

EIGHTIETH DAY - MAY 22, 2019
LEGISLATIVE JOURNAL
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

EIGHTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 22, 2019

PRAYER

The prayer was offered by Father Tom Jones, Episcopal Church of the Holy Spirit, Bellevue.

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 Hunt, Morfeld, and Scheer who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-ninth day was approved.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 397. Placed on Select File with amendment.
ER130 is available in the Bill Room.

LEGISLATIVE BILL 481. Placed on Select File with amendment.
ER131

1 1. On page 1, strike beginning with "appropriations" in line 1
2 through "Services" in line 2 and insert "public health and welfare; to
3 amend section 71-7611, Reissue Revised Statutes of Nebraska; to adopt the
4 Brain Injury Trust Fund Act; to create a fund; to change provisions
5 relating to the Nebraska Health Care Cash Fund; to provide an operative
6 date; and to repeal the original section".

LEGISLATIVE BILL 481A. Placed on Select File.

LEGISLATIVE BILL 593. Placed on Select File with amendment.
ER133

1 1. On page 1, line 2, strike "68-989,".

(Signed) Julie Slama, Chairperson

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LR136 was adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR136.

WITHDRAW - Amendments to LB657

Senator Wayne withdrew his amendments, AM1860 and AM1913, found on pages 1604 and 1650, to LB657.

MOTION(S) - Return LB657 to Select File

Senator Wayne moved to return LB657 to Select File for his specific amendment, AM1941, found on page 1692.

The Wayne motion to return prevailed with 44 ayes, 0 nays, 4 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 657. The Wayne specific amendment, AM1941, found on page 1692, was adopted with 44 ayes, 2 nays, 2 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

MOTION(S) - Return LB657A to Select File

Senator Wayne moved to return LB657A to Select File for his specific amendment, AM1883, found on page 1625.

The Wayne motion to return prevailed with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 657A. The Wayne specific amendment, AM1883, found on page 1625, was adopted with 44 ayes, 4 nays, and 1 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 225. Introduced by Kolowski, 31.

WHEREAS, Millard West High School defeated Marian High School to win the 2019 Class A Girls State Soccer Championship; and

WHEREAS, the championship game was won in a dramatic 4-2 victory for the Millard West Wildcats; and

WHEREAS, the win gave the Millard West Wildcats their fifth girls' state soccer title; and

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

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

1. That the Legislature congratulates the Millard West High School girls' soccer team and coaches for winning the 2019 Class A Girls State Soccer Championship.

2. That a copy of this resolution be sent to the Millard West High School girls' soccer team.

Laid over.

LEGISLATIVE RESOLUTION 226. Introduced by Howard, 9; Bostelman, 23; Lindstrom, 18.

PURPOSE: The purpose of this interim study is to examine and assess prescribing practices of health care providers related to opioids and the effectiveness of Nebraska's prescription drug monitoring program as a deterrent for overprescribing controlled substances. This study shall include, but not be limited to, an examination of the following issues:

(1) Current continuing education requirements for health care providers on opioid prescribing practices and whether additional providers should be required to receive such education;

(2) Research and data surrounding problems of overprescribing opioids in Nebraska and whether a crisis exists;

(3) The possible need for legislation requiring providers to consult Nebraska's prescription drug monitoring program before prescribing any controlled substance; and

(4) Nebraska's pain management guidance document released by the Department of Health and Human Services in October of 2017, its effectiveness, and whether or not such guidelines should be further developed for providers that prescribe controlled substances.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 227. Introduced by Bostelman, 23.

PURPOSE: The purpose of this interim study is to examine the future of nuclear-generated electricity in Nebraska. The issues addressed by this interim study shall include, but not be limited to:

- (1) The history of nuclear-generated electricity in the state and the role it plays in the state's public power structure;
- (2) How nuclear-generated electricity compares with other types of electricity generation regarding environmental impacts;
- (3) New technology available for nuclear power generation and whether such advancements could benefit Nebraska; and
- (4) How nuclear-generated electricity may promote economic development in the state.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 228. Introduced by Lindstrom, 18; Linehan, 39.

PURPOSE: The purpose of this interim study is to examine the potential effects of implementing a flat rate income tax. This study may include an examination of other states that have imposed a flat rate income tax.

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

1. That the Revenue 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 229. Introduced by Lindstrom, 18.

PURPOSE: The purpose of this interim study is to examine the rate of interest permissible on installment loans under the Nebraska Installment Loan Act to determine if there is a need to update such rates. The interim study shall consider:

- (1) The balance between access to safe and affordable credit and consumer protection in a sustainable model;
- (2) The beneficial alignment of interest between borrowers and lenders in order to expand safe and accessible consumer credit;
- (3) Consumers obtaining loans that are not regulated by the Department of Banking and Finance; and
- (4) Maximum rates of installment loans in other states.

In order to carry out the purpose of this resolution, the interim study shall also consider the input of the Department of Banking and Finance and other interested persons as the committee deems necessary and appropriate.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 230. Introduced by Erdman, 47.

