurer shall electronically file a report with
10 the Property Tax Administrator, on a form prescribed by the Tax
11 Commissioner, indicating the amount of funds distributed to each taxing
12 unit in the county in the year the funds were returned, any collection
13 fee retained by the county in such year, and the amount of unused credits
14 returned.

15 (4)(a) For tax years prior to tax year 2017, the amount disbursed to
16 each county shall be equal to the amount available for disbursement
17 determined under subsection (1) of this section multiplied by the ratio
18 of the real property valuation in the county to the real property
19 valuation in the state. By September 15, the Property Tax Administrator
20 shall determine the amount to be disbursed under this subdivision to each
21 county and certify such amounts to the State Treasurer and to each
22 county. The disbursements to the counties shall occur in two equal
23 payments, the first on or before January 31 and the second on or before
24 April 1. After retaining one percent of the receipts for costs, the
25 county treasurer shall allocate the remaining receipts to each taxing
26 unit levying taxes on taxable property in the tax district in which the
27 real property is located in the same proportion that the levy of such
28 taxing unit bears to the total levy on taxable property of all the taxing
29 units in the tax district in which the real property is located.

30 (b) Beginning with tax year 2017, the amount disbursed to each
31 county shall be equal to the amount available for disbursement determined
1 under subsection (1) of this section multiplied by the ratio of the
2 credit allocation valuation in the county to the credit allocation

3 valuation in the state. By September 15, the Property Tax Administrator
 4 shall determine the amount to be disbursed under this subdivision to each
 5 county and certify such amounts to the State Treasurer and to each
 6 county. The disbursements to the counties shall occur in two equal
 7 payments, the first on or before January 31 and the second on or before
 8 April 1. After retaining one percent of the receipts for costs, the
 9 county treasurer shall allocate the remaining receipts to each taxing
 10 unit based on its share of the credits granted to all taxpayers in the
 11 taxing unit.

12 (5) For purposes of this section, credit allocation valuation means
 13 the taxable value for all real property except agricultural land and
 14 horticultural land, one hundred twenty percent of taxable value for
 15 agricultural land and horticultural land that is not subject to special
 16 valuation, and one hundred twenty percent of taxable value for
 17 agricultural land and horticultural land that is subject to special
 18 valuation.

19 (6) The State Treasurer shall transfer from the General Fund to the
 20 Property Tax Credit Cash Fund one hundred five million dollars by August
 21 1, 2007, and one hundred fifteen million dollars by August 1, 2008.

22 (7) The Legislature shall have the power to transfer funds from the
 23 Property Tax Credit Cash Fund to the General Fund.

24 (8)(a) On or before December 31, 2020, the county treasurer of each
 25 county shall electronically report the following information to the
 26 Legislature and to the Department of Revenue regarding the property tax
 27 credits granted during the year on property in his or her county:

28 (i) The percentage of such credits that went to property owners who
 29 are residents of this state or, in the case of organizations, are located
 30 in this state; and

31 (ii) The percentage of such credits that went to property owners who
 1 are not residents of this state or, in the case of organizations, are not
 2 located in this state.

3 (b) County treasurers may utilize the zip code listed on property
 4 tax statements for purposes of determining whether property owners are
 5 residents of this state or are located in this state.

6 2. On page 22, line 23, after the last comma insert "77-4212,".

7 3. Renumber the remaining sections accordingly.

Senator Kolterman filed the following amendment to LB720:

AM1684

(Amendments to Standing Committee amendments, AM1614)

1 1. On page 1, line 14, after "such" insert "tax incentive".

Senator Kolterman filed the following amendment to LB720:

AM1683

(Amendments to Standing Committee amendments, AM1614)

1 1. On page 1, line 5, strike "hereby".

Senator Bolz filed the following amendment to LB468:

AM1678

(Amendments to Standing Committee amendments, AM1166)

- 1 1. Strike sections 1 to 5 and 9.
- 2 2. Renumber the remaining sections and correct internal references
- 3 and the repealer accordingly.

Senator Bolz filed the following amendment to LB297:

AM1747

(Amendments to Standing Committee amendments, AM1482)

- 1 1. Purpose: To correct identification of a budget program number and
- 2 fund name.
- 3 Amendment:
- 4 a. On page 22, line 2, strike "934" and insert "984"; and in line 8
- 5 strike "Capitol Buildings Parking" and insert "State Building"; and
- 6 b. Renumber remaining sections accordingly.
- 7 2. Purpose: To correct identification of a program number and source
- 8 of funds for appropriation.
- 9 Amendment:
- 10 a. On page 22, line 27, strike "936" and insert "985"; and in line
- 11 30 strike "GENERAL" and insert "REVOLVING"; and
- 12 b. Renumber remaining sections accordingly.

Senator Bolz filed the following amendment to LB294:

AM1746

(Amendments to Standing Committee amendments, AM1329)

- 1 1. Purpose: For Agency 9 - Secretary of State: Correct a fund source
- 2 error for the Secretary of State to match the earmark language and add
- 3 \$4,000,000 General Funds and \$1,000,000 federal funds in FY2019-20 to
- 4 replace ADA accessibility voter equipment.
- 5 Amendment:
- 6 a. On page 11, line 21, strike "1,994,775" and insert "5,994,775";
- 7 in line 22 strike "6,657,437" and insert "6,457,437"; in line 23 strike
- 8 "878,000" and insert "2,078,000"; and in line 24 strike "9,530,212" and
- 9 insert "14,530,212".
- 10 2. Purpose: For Agency 11 - Attorney General: Add \$295,957 General
- 11 Funds each year for the Attorney General and transfer the same amount
- 12 from the State Settlement Cash Fund to the General Fund to offset the
- 13 General Fund impact.
- 14 Amendment:
- 15 a. On page 13, strike line 28 and insert "GENERAL FUND 6,339,199
- 16 6,469,310";
- 17 b. On page 14, strike line 3 and insert "PROGRAM TOTAL 10,925,104
- 18 11,139,923";
- 19 c. On page 135, line 28, strike "and";
- 20 d. On page 136, line 1, strike the period and insert "; and
- 21 (u) From the State Settlement Cash Fund to the General Fund:
- 22 \$295,957 on or before June 30, 2020, on such dates and in such amounts as
- 23 directed by the budget administrator of the budget division of the

24 Department of Administrative Services.";

25 e. On page 138, line 29, strike "and"; and

26 f. On page 139, line 2, strike the period and insert "; and

1 (u) From the State Settlement Cash Fund to the General Fund:

2 \$295,957 on or before June 30, 2021, on such dates and in such amounts as

3 directed by the budget administrator of the budget division of the

4 Department of Administrative Services."

5 3. Purpose: For Agency 13 - Education: Increase the salary limit of

6 the State Department of Education by \$488,088 to reflect anticipated

7 staffing levels.