WHEREAS, Dean Gorsuch will be inducted into the Professional Rodeo Cowboy Association Hall of Fame in August, 2019; and

WHEREAS, Dean Gorsuch was born August 31, 1979, in Mullen and grew up on a farm near Alliance; and

WHEREAS, Dean Gorsuch participated in rodeo at Alliance High School where he graduated in 1998; and

WHEREAS, Dean Gorsuch participated in rodeo at and graduated from Eastern Wyoming College; and

WHEREAS, Dean Gorsuch started full-time in the Professional Rodeo Cowboy Association in 2002; and

WHEREAS, Dean Gorsuch won the Professional Rodeo Cowboy Association's World Championship in steer wrestling in 2006 and 2010; and

WHEREAS, Dean Gorsuch won the Ram National Circuit Finals title in 2006 and 2008; and

WHEREAS, Dean Gorsuch competed in the Wrangler National Finals Rodeo eight times; and

WHEREAS, the American Rodeo pays out the highest purse in rodeo competition, and Dean Gorsuch qualified for the first American Rodeo in 2014, finishing second in steer wrestling in Dallas, Texas; and

WHEREAS, Dean Gorsuch resides in Gering and teaches welding at Eastern Wyoming College; and

WHEREAS, Dean Gorsuch is an exemplary husband, father, friend, college instructor, and man of faith.

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

1. That the Legislature recognizes the outstanding achievements of Dean Gorsuch in the competitive sport of rodeo.
2. That a copy of this resolution be sent to Dean Gorsuch.

Laid over.

LEGISLATIVE RESOLUTION 231. Introduced by Briese, 41.

PURPOSE: The purpose of this interim study is to examine whether electrician licensing requirements and building regulations need to be changed to support economic development.

Recent economic development projects have exposed Nebraska's shortage of electricians and recent flooding has put further strain on Nebraska's construction workforce.

Meanwhile, Nebraskans are clamoring for property tax reform. Growing Nebraska is an essential component to providing meaningful property tax relief. Nebraska must ensure that regulations remain up-to-date with industry needs and technological advances, and that unnecessary regulations are removed to allow for economic development and state growth while maintaining important safety regulations.

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

- (1) Strategies to entice more people into construction fields to ensure Nebraska's ability to continue growing through economic development projects;
- (2) A comparison of Nebraska's electrician licensing requirements and building codes with those of similarly situated states;
- (3) Whether Nebraska's electrician licensing requirements and building regulations account for changes in electrical construction technology and building techniques;
- (4) Whether electrician licensing requirements and building regulations could be better tailored to account for large-scale projects; and
- (5) Strategies to update Nebraska's electrician licensing requirements and building regulations to remove obstacles to economic development while maintaining a safe working environment.

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

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENT(S) - Print in Journal

Senator Slama filed the following amendment to LB183:
AM1939

(Amendments to AM1846)

1 1. Strike the original sections and all amendments thereto and
 2 insert the following new sections:
 3 Section 1. Sections 1 to 4 of this act shall be known and may be
 4 cited as the Property Tax Relief Act.
 5 Sec. 2. The purpose of the Property Tax Relief Act is to provide
 6 tax relief through a refundable income tax credit for taxpayers.
 7 Sec. 3. For purposes of the Property Tax Relief Act;
 8 (1) Agricultural land and horticultural land has the same meaning as
 9 in section 77-1359;
 10 (2) Farm site has the same meaning as in section 77-1359; and
 11 (3) Homestead has the same meaning as in section 77-3502.
 12 Sec. 4. (1) For taxable years beginning or deemed to begin on or
 13 after January 1, 2020, each individual who is an owner of a homestead, of
 14 agricultural land and horticultural land, of a farm site, or of any
 15 improvements on a farm site that are agricultural in nature shall be
 16 allowed a refundable credit against the income tax imposed by the
 17 Nebraska Revenue Act of 1967 equal to the applicable percentage in
 18 subsection (2) of this section multiplied by the property taxes paid
 19 during the taxable year on such homestead, agricultural land and
 20 horticultural land, farm site, or improvement.
 21 (2) The following percentages shall apply for purposes of
 22 calculating the credit allowed in subsection (1) of this section:

<u>TAX YEAR</u>	<u>CREDIT PERCENTAGE</u>
24 <u>2020</u>	<u>2%</u>
25 <u>2021</u>	<u>4%</u>
26 <u>2022</u>	<u>6%</u>
1 <u>2023</u>	<u>8%</u>
2 <u>2024</u>	<u>10%</u>
3 <u>2025</u>	<u>15%</u>
4 <u>2026</u>	<u>18%</u>
5 <u>2027 and each tax</u>	
6 <u>year thereafter</u>	<u>20%</u>

7 Sec. 5. Section 77-2715.07, Reissue Revised Statutes of Nebraska, is
 8 amended to read:
 9 77-2715.07 (1) There shall be allowed to qualified resident
 10 individuals as a nonrefundable credit against the income tax imposed by
 11 the Nebraska Revenue Act of 1967:
 12 (a) A credit equal to the federal credit allowed under section 22 of

13 the Internal Revenue Code; and

14 (b) A credit for taxes paid to another state as provided in section
15 77-2730.