8 Amendment:

9 a. On page 17, strike line 16 and insert: "SALARY LIMIT 15,001,413

10 15,335,026".

11 4. Purpose: For Agency 13 - Education: Decrease TEEOSA General Fund

12 aid by \$2,675,083 in FY2019-20 and \$2,175,083 in FY2020-21 to reflect

13 actual premium taxes used to offset General Fund aid. Decrease TEEOSA

14 General Fund aid by \$402,007 in FY2019-20 to fully reflect the change in

15 the allowable growth rate in LB675.

16 Amendment:

17 a. On page 18, strike line 24 and insert "GENERAL FUND 1,292,913,588

18 1,302,081,857"; strike line 27 and insert "PROGRAM TOTAL 1,619,878,641

19 1,629,046,910"; and in line 29 strike "\$1,295,990,678" and insert

20 "\$1,292,913,588"; and

21 b. On page 19, line 2, strike "\$1,304,256,940" and insert

22 "\$1,302,081,857"; in line 5 strike "\$1,039,314,856" and insert

23 "\$1,036,237,766"; and in line 10 strike "\$1,045,031,781" and insert

24 "\$1,042,856,698".

25 5. Purpose: For Agency 23 - Department of Labor: Eliminate earmark

26 language related to funding that has been removed from the appropriation

27 for the Department of Labor.

28 Amendment:

29 a. On page 34, strike lines 11 through 24.

30 6. Purpose: For Agency 25 - Department of Health and Human Services:

31 To insert provisions that were inadvertently left out of the committee

1 amendment in Program 33.

2 Amendment:

3 a. On page 36, line 17, strike "27,748,166" and insert "27,835,666"

4 and in line 19, strike "485,497,983" and insert "485,585,483"; and

5 b. On page 39, after line 2 insert the following:

6 (12) The Legislature finds that underfunding of the medical

7 assistance program under the Medical Assistance Act has resulted in a

8 growing financial chasm between the amount of money a service provider is

9 reimbursed under the program and the actual cost of providing care.

10 Combined with workforce shortages, the continued ability of long-term

11 care providers to serve beneficiaries of the medical assistance program

12 is increasingly at risk. The Legislature also recognizes that aging

13 Nebraskans have made contributions throughout their lifetimes to the

14 state and country and deserve to receive the care they need in

15 recognition of this service.

16 (13) If federal funding is approved under this section, on or before
17 December 31, 2020, the department shall study and report to the
18 Appropriations Committee of the Legislature on statewide access to long-
19 term care. The department shall contract with an independent entity with
20 proven expertise in (a) data analysis and projections of future trends,
21 (b) community planning, (c) innovative practices and best practices in
22 long-term care services, and (d) the development of a long-term care
23 sustainability plan. The department and contracted entity shall study the
24 needs of Nebraska's aging population for facility-based and home and
25 community-based long-term care services in close proximity to familial
26 and social support systems and shall make reasonable recommendations,
27 supported by data, on changes to the policy and funding of long-term care
28 services under the Medical Assistance Act.

29 (14) The department and the contracted entity shall:

30 (a) Review and summarize existing data sources;

31 (b) Provide the committee with a detailed analysis and projection of
1 Nebraska's demographic trends by age and availability of informal long-
2 term care support systems;

3 (c) Provide the committee with a detailed analysis of the current
4 and projected future needs of aging Nebraskans and current gaps in
5 facility-based and home and community-based long-term care services in
6 all areas of the state and factors contributing to such gaps;

7 (d) Provide the committee with a detailed analysis of state
8 regulations and processes that impede the flexibility for nursing
9 facilities to provide home and community-based long-term care services
10 when there is an identified community need;

11 (e) Provide the committee with a detailed analysis of the financial
12 stability of long-term care providers that accept participants in the
13 medical assistance program, especially nursing facilities, and
14 contributing factors;

15 (f) Make recommendations to the committee for increased regulatory
16 flexibility to allow a skilled nursing facility to provide home and
17 community-based long-term care services to meet community needs and for
18 strategic consolidation of facilities and services to use long-term care
19 workforce resources more effectively;

20 (g) Identify changes to reimbursement under the medical assistance
21 program to sustain access to long-term care services across the state;
22 and

23 (h) Create a financially sustainable five-year plan for ensuring
24 that aging Nebraskans continue to have access to long-term care services
25 they need in close proximity to their familial and social support
26 systems.

27 (15) A status update on the report shall be delivered electronically
28 to the Appropriations Committee of the Legislature by December 31, 2019.

29 The final report shall be delivered electronically to the
30 Appropriations Committee of the Legislature by December 1, 2020.

31 (16) It is the intent of the Legislature that the Division of
1 Medicaid and Long-Term Care of the Department of Health and Human
2 Services shall request approval from the Secretary of the United States

3 Department of Health and Human Services to use \$87,500 of Nebraska's
4 Nursing Facility Penalty Cash Fund under section 1919(h)(3)(C)(ii)(IV)
5 (ff) of the federal Social Security Act as the federal match to carry out
6 the study described in this section. Such funds shall be used to research
7 demographic trends, project current and future service needs, and provide
8 recommendations for continued statewide access to long-term care
9 services, including nursing facility care, for medicaid recipients.
10 7. Purpose: For Agency 25 - Department of Health and Human Services:
11 To correct a federal fund amount in Program 33, Subprogram 249.
12 Amendment:
13 a. On page 39, line 7, strike "6,673,992" and insert "8,583,992" and
14 in line 8 strike "14,653,804" and all amendments thereto and insert
15 "14,563,804".
16 8. Purpose: For Agency 25 - Department of Health and Human Services:
17 To remove language that is not needed in Program 33, Subprogram 249.
18 Amendment:
19 a. On page 39, strike lines 16 through 20.
20 9. Purpose: For Agency 25 - Department of Health and Human Services:
21 To add a program classification in Program 348.
22 Amendment:
23 a. On page 44, after line 16 insert "No. 348 - Medical Assistance".
24 10. Purpose: For Agency 25 - Department of Health and Human
25 Services: To correct earmarks in Program 348.
26 Amendment:
27 a. On page 45, strike lines 16 through 26 and insert the following:
28 "There is included in the appropriation to this program \$336,349,731
29 (\$154,081,812 General Funds and \$182,267,919 Federal Funds) for nursing
30 facilities in FY2019-20, which includes a one-time payment increase of
31 \$7,400,000 (\$3,389,940 General Funds and \$4,010,060 Federal Funds) and
1 \$13,851,307 (\$6,345,284 General Funds and \$7,506,023 Federal Funds) for
2 utilization changes and rate enhancement.
3 There is included in the appropriation in this section \$350,795,952
4 (\$158,840,407 General Funds and \$191,955,545 Federal Funds) for nursing
5 facilities in FY2020-21 which includes \$14,446,221 (\$6,541,249 General
6 Funds and \$7,904,972 Federal Funds) for utilization changes and rate
7 enhancement."
8 11. Purpose: For Agency 25 - Department of Health and Human
9 Services: To clarify an intent in Program 348.
10 Amendment:
11 a. On page 45, line 27, strike "amounts shown for" and insert "total
12 nursing facility appropriation amount, including".
13 12. Purpose: For Agency 25 - Department of Health and Human
14 Services: To add a reporting requirement in Program 348.
15 Amendment:
16 a. On page 46 before line 1 insert the following:
17 "The Department of Health and Human Services shall file a report
18 with the Legislative Fiscal Office and the Clerk of the Legislature no
19 later than August 1, 2019, on how the Inflation Factor was calculated for
20 FY2019-20 rates and no later than August 1, 2020, on how the Inflation

21 Factor was calculated for FY2020-21 rates."
22 13. Purpose: For Agency 25 - Department of Health and Human
23 Services: To clarify an intent in Program 348, Subprogram 349.
24 Amendment:
25 a. On page 46, line 19, strike "There" and insert "For informational
26 purposes only, there".
27 14. Purpose: For Agency 25 - Department of Health and Human
28 Services: To correct a federal fund amount in Program 348, Subprogram
29 349.
30 Amendment:
31 a. On page 46, line 23, strike "323,593,612" and insert
1 "373,260,870"; and in line 24 strike "367,456,917" and insert
2 "417,124,175".
3 15. Purpose: For Agency 25 - Department of Health and Human
4 Services: To remove language that is not needed in Program 348,
5 Subprogram 349.
6 Amendment:
7 a. On page 46, strike line 30; and
8 b. On page 47, strike lines 1 through 4.
9 16. Purpose: For Agency 25 - Department of Health and Human
10 Services: To correct a name in Program 502.
11 Amendment:
12 a. On page 50, line 30, strike "People's Health Center" and insert
13 "Bluestem Health"; and
14 b. On page 51, lines 10 and 25, strike "People's Health Center" and
15 insert "Bluestem Health".
16 17. Purpose: For Agency 25 - Department of Health and Human
17 Services: To clarify intent in Program 514.
18 Amendment:
19 a. On page 54, lines 28 and 30, strike "up to".
20 18. Purpose: For Agency 25 - Department of Health and Human
21 Services: To eliminate a duplicate appropriation in Program 571.
22 Amendment:
23 a. On page 55, line 22, strike the second "613,912" and insert
24 "-0-"; and
25 b. In the E&R amendments strike amendment 1.d.
26 19. Purpose: For Agency 25 - Department of Health and Human
27 Services: To correct an amount and add a Salary Limit in Program 621.
28 Amendment:
29 a. On page 56, lines 11 and 12, strike each occurrence of "450,086"
30 and insert "450,000"; and in line 13 insert "13,500 13,500".
31 20. Purpose: For Agency 54 - Historical Society: Correct an
1 incorrect number in an earmark.
2 Amendment:
3 a. On page 85, line 17, strike "\$1,000" and insert "\$100,000".
4 21. Purpose: For Agency 65 - Department of Administrative Services:
5 Add \$399,880 each year of Revolving Fund authority and \$306,975 PSL each
6 year to Program 172 to complete IT Consolidation plan in DAS.
7 Amendment:

- 8 a. On page 91, strike line 29 and insert "REVOLVING FUND 59,455,560
9 59,922,402"; and
- 10 b. On page 92, strike line 1 and insert "PROGRAM TOTAL 59,455,560
11 59,922,402"; and strike line 2 and insert "SALARY LIMIT 14,242,645
12 14,592,955".
- 13 22. Purpose: For Agency 77 - Commission of Industrial Relations: To
14 change the personal services limit (PSL) to reflect the 27th pay period
15 in FY2020-21.
- 16 Amendment:
- 17 a. On page 103, line 15, strike "148,379" and insert "153,259".

RESOLUTION(S)

LEGISLATIVE RESOLUTION 125. Introduced by Vargas, 7.

WHEREAS, Cecilia Olivarez Huerta was the Executive Director of the Nebraska Mexican American Commission, now called the Commission on Latino-Americans, from 1994 until her retirement in 2009; and

WHEREAS, Cecilia Olivarez Huerta was born on May 6, 1944, in Bridgeport and raised in Bayard where she worked in the beet fields as a child. Cecilia went on to graduate from the Lincoln School of Commerce in 1962, becoming the first Latina from western Nebraska to attend the school; and

WHEREAS, Cecilia Olivarez Huerta became involved with the Mexican-American Student Association while attending the University of Nebraska, where she began her quest to be the voice of those whose voice was never heard; and

WHEREAS, Cecilia Olivarez Huerta was a tireless advocate and leader who relentlessly highlighted the role and importance of Mexican Americans in Nebraska's history, culture, and economic achievements; and

WHEREAS, Cecilia Olivarez Huerta was the recipient of many awards for her achievements, including the 1994 Woman of Color Award, 2001 Human Rights Award by the Lincoln Commission on Human Rights, 2009 Lifetime Achievement Award from the Latino Heritage Awards; and

WHEREAS, Cecilia Olivarez Huerta served on the Presidential Diversity Advisory Committee in 1997; and

WHEREAS, the work of Cecilia Olivarez Huerta included a photographic exhibition and report of oral histories that traveled the state and was installed at the Library of Congress, "Nuestros Tesoros: Una celebracion de la herencia Mexicana de Nebraska", which translates to, "Our Treasures: A Celebration of Nebraska's Mexican Heritage"; and

WHEREAS, Cecilia Olivarez Huerta died May 2, 2019, at her home in Lincoln; and

WHEREAS, Cecilia Olivarez Huerta is survived by her four children, Janet Fiala of Lincoln, Anita Olivarez Eisenhauer (Mary Ellen Moynahan) of West Hurley, New York, Michael Eisenhauer of Lincoln, and Monica Olivarez Eisenhauer of Sioux City, Iowa, seven grandchildren, and three great-grandchildren.