16 (2) There shall be allowed to qualified resident individuals against
17 the income tax imposed by the Nebraska Revenue Act of 1967:

18 (a) For returns filed reporting federal adjusted gross incomes of
19 greater than twenty-nine thousand dollars, a nonrefundable credit equal
20 to twenty-five percent of the federal credit allowed under section 21 of
21 the Internal Revenue Code of 1986, as amended, except that for taxable
22 years beginning or deemed to begin on or after January 1, 2015, such
23 nonrefundable credit shall be allowed only if the individual would have
24 received the federal credit allowed under section 21 of the code after
25 adding back in any carryforward of a net operating loss that was deducted
26 pursuant to such section in determining eligibility for the federal
27 credit;

28 (b) For returns filed reporting federal adjusted gross income of
29 twenty-nine thousand dollars or less, a refundable credit equal to a
30 percentage of the federal credit allowable under section 21 of the
1 Internal Revenue Code of 1986, as amended, whether or not the federal
2 credit was limited by the federal tax liability. The percentage of the
3 federal credit shall be one hundred percent for incomes not greater than
4 twenty-two thousand dollars, and the percentage shall be reduced by ten
5 percent for each one thousand dollars, or fraction thereof, by which the
6 reported federal adjusted gross income exceeds twenty-two thousand
7 dollars, except that for taxable years beginning or deemed to begin on or
8 after January 1, 2015, such refundable credit shall be allowed only if
9 the individual would have received the federal credit allowed under
10 section 21 of the code after adding back in any carryforward of a net
11 operating loss that was deducted pursuant to such section in determining
12 eligibility for the federal credit;

13 (c) A refundable credit as provided in section 77-5209.01 for
14 individuals who qualify for an income tax credit as a qualified beginning
15 farmer or livestock producer under the Beginning Farmer Tax Credit Act
16 for all taxable years beginning or deemed to begin on or after January 1,
17 2006, under the Internal Revenue Code of 1986, as amended;

18 (d) A refundable credit for individuals who qualify for an income
19 tax credit under the Angel Investment Tax Credit Act, the Nebraska
20 Advantage Microenterprise Tax Credit Act, the Nebraska Advantage Research
21 and Development Act, or the Volunteer Emergency Responders Incentive Act;
22 and

23 (e) A refundable credit equal to ten percent of the federal credit
24 allowed under section 32 of the Internal Revenue Code of 1986, as
25 amended, except that for taxable years beginning or deemed to begin on or
26 after January 1, 2015, such refundable credit shall be allowed only if
27 the individual would have received the federal credit allowed under
28 section 32 of the code after adding back in any carryforward of a net
29 operating loss that was deducted pursuant to such section in determining
30 eligibility for the federal credit.

31 (3) There shall be allowed to all individuals as a nonrefundable

1 credit against the income tax imposed by the Nebraska Revenue Act of
2 1967:

3 (a) A credit for personal exemptions allowed under section
4 77-2716.01;

5 (b) A credit for contributions to certified community betterment
6 programs as provided in the Community Development Assistance Act. Each
7 partner, each shareholder of an electing subchapter S corporation, each
8 beneficiary of an estate or trust, or each member of a limited liability
9 company shall report his or her share of the credit in the same manner
10 and proportion as he or she reports the partnership, subchapter S
11 corporation, estate, trust, or limited liability company income;

12 (c) A credit for investment in a biodiesel facility as provided in
13 section 77-27,236;

14 (d) A credit as provided in the New Markets Job Growth Investment
15 Act;

16 (e) A credit as provided in the Nebraska Job Creation and Mainstreet
17 Revitalization Act;

18 (f) A credit to employers as provided in section 77-27,238; and

19 (g) A credit as provided in the Affordable Housing Tax Credit Act.

20 (4) There shall be allowed as a credit against the income tax
21 imposed by the Nebraska Revenue Act of 1967:

22 (a) A credit to all resident estates and trusts for taxes paid to
23 another state as provided in section 77-2730;

24 (b) A credit to all estates and trusts for contributions to
25 certified community betterment programs as provided in the Community
26 Development Assistance Act; and

27 (c) A refundable credit for individuals who qualify for an income
28 tax credit as an owner of agricultural assets under the Beginning Farmer
29 Tax Credit Act for all taxable years beginning or deemed to begin on or
30 after January 1, 2009, under the Internal Revenue Code of 1986, as
31 amended. The credit allowed for each partner, shareholder, member, or
1 beneficiary of a partnership, corporation, limited liability company, or
2 estate or trust qualifying for an income tax credit as an owner of
3 agricultural assets under the Beginning Farmer Tax Credit Act shall be
4 equal to the partner's, shareholder's, member's, or beneficiary's portion
5 of the amount of tax credit distributed pursuant to subsection (4) of
6 section 77-5211.

7 (5)(a) For all taxable years beginning on or after January 1, 2007,
8 and before January 1, 2009, under the Internal Revenue Code of 1986, as
9 amended, there shall be allowed to each partner, shareholder, member, or
10 beneficiary of a partnership, subchapter S corporation, limited liability
11 company, or estate or trust a nonrefundable credit against the income tax
12 imposed by the Nebraska Revenue Act of 1967 equal to fifty percent of the
13 partner's, shareholder's, member's, or beneficiary's portion of the
14 amount of franchise tax paid to the state under sections 77-3801 to
15 77-3807 by a financial institution.

16 (b) For all taxable years beginning on or after January 1, 2009,
17 under the Internal Revenue Code of 1986, as amended, there shall be
18 allowed to each partner, shareholder, member, or beneficiary of a

19 partnership, subchapter S corporation, limited liability company, or
 20 estate or trust a nonrefundable credit against the income tax imposed by
 21 the Nebraska Revenue Act of 1967 equal to the partner's, shareholder's,
 22 member's, or beneficiary's portion of the amount of franchise tax paid to
 23 the state under sections 77-3801 to 77-3807 by a financial institution.

24 (c) Each partner, shareholder, member, or beneficiary shall report
 25 his or her share of the credit in the same manner and proportion as he or
 26 she reports the partnership, subchapter S corporation, limited liability
 27 company, or estate or trust income. If any partner, shareholder, member,
 28 or beneficiary cannot fully utilize the credit for that year, the credit
 29 may not be carried forward or back.

30 (6) There shall be allowed to all individuals nonrefundable credits
 31 against the income tax imposed by the Nebraska Revenue Act of 1967 as
 1 provided in section 77-3604 and refundable credits against the income tax
 2 imposed by the Nebraska Revenue Act of 1967 as provided in section
 3 77-3605.

4 (7) There shall be allowed to all individuals refundable credits
 5 against the income tax imposed by the Nebraska Revenue Act of 1967 as
 6 provided in the Property Tax Relief Act.

7 Sec. 6. Original section 77-2715.07, Reissue Revised Statutes of
 8 Nebraska, is repealed.

GENERAL FILE

LEGISLATIVE BILL 720. Committee AM1614, found on page 1462 and
 considered on page 1560, was renewed.

Senator Bolz renewed her amendment, AM1795, found on page 1541 and
 considered on page 1560, to the committee amendment.

Senator McCollister moved the previous question. The question is, "Shall
 the debate now close?" The motion prevailed with 28 ayes, 13 nays, and 8
 not voting.

The Bolz amendment was adopted with 28 ayes, 10 nays, 9 present and not
 voting, and 2 excused and not voting.

Senator Wishart offered the following amendment to the committee
 amendment:

AM1934

(Amendments to Standing Committee amendments, AM1614)

1 1. Strike sections 16 and 76 and insert the following new sections:
 2 Sec. 16. (1) Number of new employees, for purposes of subdivisions
 3 (1)(b), (4)(d), (5)(c), and (8)(b)(iii) of section 32 of this act, means
 4 the number of equivalent employees that are employed at the qualified
 5 location or locations during a year that are in excess of the number of
 6 equivalent employees during the base year, not to exceed the number of
 7 equivalent employees employed full-time at the qualified location or
 8 locations during a year who are not base-year employees, who meet the

9 health coverage requirement of subsection (5) of this section, and who
10 are paid wages at a rate equal to at least one hundred fifty percent of
11 the Nebraska statewide average hourly wage for the year of application.
12 (2) Number of new employees, for purposes of subdivisions (4)(a) and
13 (5)(a) of section 32 of this act, means the number of equivalent
14 employees that are employed at the qualified location or locations during
15 a year that are in excess of the number of equivalent employees during
16 the base year, not to exceed the number of equivalent employees employed
17 full-time at the qualified location or locations during a year who are
18 not base-year employees, who meet the health coverage requirement of
19 subsection (5) of this section, and who are paid wages at a rate equal to
20 at least the Nebraska ninety-county average hourly wage for the year of
21 application.
22 (3) Number of new employees, for all other purposes, except as
23 otherwise provided in the ImagiNE Nebraska Act, means the number of
24 equivalent employees that are employed at the qualified location or
25 locations during a year that are in excess of the number of equivalent
26 employees during the base year, not to exceed the number of equivalent
1 employees employed full-time at the qualified location or locations
2 during a year who are not base-year employees, who meet the health
3 coverage requirement of subsection (5) of this section, and who are paid
4 wages at a rate equal to at least the Nebraska statewide average hourly
5 wage for the year of application.
6 (4) For employees who work both at a qualified location and also
7 perform services for the taxpayer at other nonqualified locations, they
8 will be included in determining the number of new employees if more than
9 fifty percent of the time for which they are compensated is spent at the
10 qualified location. For any year other than the base year, employees who
11 work at the qualified location fifty percent or less of the time for
12 which they are compensated are not considered employed at the qualified
13 location.
14 (5) An employee meets the health coverage requirement if the
15 employee does not constitute a full-time employee, as defined and
16 described in section 4980H of the Internal Revenue Code of 1986, as
17 amended, and the regulations for such section, or the taxpayer offers to
18 that employee, for that year, the opportunity to enroll in minimum
19 essential coverage under an eligible employer-sponsored plan, as those
20 terms are defined and described in section 5000A of the Internal Revenue
21 Code of 1986, as amended, and the regulations for such section.
22 (6) For purposes of this section, employed full-time means that the
23 employee is a full-time employee as defined and described in section
24 4980H of the Internal Revenue Code of 1986, as amended, and the
25 regulations for such section.
26 Sec. 56. Sections 56 to 63 of this act shall be known and may be
27 cited as the Community Economic Opportunities Act.
28 Sec. 57. The purpose of the Community Economic Opportunities Act is
29 to provide capital for economic development projects in areas of the
30 state that are underserved by Nebraska's employment and investment
31 incentive programs.

1 Sec. 58. For purposes of the Community Economic Opportunities Act:

2 (1) Board means the Community Economic Opportunities Board
3 established in section 59 of this act;

4 (2) Department means the Department of Economic Development;

5 (3) Eligible community means a county in Nebraska with fewer than
6 forty thousand residents as determined by the most recent federal
7 decennial census; and

8 (4) Eligible project means an economic development project proposed
9 by a private business that:

10 (a) By its terms is not eligible to receive incentives under the
11 ImagiNE Nebraska Act;

12 (b) Will provide employment, investment, or both, to an eligible
13 community; and

14 (c) Is determined by the department to have a likelihood of
15 resulting in a high rate of return on investment.