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

1. That the Nebraska Legislature recognizes the valuable contributions made by Cecilia Olivarez Huerta to Nebraska and its citizens.
2. That the Nebraska Legislature recognizes the thousands of Nebraskans uplifted by the dedication and work of Cecilia Olivarez Huerta.
3. That the Nebraska Legislature offers its condolences to the family of Cecilia Olivarez Huerta.
4. That a copy of this resolution be sent to the family of Cecilia Olivarez Huerta.

Laid over.

LEGISLATIVE RESOLUTION 126. Introduced by Hunt, 8.

PURPOSE: The purpose of this interim study is to examine issues related to urban development in municipalities. The issues addressed by this interim study shall include, but not be limited to:

- (1) Urban development patterns with respect to population density, land-use mix, transportation options, connectivity, and arts districts;
- (2) Statutes involving urban development tools and statutory changes needed to create and optimize smart-growth tools; and
- (3) Other potential urban development tools that could be made available to municipalities to encourage smart-growth patterns.

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

1. That the Urban 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.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Blood name added to LB433.
Senator Blood name added to LB532.
Senator Vargas name added to LR118.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 609. Placed on Select File.
LEGISLATIVE BILL 719. Placed on Select File.
LEGISLATIVE BILL 719A. Placed on Select File.
LEGISLATIVE BILL 62. Placed on Select File.
LEGISLATIVE BILL 559. Placed on Select File.
LEGISLATIVE BILL 220. Placed on Select File.
LEGISLATIVE BILL 135. Placed on Select File.

LEGISLATIVE BILL 244. Placed on Select File with amendment.
ER121

- 1 1. On page 1, line 5, strike the last "and"; and in line 6 after
- 2 "sections" insert "; and to declare an emergency".
- 3 2. On page 2, line 3, before "and" insert "38-1714".

LEGISLATIVE BILL 308. Placed on Select File.
LEGISLATIVE BILL 392. Placed on Select File.

LEGISLATIVE BILL 564. Placed on Select File with amendment.
ER122

- 1 1. In the Standing Committee amendments, AM1276, on page 6, line 10,
- 2 after "the" insert "United States".
- 3 2. On page 1, lines 2 and 3, strike "13-2707.01, and 13-2709" and
- 4 insert "and 13-2707.01".

LEGISLATIVE BILL 123. Placed on Select File.

LEGISLATIVE BILL 414. Placed on Select File with amendment.
ER119

- 1 1. On page 2, line 19, strike "subsection" and insert "subdivision".

LEGISLATIVE BILL 533. Placed on Select File with amendment.
ER123

- 1 1. On page 1, line 1; and page 2, line 28, after the first comma
- 2 insert "42-106,".

(Signed) Julie Slama, Chairperson

VISITOR(S)

Visitors to the Chamber were students from Wausa Public Schools; Senator Vargas's wife and daughter, Lauren and Ava Kaye Vargas, from Omaha; delegates with the U.S. State Department International Leadership Program promoting cyber security from Guatemala, Ireland, Mexico, Pakistan, Panama, and Slovakia; and students from St. John Lutheran School, Battle Creek.

RECESS

At 11:43 a.m., on a motion by Senator Wishart, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Scheer presiding.

ROLL CALL

The roll was called and all members were present except Senators Howard and Stinner who were excused; and Senators Dorn, Hilkemann, Morfeld, and Wayne who were excused until they arrive.

COMMITTEE REPORT(S)

Judiciary

LEGISLATIVE BILL 582. Placed on General File.

LEGISLATIVE BILL 593. Placed on General File with amendment.

AM996

1 1. Strike original section 7.

2 2. On page 20, line 11, strike "(7)", show as stricken, and insert

3 "(7)(a)"; in line 13 strike "or may recover" and show as stricken; strike

4 beginning with "to" in line 14 through the comma in line 16 and show as

5 stricken; strike beginning with "or" in line 17 through the comma in line

6 19, show as stricken, and insert "as follows:"

7 (i) In those cases in which the person is fully compensated by the

8 recovery, the department shall be fully reimbursed subject to its

9 contribution to attorney's fees and costs as provided in subdivision (b)

10 of this subsection; or

11 (ii) In those cases in which the person is not fully compensated by

12 the recovery, the department shall be reimbursed that portion of the

13 recovery that represents the same proportionate reduction of medical

14 expenses paid that the recovery amount bears to full compensation of the

15 person subject to its contributions to attorney's fees and costs as

16 provided in subdivision (b) of this subsection.

17 (b) When"; in line 19 strike "alone" and show as stricken; strike

18 beginning with "to" in line 21 through the comma in line 23 and show as

19 stricken; strike beginning with "twenty-five" in line 25 through the

20 first "share" in line 28, show as stricken, and insert "an amount"; in

21 line 28 after "reasonable" insert "pro rata"; in line 29 strike "paid by

22 the person" and show as stricken and strike "that portion of the" and

23 show as stricken; and strike beginning with "determined" in line 30

24 through line 31, show as stricken, and insert an underscored period.

25 3. On page 21, strike lines 1 through 8 and show as stricken.

26 4. On page 33, line 27, strike "68-989,".

27 5. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 686. Placed on General File with amendment. AM1737 is available in the Bill Room.

(Signed) Steve Lathrop, Chairperson

GENERAL FILE

LEGISLATIVE BILL 670. Title read. Considered.

Committee AM1112, found on page 1160, was offered.

Senator Kolowski offered his amendment, AM1351, found on page 1243, to the committee amendment.

SENATOR HUGHES PRESIDING

Pending.

COMMITTEE REPORT(S) Enrollment and Review

LEGISLATIVE BILL 600A. Placed on Select File.

(Signed) Julie Slama, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 127. Introduced by Hunt, 8.

PURPOSE: The purpose of this interim study is to ensure youth in the foster care system and juvenile justice system understand their rights, to ensure their rights are being upheld, and to explore the need for additional rights.

The issues addressed by this interim study shall include, but not be limited to:

(1) The frequency with which youth in the foster care system and juvenile justice system are receiving a comprehensive bill of rights;

(2) The age and developmental appropriateness of the way in which such rights are explained to youth in the foster care system and juvenile justice system;

(3) The role of a guardian ad litem and other attorneys in helping youth in the foster care system and juvenile justice system understand their rights;

(4) The existing bill of rights shared with youth in foster care through the Division of Children and Family Services of the Department of Health and Human Services and with youth in the juvenile justice system through the Office of Probation Administration;

(5) Youth and stakeholder input, best practices, and additional rights that should be included in a bill of rights for youth in the foster care system and juvenile justice system;

(6) The inclusion of rights specifically for youth in the foster care system and juvenile justice system who are pregnant, parenting, or accessing family planning services;

(7) Rights that may be neglected for youth who are disproportionately represented in the foster care system and the juvenile justice system, including, but not limited to, youth of color and youth with other marginalized identities; and

(8) The grievance processes for youth in the foster care system and the juvenile justice system who feel their rights are not being protected and their access to such grievance processes.