16 Sec. 59. (1) The Community Economic Opportunities Board is
17 established. The board shall be comprised of two persons representing
18 economic developers, two persons representing counties or municipalities,
19 and one person representing business. Members shall be appointed by the
20 Governor and approved by the Legislature with at least one member
21 residing in each of Nebraska's congressional districts. Additionally, the
22 Speaker of the Legislature, the chairperson of the Appropriations
23 Committee of the Legislature, and the chairperson of the Revenue
24 Committee of the Legislature shall serve as nonvoting members on the
25 board. Appointed members shall serve two-year terms, except that the
26 terms of one person representing economic developers and one person
27 representing counties or municipalities appointed upon the creation of
28 the board shall be for three years. The board shall select a chairperson
29 from among its members. Members shall serve without compensation but
30 shall be reimbursed for their actual and necessary expenses as provided
31 in sections 81-1174 to 81-1177. Board meetings may be conducted by
1 telephone or teleconference.

2 (2) The board shall meet at the call of the chairperson to select
3 projects for funding under the Community Economic Opportunities Act from
4 recommendations by the department. The board may approve up to two
5 million dollars of funding each year for eligible projects.

6 Sec. 60. The department shall develop procedures for applying for
7 funding under the Community Economic Opportunities Act and shall develop
8 guidelines and parameters for rating and selecting projects for
9 submission to the board.

10 Sec. 61. The Community Economic Opportunities Fund is created. The
11 fund shall be administered by the department to provide funding for
12 eligible projects approved by the board under section 59 of this act. The
13 fund shall consist of transfers and appropriations authorized by the
14 Legislature and any gifts, grants, bequests, or donations to the fund.
15 Any money in the fund available for investment shall be invested by the
16 state investment officer pursuant to the Nebraska Capital Expansion Act
17 and the Nebraska State Funds Investment Act.

18 Sec. 62. (1) On or before October 31, 2020, and each October 31

19 thereafter, the Director of Economic Development shall electronically
 20 submit to the Legislature a report on the Community Economic
 21 Opportunities Act for the previous fiscal year.
 22 (2) The report shall list projects that were approved for funding by
 23 the board and shall include the location of the project, the entity
 24 receiving funding, and a description of the project.
 25 Sec. 63. It is the intent of the Legislature to appropriate two
 26 million dollars to the Community Economic Opportunities Fund for fiscal
 27 year 2019-20 and each fiscal year thereafter for purposes of carrying out
 28 the Community Economic Opportunities Act.
 29 Sec. 82. This act becomes operative on January 1, 2020.
 30 2. On page 2, lines 29 and 30, strike "the effective date of this
 31 act" and insert "January 1, 2019".
 1 3. On page 10, line 2, strike "and"; after line 2 insert the
 2 following new subdivision:
 3 "(h) Acknowledge that the taxpayer understands the requirements for
 4 providing a sufficient package of benefits to its employees as specified
 5 in the ImagiNE Nebraska Act; and"; and in line 3 strike "(h)" and insert
 6 "(i)".
 7 4. On page 12, line 12, strike "and"; in line 14 strike the period
 8 and insert "; and"; and after line 14 insert the following new
 9 subdivision:
 10 "(i) A requirement that the taxpayer provide a sufficient package of
 11 benefits to the employees employed full-time at the qualified location or
 12 locations during the year who are not base-year employees and who are
 13 paid the required wages. For purposes of this subdivision, benefits means
 14 nonwage compensation provided to an employee, including medical and
 15 dental insurance plans, pension, retirement, and profit-sharing plans,
 16 child care services, life insurance coverage, vision insurance coverage,
 17 disability insurance coverage, and any other nonwage compensation as
 18 determined by the director. The director may adopt and promulgate rules
 19 and regulations to specify what constitutes a sufficient package of
 20 benefits."
 21 5. On page 17, lines 14 and 15 and 20; and page 23, lines 24 and 29
 22 and 30, strike "as they existed on the effective date of this act".
 23 6. On page 22, line 18, strike "(6)" and insert "(6)(a)"; in line 21
 24 strike "subsection" and insert "subdivision"; in line 24 strike "section
 25 18-2109" and insert "the Community Development Law"; and after line 25
 26 insert the following new subdivisions:
 27 "(b) The credit percentages prescribed in subsections (4) and (5) of
 28 this section shall be increased by one percentage point if the taxpayer:
 29 (i) Is a benefit corporation as defined in section 21-403 and has
 30 been such a corporation for at least one year prior to submitting an
 31 application under the ImagiNE Nebraska Act; and
 1 (ii) Remains a benefit corporation as defined in section 21-403 for
 2 the duration of the taxpayer's agreement under the ImagiNE Nebraska Act.
 3 (c) A taxpayer may, if qualified, receive one or both of the
 4 increases provided in this subsection."
 5 7. On page 25, line 24, after the period insert "All fees collected

6 under this subsection shall be remitted to the State Treasurer for credit
 7 to the ImagiNE Nebraska Cash Fund, which fund is hereby created. The fund
 8 shall consist of fees credited under this subsection and any other money
 9 appropriated to the fund by the Legislature. The fund shall be
 10 administered by the Department of Economic Development and shall be used
 11 for administration of the ImagiNE Nebraska Act. Any money in the fund
 12 available for investment shall be invested by the state investment
 13 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
 14 State Funds Investment Act."

15 8. On page 26, line 20; and page 27, line 1, after "to" insert "the
 16 number of".

17 9. On page 27, line 10, strike "(l)(h)" and insert "(l)(g)"; and
 18 strike lines 19 through 31.

19 10. On page 28, line 1, strike "(f)" and insert "(e)"; in line 21
 20 strike "(g)" and insert "(f)"; and in line 26 strike "(h)" and insert
 21 "(g)".

22 11. On page 37, strike beginning with "(i)" in line 28 through the
 23 first comma in line 29; in line 29 strike "(j)" and insert "(i)" and
 24 strike "(k)" and insert "(j)"; in line 30 strike "(l)" and insert "(k)";
 25 and in line 31 strike "(m)" and insert "(l)".

26 12. On page 38, line 1, strike "(n)" and insert "(m)"; in line 2
 27 strike "(o)" and insert "(n)" and strike "(p)" and insert "(o)"; in line
 28 3 strike "(q)" and insert "(p)"; strike beginning with "(r)" in line 4
 29 through the first comma in line 5; in line 5 strike "(s)" and insert
 30 "(q)"; in line 6 strike "(t)" and insert "(r)"; and in line 7 strike
 31 "(u)" and insert "(s)".

1 13. On page 46, line 11; page 99, lines 19, 20, and 24; page 100,
 2 lines 2, 3, 7, 12, 13, 17, 23, 24, and 28; and page 101, lines 9, 10, 14,
 3 22, 23, and 27, strike "effective" and insert "operative".

4 14. On page 114, line 23, strike "July 15, 2019" and insert "January
 5 15, 2020"; and in line 25 strike "July 15, 2020" and insert "January 15,
 6 2021".

7 15. Renumber the remaining sections accordingly.

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 323. Placed on Final Reading.

LEGISLATIVE BILL 323A. Placed on Final Reading.

LEGISLATIVE BILL 334. Placed on Final Reading.

ST28

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

1. In the E&R amendments, ER72, on page 13, line 18, "81-829.42," has been inserted after "50-1209,"; and in line 25 "provide intent for an

appropriation to the Governor's Emergency Program," has been inserted after the last comma.

LEGISLATIVE BILL 334A. Placed on Final Reading.

LEGISLATIVE BILL 460. Placed on Final Reading Second.

LEGISLATIVE BILL 468. Placed on Final Reading.

ST29

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

1. In the Standing Committee amendments, AM1166, on page 3, line 17, "section 7" has been struck and "section 2" inserted; the matter beginning with "sections" in line 24 through "and" in line 25 has been struck; and in line 27 "are" has been struck and "is" inserted.

2. On page 1, the matter beginning with "the" in line 1 through line 6 and all amendments thereto have been struck and "health care; to amend section 68-901, Revised Statutes Supplement, 2017, as amended by section 1, Initiative Law 2018, No. 427; to prohibit inclusion of long-term services and supports under the medicaid managed care program as prescribed; to provide notification duties for the Department of Health and Human Services and Department of Insurance prior to submitting certain state waiver requests; to harmonize provisions; and to repeal the original section." inserted.

LEGISLATIVE BILL 492. Placed on Final Reading.

ST36

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

1. In the Standing Committee amendment, AM628, on page 33, line 17, paragraphing and "(2)" has been inserted before "Any".

LEGISLATIVE BILL 511. Placed on Final Reading.

ST27

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

1. In the E&R amendments, ER56, amendment 2 has been struck.

LEGISLATIVE BILL 592. Placed on Final Reading.

LEGISLATIVE BILL 686. Placed on Final Reading.

ST30

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

1. On page 1, the matter beginning with "the" in line 1 through line 7 and all amendments thereto have been struck and "criminal justice; to amend sections 29-2202, 29-2246, and 29-2268, Reissue Revised Statutes of Nebraska, and sections 28-101, 28-105, 28-1206, 29-1823, 29-3523, 83-173.03, and 83-4,114, Revised Statutes Cumulative Supplement, 2018; to change Class IV felony provisions; to prohibit the introduction and

possession of electronic communication devices in correctional facilities as prescribed; to provide a penalty; to change possession of a deadly weapon by a prohibited person provisions; to change provisions relating to competency to stand trial; to provide for deferred judgments by courts as prescribed; to change provisions relating to post-release supervision; to prohibit placement of members of vulnerable populations in restrictive housing as prescribed; to change provisions relating to the long-term restrictive housing work group; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections." inserted.

LEGISLATIVE BILL 686A. Placed on Final Reading.

LEGISLATIVE BILL 690. Placed on Final Reading.

(Signed) Julie Slama, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 232. Introduced by McCollister, 20; Dorn, 30; Erdman, 47; Friesen, 34; Halloran, 33; Hughes, 44.

PURPOSE: The purpose of this interim study is to examine the processes and procedures used in the assessment and valuation of real property and in appeals before the Tax Equalization and Review Commission. The interim study shall include, but not be limited to, an examination of the following:

(1) The opportunity to save taxpayer dollars by eliminating redundant mailings from county treasurers and assessors;

(2) Requiring county assessors to use a single, state-approved, mass assessment software system, including the potential cost-savings and reduction of disputes between counties;

(3) Extending the property valuation appeal process to more closely match the income tax filing season;

(4) The acceptance by county assessors of protests generated by tax preparers;

(5) Standardizing the protest form statewide for all counties;

(6) Realigning the representation on the Tax Equalization and Review Commission to better serve constituents;

(7) The use of current market analysis reports produced by a licensed realtor as proof of valuation in place of, or in addition to, appraisals;

(8) Aligning local taxing authority levy rate adjustments with total county certified valuation to avoid a windfall of tax revenue and a corresponding increase in spending without taxpayer oversight;

(9) Consolidation of county assessors;

(10) Reducing the acceptable range for real property from ninety-two to one hundred percent to ninety-six to one hundred percent of actual value; and

(11) A standardized statewide reporting system.