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

1. That the Judiciary 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 128. Introduced by Hansen, M., 26.

PURPOSE: The purpose of this interim study is to review the Nebraska Wage Payment and Collection Act and the Wage and Hour Act. The issues addressed by this interim study shall include, but not be limited to:

(1) The overlapping jurisdiction and applicability of such acts to both the Department of Labor and the Equal Opportunity Commission;

(2) Efficient enforcement of such acts;

(3) Ways to improve clarity and understanding of remedies available under such acts; and

(4) The roles of each agency in the administration of such acts.

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

1. That the Business and Labor 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 129. Introduced by Hansen, M., 26.

PURPOSE: The purpose of this interim study is to examine any issues within the jurisdiction of the Business and Labor Committee of the Legislature that may arise during the interim.

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

1. That the Business and Labor 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.

AMENDMENT(S) - Print in Journal

Senator Kolterman filed the following amendment to LB720:
AM1778

(Amendments to Standing Committee amendments, AM1614)

- 1 1. On page 1, line 9, strike "creation and retention" and insert
- 2 "retention and creation".

Senator Kolterman filed the following amendment to LB720:
AM1779

(Amendments to Standing Committee amendments, AM1614)

- 1 1. On page 1, line 10, strike "attract and retain" and insert
- 2 "retain and attract".

Senator Groene filed the following amendment to LB675:
AM1675

(Amendments to E&R amendments, ER108)

- 1 1. Strike section 11 and insert the following new section:
- 2 Sec. 11. Section 79-1022, Revised Statutes Cumulative Supplement,
- 3 2018, as amended by section 1, Legislative Bill 430, One Hundred Sixth
- 4 Legislature, First Session, 2019, is amended to read:
- 5 79-1022 (1) On or before June 10, 2019, and on or before March 1 of
- 6 each year thereafter, ~~for each ensuing fiscal year,~~ the department shall
- 7 determine the amounts to be distributed to each local system ~~and each~~
- 8 ~~district~~ for the ensuing school fiscal year pursuant to the Tax Equity
- 9 and Educational Opportunities Support Act and shall certify the amounts
- 10 to the Director of Administrative Services, the Auditor of Public
- 11 Accounts, and each local system ~~district~~. ~~Except as otherwise provided in~~
- 12 ~~this section, the amount to be distributed to each district from the~~
- 13 ~~amount certified for a local system shall be proportional based on the~~
- 14 ~~formula students attributed to each district in the local system.~~ On or

15 before June 10, 2019, and on or before March 1 of each year thereafter,
 16 ~~for each ensuing fiscal year~~, the department shall report the necessary
 17 funding level for the ensuing school fiscal year to the Governor, the
 18 Appropriations Committee of the Legislature, and the Education Committee
 19 of the Legislature. The report submitted to the committees of the
 20 Legislature shall be submitted electronically. Except as otherwise
 21 provided in this subsection, certified state aid amounts, including
 22 adjustments pursuant to section 79-1065.02, shall be shown as budgeted
 23 non-property-tax receipts and deducted prior to calculating the property
 24 tax request in the local system's district's general fund budget
 25 statement as provided to the Auditor of Public Accounts pursuant to
 26 section 79-1024.

1 (2) Except as provided in this subsection, subsection (8) of section
 2 79-1016, and sections 79-1005, 79-1033, and 79-1065.02, the amounts
 3 certified pursuant to subsection (1) of this section shall be distributed
 4 in ten as nearly as possible equal payments on the last business day of
 5 each month beginning in September of each ensuing school fiscal year and
 6 ending in June of the following year, except that when a local system
 7 ~~school district~~ is to receive a monthly payment of less than one thousand
 8 dollars, such payment shall be one lump-sum payment on the last business
 9 day of December during the ensuing school fiscal year.

Senator Walz filed the following amendment to LB600A:
 AM1775

1 1. On page 2, line 7, strike "\$103,167" and insert "\$105,825"; and
 2 in line 8 strike "\$105,230" and insert "\$107,942".

Senator Wishart filed the following amendment to LB610:
 AM1771 is available in the Bill Room.

Senator Cavanaugh filed the following amendment to LB532:
 AM1773

(Amendments to Standing Committee amendments, AM674)

1 1. On page 3, line 8, after the period insert "Any notice provided
 2 to the respondent shall include notification that a court may treat a
 3 petition for a harassment order as a petition for a sexual assault
 4 protection order or a domestic abuse protection order if it appears from
 5 the facts that such other protection order is more appropriate and that
 6 the respondent shall have an opportunity to show cause as to why such
 7 protection order should not be entered.".

8 2. On page 3, line 27; page 9, line 4; and page 17, line 6, after
 9 "facts" insert "in the petition, affidavit, and evidence presented at a
 10 show cause hearing".

11 3. On page 8, line 16, after the period insert "Any notice provided
 12 to the respondent shall include notification that a court may treat a
 13 petition for a sexual assault protection order as a petition for a
 14 harassment protection order or a domestic abuse protection order if it

15 appears from the facts that such other protection order is more
16 appropriate and that the respondent shall have an opportunity to show
17 cause as to why such protection order should not be entered."
18 4. On page 16, line 18, after the period insert "Any notice provided
19 to the respondent shall include notification that a court may treat a
20 petition for a domestic abuse protection order as a petition for a
21 harassment protection order or a sexual assault protection order if it
22 appears from the facts that such other protection order is more
23 appropriate and that the respondent shall have an opportunity to show
24 cause as to why such protection order should not be entered."

Senator Slama filed the following amendment to LB592:
AM1587

(Amendments to Standing Committee amendments, AM1359)

1 1. On page 2, line 20, strike "and" and show as stricken; and in
2 line 26 after "prohibited" insert "; and
3 (i) Sell beer or other alcoholic liquor at retail for consumption on
4 the premises if the holder is also issued the appropriate retail license
5 for such sales at such location".

Senator Chambers filed the following amendment to LB519:
FA69

Amend AM1460

Page 1, line 8 strike and show as stricken "as a result of" and insert "proximately caused by"; line 11 strike and show as stricken "with" and insert "in"; line 14 strike "defendant's activities" and insert "actions of the defendant".

BILL ON FIRST READING

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

LEGISLATIVE BILL 610A. Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 610, One Hundred Sixth Legislature, First Session, 2019.

MESSAGE(S) FROM THE GOVERNOR

May 13, 2019

Mr. President, Speaker Scheer
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Please withdraw the following individual from consideration for confirmation of reappointment to the Niobrara Council:

Bradley A. Arrowsmith, 89067 Doc Middleton Drive, Bassett, NE 68714

Sincerely,
(Signed) Pete Ricketts
Governor

GENERAL FILE

LEGISLATIVE BILL 670. The Kolowski amendment, AM1351, found on page 1243 and considered in this day's Journal, to the committee amendment, was renewed.

Pending.

COMMITTEE REPORT(S) Business and Labor

LEGISLATIVE BILL 448. Placed on General File with amendment. AM935

1 1. On page 2, line 26, strike "fourteen" and insert "twelve".

LEGISLATIVE BILL 527. Placed on General File with amendment. AM1573

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

2 sections:

3 Section 1. Sections 1 to 6 of this act shall be known and may be

4 cited as the Customized Job Training Act.

5 Sec. 2. The Customized Job Training Act shall be administered by

6 the Department of Economic Development to provide funds in the form of

7 grants to employers for reimbursement of job training expenses as set

8 forth in the act.

9 Sec. 3. The Customized Job Training Cash Fund is created. Funds in

10 the Customized Job Training Cash Fund shall be used for (1) general

11 administrative costs of awarding job training reimbursement grants under

12 the Customized Job Training Act and (2) job training reimbursement

13 grants. Any money in the fund available for investment shall be invested

14 by the state investment officer pursuant to the Nebraska Capital

15 Expansion Act and the Nebraska State Funds Investment Act.

16 Sec. 4. (1) Employers applying for job training reimbursement

17 grants under the Customized Job Training Act shall apply to the

18 Department of Economic Development. The department shall provide job

19 training reimbursement grants for job training programs for jobs that are

20 net new jobs or that result in a net increase in wages per employee. The

21 job training reimbursement grants shall be in proportion to the committed

22 number of net new jobs created or committed net increase in wages per
23 employee. The amount of each grant and number of grants awarded shall be
24 determined by the department based upon available funding.
25 (2) The department shall create a job training reimbursement grant
26 application, have authority to approve applications, and authorize the
27 total amount of job training reimbursement grants expected to be awarded
1 as a result of the training if the Director of Economic Development is
2 satisfied that the plan in the application defines training that meets
3 the eligibility requirements.
4 (3) The department shall submit an annual report electronically to
5 the Appropriations Committee of the Legislature that includes the total
6 number of job training reimbursement grants awarded, the total dollar
7 amount of job training reimbursement grants awarded and to whom, the
8 total expenditures made in administering the Customized Job Training Act,
9 the number of individuals trained, the average wage of net new jobs, and
10 a summary of the training provided.
11 Sec. 5. (1) In order for an employer to apply for a job training
12 reimbursement grant under the Customized Job Training Act:
13 (a) The jobs being trained for must be net new jobs or result in a
14 net increase in wages per employee; and
15 (b) The jobs being trained for must meet or exceed the Nebraska
16 average annual wage.
17 (2) Training may be provided by:
18 (a) The community college system or any accredited postsecondary
19 educational institution; or
20 (b) Any qualified training provider if the training results in:
21 (i) A national, state, or locally recognized certificate;
22 (ii) Preparation for a professional examination or licensure;
23 (iii) Endorsement for an existing credential or license; or
24 (iv) Development of recognized skill standards as defined by an
25 industrial sector.
26 Sec. 6. An employer receiving a grant shall provide to the
27 Department of Economic Development documentation:
28 (1) Showing the completion of the eligible job training. The
29 department may require reimbursement of any funds for training not
30 meeting eligibility requirements; and
31 (2) Showing that the employer has maintained or exceeded its current
1 level of training expenditures in the fiscal year in which the grant was
2 awarded.

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 86A. Placed on Final Reading.

(Signed) Julie Slama, Chairperson

AMENDMENT(S) - Print in Journal

Senator Linehan filed the following amendment to LB670:

AM1782

- 1 1. On page 3, strike lines 1 through 6 and insert the following new
- 2 subdivision:
- 3 "(a)(i) Is a dependent member of a household that qualified, during
- 4 the most recently concluded calendar year before the student receives an
- 5 education scholarship pursuant to the act, for benefits under the
- 6 Supplemental Nutrition Assistance Program administered by the State of
- 7 Nebraska pursuant to the federal Food and Nutrition Act of 2008, 7 U.S.C.
- 8 2011 et seq., as such act existed on January 1, 2019; or
- 9 (ii) Is in foster care or out-of-home care; and".
- 10 2. On page 4, strike beginning with "and" in line 22 through the
- 11 second "care" in line 25.

Senator Hunt filed the following amendment to LB670:

AM1787

- 1 1. On page 3, strike beginning with "complies" in line 21 through
- 2 "2019" in line 22 and insert "does not discriminate on the basis of race,
- 3 color, religion, national origin, ancestry, citizenship status, gender,
- 4 sexual orientation, gender identity, disability, or special education
- 5 status".

Senator Morfeld filed the following amendment to LB670:

AM1348

- 1 1. On page 3, strike beginning with "complies" in line 21 through
- 2 "2019" in line 22 and insert "does not discriminate on the basis of race,
- 3 religion, national origin, sexual orientation, gender identity, or any
- 4 special or additional educational needs of a student, no matter the
- 5 cost".

Senator Erdman filed the following amendment to LB512:

AM1755

(Amendments to AM1217)

- 1 1. Strike sections 10, 11, 12, 13, and 28 and insert the following
- 2 new sections:
- 3 Sec. 14. Section 77-1301, Reissue Revised Statutes of Nebraska, is
- 4 amended to read:
- 5 77-1301 (1) All real property in this state subject to taxation
- 6 shall be assessed as of January 1 at 12:01 a.m., ~~and such which~~
- 7 assessment shall be used as a basis of taxation until the next assessment
- 8 unless the property is destroyed real property as defined in section 15
- 9 of this act, in which case the assessed value for the destroyed real
- 10 property shall be adjusted as provided in sections 15 to 17 of this act.
- 11 (2) Beginning January 1, 2014, in any county with a population of at
- 12 least one hundred fifty thousand inhabitants according to the most recent
- 13 federal decennial census, the county assessor shall provide notice of

14 preliminary valuations to real property owners on or before January 15 of
15 each year. Such notice shall be (a) mailed to the taxpayer or (b)
16 published on a web site maintained by the county assessor or by the
17 county.