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

1. That the Revenue 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 233. Introduced by Arch, 14.

PURPOSE: The purpose of this interim study is to examine the operations and processes of the Nebraska State Patrol in fingerprint collection and submission to the Federal Bureau of Investigation for national criminal history record information checks, particularly in light of the recent statutory requirement that employees of child care facilities and child-caring agencies be subject to such fingerprinting.

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

- (1) The historic, current, and future costs of such fingerprinting services;
- (2) The expenses associated with providing such services;
- (3) The cost to employees and employers required to complete such fingerprinting and background checks;
- (4) The impact of increased fingerprinting costs on employers providing licensed child care services and on residential child-caring agencies;
- (5) The time required to complete such fingerprinting and background checks and the impact of time-delay on employers providing licensed child care services and on residential child-caring agencies; and
- (6) The availability of state or federal funding to alleviate the costs of fingerprinting services and background checks for child care facilities and residential child-caring agencies.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 234. Introduced by Bolz, 29.

PURPOSE: The purpose of this interim study is to track rate increases appropriated for behavioral health providers to ensure that legislative intent is followed and the rate increases are funded, which enables such providers to offer the right services at the right time.

A recent multiyear cost model study conducted by the Division of Behavioral Health of the Department of Health and Human Services demonstrated that behavioral health provider rates are between five and thirty-five percent below the cost of providing services. In the past, appropriations intended for provider rate increases have not been realized by such providers, making it critical for the Legislature, as well as the providers and consumers, to track the appropriation and determine the amount of funding distributed to providers.

The interim study shall seek input from the Division of Behavioral Health of the Department of Health and Human Services, the Division of Medicaid and Long-Term Care of the Department of Health and Human Services, the Legislative Fiscal Office, and the Office of Probation Administration.

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

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

VISITOR(S)

Visitors to the Chamber were students from Portal Elementary School, La Vista.

RECESS

At 12:00 p.m., on a motion by Senator Albrecht, the Legislature recessed until 1:30 p.m.

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Senators Chambers, Groene, Hilkemann, Howard, and Wayne who were excused until they arrive.

RESOLUTION(S)**LEGISLATIVE RESOLUTION 235.** Introduced by Lathrop, 12.

PURPOSE: The purpose of this interim study is to examine the efficacy of testing and monitoring programs to reduce recidivism for driving under the influence and controlled substance offenses, particularly ignition interlock devices and the 24/7 sobriety program, and to develop recommendations regarding the expansion of such programs throughout the state. The study committee is encouraged to work with the Transportation and Telecommunications Committee of the Legislature to examine the issues involved in this study.

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

- (1) How ignition interlock devices and 24/7 sobriety programs across the state are being utilized to monitor repeat offenders for driving under the influence;
- (2) How ignition interlock devices and a 24/7 sobriety program can work together to reduce recidivism for driving under the influence offenses;
- (3) What are the success rates for repeat offenders through ignition interlock devices and 24/7 sobriety monitoring programs in Nebraska and other states;
- (4) What are the potential issues and costs associated with expansion of 24/7 sobriety programs across Nebraska and is there any available funding to offset such costs; and
- (5) What statutory changes are necessary to implement a statewide 24/7 sobriety program.

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 236. Introduced by Lathrop, 12.

PURPOSE: The purpose of this interim study is to examine issues related to juvenile justice.

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 237. Introduced by Lathrop, 12.

PURPOSE: The purpose of this interim study is to examine issues related to Nebraska's correctional system.

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 238. Introduced by Lathrop, 12.

PURPOSE: The purpose of this interim study is to assess the rehabilitation and other needs of inmates while in the custody of the Department of Correctional Services and while transitioning into the community. The issues addressed by this interim study shall include, but not be limited to:

(1) Methods to determine inmate classification, assignment, and eligibility for work release;

(2) Availability and utilization of less-restrictive levels of custody;

(3) Methods of preparing eligible inmates for parole and safe reentry into the community; and

(4) Availability of housing and other resources for former inmates, including those with special circumstances.

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 239. Introduced by Health and Human Services Committee: Howard, 9, Chairperson; Arch, 14; Cavanaugh, 6; Hansen, B., 16; Murman, 38; Walz, 15; Williams, 36.

PURPOSE: The purpose of this interim study is to examine non-court involved cases, including voluntary and alternative response cases, in the child welfare system. The issues addressed by this interim study shall include, but not be limited to:

- (1) The standards used to determine which cases are handled as non-court involved cases and the process for such determination;
- (2) The regulatory or statutory oversight, or lack thereof, for non-court involved cases;
- (3) The type of services provided to families in non-court involved cases, including, when possible, specific data on services offered;
- (4) The risk assessment level for children placed in non-court involved cases, including specific data on how many families were assessed at each risk level;
- (5) The type of placements used in non-court involved cases, including whether any background checks are performed for those placements and whether any changes in voluntary placements are tracked;
- (6) The average length of time a non-court involved case remains open;
- (7) The number of non-court involved cases that transition to court-involved cases and the number of non-court involved cases that are closed;
- (8) The grounds for closing a non-court involved case and the grounds for transferring a non-court involved case to a court-involved case; and
- (9) The decrease in initial assessments despite an increase in calls to the child abuse and neglect hotline.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 240. Introduced by Cavanaugh, 6.