18 (3) The county assessor shall complete the assessment of real
19 property on or before March 19 of each year, except beginning January 1,
20 2014, in any county with a population of at least one hundred fifty
21 thousand inhabitants according to the most recent federal decennial
22 census, the county assessor shall complete the assessment of real
23 property on or before March 25 of each year.

24 Sec. 15. (1) The Legislature finds and declares that fires,
25 earthquakes, floods, and tornadoes occur with enough frequency in this
26 state that provision should be made to grant property tax relief to
1 owners of real property adversely affected by such events.

2 (2) For purposes of sections 15 to 17 of this act:

3 (a) Calamity means a disastrous event, including, but not limited
4 to, a fire, an earthquake, a flood, a tornado, or other natural event
5 which significantly affects the assessed value of real property;

6 (b) Destroyed real property means real property that suffers
7 significant property damage as a result of a calamity occurring on or
8 after January 1, 2019, and before July 1 of the current assessment year.

9 Destroyed real property does not include property suffering significant
10 property damage that is caused by the owner of the property; and

11 (c) Significant property damage means:

12 (i) Damage to an improvement exceeding twenty percent of the
13 improvement's assessed value in the current tax year as determined by the
14 county assessor;

15 (ii) Damage to land exceeding twenty percent of a parcel's assessed
16 land value in the current tax year as determined by the county assessor;
17 or

18 (iii) Damage exceeding twenty percent of the property's assessed
19 value in the current tax year as determined by the county assessor if (A)
20 such property is located in an area that has been declared a disaster
21 area by the Governor and (B) a housing inspector or health inspector has
22 determined that the property is uninhabitable or unlivable.

23 Sec. 16. (1) If real property becomes destroyed real property
24 during the current assessment year, the property owner shall file a
25 report of the destroyed real property with the county assessor and county
26 clerk of the county in which the property is located on or before July 15
27 of the current assessment year. The report of destroyed real property
28 shall be made on a form prescribed by the Tax Commissioner.

29 (2) If the destroyed real property was a mobile home that was moved
30 pursuant to section 77-3708 and required to pay an accelerated tax
31 pursuant to section 77-1725.01, the property owner shall report the
1 destroyed real property on or before July 15 in the same manner as other
2 real property. The property owner may make a request for refund of the
3 accelerated tax paid pursuant to section 77-1734.01 for any portion of
4 value reduced by the county board of equalization pursuant to section 17
5 of this act.

6 (3) The county board of equalization shall consider any report of
7 destroyed real property received pursuant to this section, and the
8 assessment of such property shall be made by the county board of
9 equalization in accordance with section 17 of this act. After county
10 board of equalization action pursuant to section 17 of this act, the
11 county assessor shall correct the current year's assessment roll as
12 provided in section 77-1613.02.

13 Sec. 17. (1) If the county board of equalization receives a report
14 of destroyed real property pursuant to section 16 of this act, the county
15 board of equalization shall adjust the assessed value of the destroyed
16 real property to its assessed value on the date it suffers significant
17 property damage.

18 (2) The county board of equalization may meet on or after June 1 and
19 on or before July 25, or on or before August 10 if the board has adopted
20 a resolution to extend the deadline for hearing protests under section
21 77-1502, for the purpose of considering the assessed value of destroyed
22 real property pursuant to this section. Any action of the county board of
23 equalization which changes the assessed value of destroyed real property
24 pursuant to this section shall be for the current assessment year only.

25 (3) The county board of equalization shall give notice of the
26 assessed value of the destroyed real property to the record owner or
27 agent at his or her last-known address. Protests of the assessed value
28 proposed for destroyed real property pursuant to this section shall be
29 filed with the county board of equalization within thirty days after the
30 mailing of the notice. All provisions of section 77-1502 except dates for
31 filing a protest, the period for hearing protests, and the date for
1 mailing notice of the county board of equalization's decision are
2 applicable to any protest filed pursuant to this section. The county
3 board of equalization shall issue its decision on the protest within
4 thirty days after the filing of the protest. Within seven days after the
5 county board of equalization's final decision, the county clerk shall
6 mail to the protester written notice of the decision. The notice shall
7 contain a statement advising the protester that a report of the decision
8 is available at the county clerk's or county assessor's office, whichever
9 is appropriate.

10 (4) The action of the county board of equalization upon a protest
11 filed pursuant to this section may be appealed to the Tax Equalization
12 and Review Commission within thirty days after the board's final
13 decision.

14 Sec. 18. Section 77-1725.01, Reissue Revised Statutes of Nebraska,
15 is amended to read:

16 77-1725.01 Except in any city or village that has adopted a building
17 code with provisions for demolition of unsafe buildings or structures, it
18 shall be the duty of any assessor, sheriff, constable, city council
19 member, and village trustee to at once inform the county treasurer of the
20 removal or demolition of or a levy of attachment upon any item of real
21 property known to him or her. Except for property considered to be
22 destroyed real property as defined in section 15 of this act, it ~~is~~ shall
23 be the duty of the county treasurer to immediately proceed with the

24 collection of any delinquent or current taxes when such acts become known
25 to him or her in any manner. Except for property considered to be
26 destroyed real property as defined in section 15 of this act, the ~~The~~
27 taxes shall be due and collectible, which taxes shall include taxes on
28 all real property then assessed upon which the tax shall be computed on
29 the basis of the last preceding levy, and a distress warrant shall be
30 issued when (1) any person attempts to remove or demolish all or a
31 substantial portion of his or her real property or (2) a levy of
1 attachment is made upon the real property. From the date the taxes are
2 due and collectible, the taxes shall be a first lien upon the personal
3 property of the person to whom assessed until paid.

4 Sec. 19. Section 77-1734.01, Reissue Revised Statutes of Nebraska,
5 is amended to read:

6 77-1734.01 (1) In the case of an amended federal income tax return
7 or whenever a person's return is changed or corrected by the Internal
8 Revenue Service or other competent authority that decreases the Nebraska
9 adjusted basis of the person's taxable tangible personal property, the
10 county treasurer shall refund that portion of the tax paid that is in
11 excess of the amount due after the amendment or correction.

12 (2) In case of payment made of any property taxes or any payments in
13 lieu of taxes with respect to property as a result of a clerical error or
14 honest mistake or misunderstanding, on the part of a county or other
15 political subdivision of the state or any taxpayer, or accelerated tax
16 paid for real property that was later adjusted by the county board of
17 equalization under sections 15 to 17 of this act, the county treasurer to
18 whom the tax was paid shall refund that portion of the tax paid as a
19 result of the clerical error or honest mistake or misunderstanding or
20 that portion of the tax paid that is in excess of the amount due after
21 the adjustment under sections 15 to 17 of this act. A claim for a refund
22 pursuant to this section shall be made in writing to the county treasurer
23 to whom the tax was paid within three years after the date the tax was
24 due or within ninety days after filing the amended return or the
25 correction becomes final.

26 (3) Before the refund is made, the county treasurer shall receive
27 verification from the county assessor or other taxing official that such
28 error or mistake was made, such adjustment was made, or the amended
29 return was filed or the correction made, and the claim for refund shall
30 be submitted to the county board. Upon verification, the county board
31 shall approve the claim. The refund shall be made in the manner
1 prescribed in section 77-1736.06. Such refund shall not have a
2 dispositional effect on any similar refund for another taxpayer. This
3 section may not be used to challenge the valuation of property, the
4 equalization of property, or the constitutionality of a tax.

5 Sec. 30. Sections 20 and 32 of this act become operative for all
6 taxable years beginning or deemed to begin on or after January 1, 2018,
7 under the Internal Revenue Code of 1986, as amended. Sections 21, 22, 23,
8 and 33 of this act become operative for all taxable years beginning or
9 deemed to begin on or after January 1, 2019, under the Internal Revenue
10 Code of 1986, as amended. The other sections of this act become operative

- 11 on their effective date.
 12 2. On page 36, line 24, strike "77-101,"; and in line 25 after the
 13 first comma insert "77-1301, 77-1725.01, 77-1734.01,".
 14 3. Renumber the remaining sections accordingly.

Senator Wishart filed the following amendment to LB720:
 AM1790

(Amendments to Standing Committee amendments, AM1614)

- 1 1. On page 22, line 18, strike "(6)" and insert "(6)(a)"; in line 21
 2 strike "subsection" and insert "subdivision"; and after line 25 insert
 3 the following new subdivisions:
 4 "(b) The credit percentages prescribed in subsections (4) and (5) of
 5 this section shall be increased by one percentage point if the taxpayer:
 6 (i) Is a benefit corporation as defined in section 21-403 and has
 7 been such a corporation for at least one year prior to submitting an
 8 application under the ImagiNE Nebraska Act; and
 9 (ii) Remains a benefit corporation as defined in section 21-403 for
 10 the duration of the taxpayer's agreement under the ImagiNE Nebraska Act.
 11 (c) A taxpayer may, if qualified, receive one or both of the
 12 increases provided in this subsection."

RESOLUTION(S)

LEGISLATIVE RESOLUTION 130. Introduced by Wayne, 13.

PURPOSE: The purpose of this interim study is to examine issues related to density bonuses and other non-monetary regulatory incentives in municipal zoning ordinances. The issues addressed by this interim study shall include, but not be limited to:

- (1) Current municipal zoning ordinances in Nebraska that include density bonuses or other non-monetary regulatory incentives designed to incentivize affordable housing;
- (2) Density bonus programs and other non-monetary regulatory incentives utilized by municipalities in other states to incentivize affordable housing; and
- (3) Potential benefits of density bonuses and other non-monetary regulatory incentives, including reduced infrastructure costs, creation of mixed-income housing, infill development, job creation, and sustainable multi-modal accessibility.

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

1. That the Urban 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.

LEGISLATIVE RESOLUTION 131. Introduced by Wayne, 13.

PURPOSE: The purpose of this interim study is to examine issues related to the regulation of solar energy by municipalities and sanitary and improvement districts.

The issues addressed by this interim study shall include, but not be limited to:

(1) The current municipal zoning ordinances in Nebraska that restrict the installation or use of solar energy systems on real property within such municipality or the extraterritorial zoning jurisdiction of such municipality;

(2) The current regulations by sanitary and improvement districts that restrict the installation or use of solar energy systems on real property within such sanitary and improvement district; and

(3) The current regulations by homeowners' associations, including restrictive covenants, which restrict the installation or use of solar energy systems on real property within such associations.

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

1. That the Urban 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.

LEGISLATIVE RESOLUTION 132. Introduced by Wayne, 13.

PURPOSE: The purpose of this interim study is to examine issues related to plumbing codes. The issues addressed by this interim study shall include, but not be limited to:

(1) The current plumbing code statutes, including the 2009 Uniform Plumbing Code, which provides for a default plumbing code in municipalities and counties that do not adopt a local plumbing code;

(2) Whether the 2012, 2015, or 2018 editions of the Uniform Plumbing Code should be adopted as the default plumbing code;

(3) Alternative standard plumbing codes that could be adopted as the default plumbing code, including the International Plumbing Code; and

(4) The interaction between plumbing codes, such as the Uniform Plumbing Code or the International Plumbing Code, and the state building code.

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

1. That the Urban 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.

LEGISLATIVE RESOLUTION 133. Introduced by Geist, 25.

WHEREAS, Sandy Steinkamp recently retired from the Nebraska American Legion after 46 years of service; and

WHEREAS, Sandy began working for the Nebraska American Legion at the age of 19 and served under five department adjutants during her career, retiring as the executive assistant; and

WHEREAS, Sandy's work included management of accounts, membership, records, and elections, among many other tasks, which she carried out efficiently and dutifully for her community and for the veterans of Nebraska; and

WHEREAS, Sandy enjoys bowling, camping, and all kinds of family activities.

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

1. That the Legislature congratulates Sandy Steinkamp on 46 years of service to veterans and wishes her a happy retirement.

2. That a copy of this resolution be sent to Sandy Steinkamp.

Laid over.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Rues, Sharon - State Personnel Board - Government, Military and Veterans Affairs

(Signed) Mike Hilgers, Chairperson
Executive Board

EXPLANATION(S) OF VOTE(S)

Had I been present, I would have voted "aye" on final passage of LB96.

(Signed) Justin Wayne

WITHDRAW - Cointroducer(s)

Senator Kolowski name withdrawn from LB720.

VISITOR(S)

Visitors to the Chamber were students and teachers from St. Mary's School, Lincoln; students from Adams Central Elementary School, Hastings; and Jonas and Andrea Kessler from Lincoln.

ADJOURNMENT

At 4:39 p.m., on a motion by Senator Williams, the Legislature adjourned until 9:00 a.m., Tuesday, May 14, 2019.

Patrick J. O'Donnell
Clerk of the Legislature