PURPOSE: The purpose of this interim study is to review municipal rental housing inspection programs. The interim study shall include, but not be limited to:

- (1) A review of municipal rental housing inspection programs, requirements, fee structures, and schedules of inspection and whether such inspections are proactive or complaint based;
- (2) A review of municipalities considering changes to current rental housing inspection programs or that recently made changes to their rental housing inspection programs and an overview of such changes; and
- (3) A review of rental housing inspection programs in other states.

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.

GENERAL FILE

LEGISLATIVE BILL 720. The Wishart amendment, AM1934, found in this day's Journal, to the committee amendment, was renewed.

Senator Kolterman offered the following motion:

MO100

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Kolterman moved for a call of the house. The motion prevailed with 27 ayes, 4 nays, and 18 not voting.

Senator Kolterman requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 37:

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

Voting in the negative, 8:

Bostelman	Brewer	Chambers	Hunt
Brandt	Cavanaugh	Erdman	Morfeld

Present and not voting, 4:

Bolz	Hansen, M.	McDonnell	Vargas
------	------------	-----------	--------

The Kolterman motion to invoke cloture prevailed with 37 ayes, 8 nays, and 4 present and not voting.

The Wishart amendment, AM1934, was adopted with 30 ayes, 13 nays, and 6 present and not voting.

The committee amendment, AM1614, as amended, was adopted with 34 ayes, 7 nays, and 8 present and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 5 nays, and 15 present and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 720A. Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 5 nays, and 15 present and not voting.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 241. Introduced by Pansing Brooks, 28; Brandt, 32; Briese, 41; Dorn, 30; Gragert, 40; Kolterman, 24; Scheer, 19; Slama, 1; Walz, 15.

PURPOSE: The purpose of this resolution is to develop an environmental action plan for the state, including assessments of vulnerability, risks, economic impacts, and mitigation strategies. The state has experienced devastating, costly, and historic floods in the last ten years. An increase in highly destructive weather events, including floods, drought, and high winds present serious, diverse, and ongoing issues. All of Nebraska's industries, especially agriculture, are negatively impacted by these destructive and increasingly frequent extreme weather events. Even the water supplies of the state's largest population centers have been compromised by flooding. Appropriate and proactive planning is needed to develop strategies to mitigate and adapt to the impacts of extreme weather events on the health and well-being of Nebraskans. An effective plan to meet the challenges posed by extreme weather events will enable the state to take advantage of opportunities resulting from adaptation and mitigation strategies. Such strategies have the potential to attract new businesses and investments to Nebraska and to reduce the negative impacts of extreme weather events on the environment.

The select interim committee shall:

- (1) Select two co-chairs from the membership of the committee;
- (2) Gather, share, examine, and analyze data and information related to environmental impacts on the resources and people of Nebraska;
- (3) Examine laws, programs, policies, and planning efforts for extreme weather events, including those developed in other states;
- (4) Examine environmental action plans developed in other states; and
- (5) Consult with relevant stakeholders and academic experts on extreme weather events, including, but not limited to, the University of Nebraska, the

Nebraska state colleges, Nebraska community colleges, emergency management officials, conservation organizations, political subdivisions, state agencies, and the public.

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

1. That a select interim committee of the Legislature shall be designated to carry out the purposes of this resolution. The select interim committee shall be composed of the chair of the Agriculture Committee of the Legislature, or his or her designee, the chair of the Banking, Commerce and Insurance Committee of the Legislature, or his or her designee, the chair of the Natural Resources Committee of the Legislature, or his or her designee, and four members of the Legislature selected by the Executive Board of the Legislative Council.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 242. Introduced by State-Tribal Relations Committee: Hilkemann, 4, Chairperson; Brewer, 43; Gragert, 40; Hunt, 8; Walz, 15; Wishart, 27.

PURPOSE: The purpose of this interim study is to examine the replacement of Native American mascots in Nebraska at nontribal schools.

Support has increased to end the era of Native American mascots in sports and popular culture. Hundreds of tribal nations, national and regional tribal organizations, civil rights organizations, school boards, sports teams, sports and media personalities, and individuals have called for the end of Native American mascots. Rooted in the civil rights movement, the quest for racial equality among indigenous people led to campaigns to bring an end to negative and harmful stereotypes in the media and popular culture, including in sports. There has been significant progress at the professional, collegiate, and high school levels to change.

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

1. That the Education 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 243. Introduced by Hunt, 8; Cavanaugh, 6.

PURPOSE: The purpose of this interim study is to examine the practice of medical refusal for contraception, sterilization, or abortion services by health care facilities and providers. It is critical to the health of Nebraskans and their families to understand how refusals to provide care and comprehensive information may harm individuals.

The interim study shall include, but not be limited to:

(1) A review of information on health care facilities with a religious affiliation, including the number and percentage of such facilities, the size and type of such facilities, and the location of such facilities;

(2) A collection of information regarding the number and percentage of patients that give birth at a health care facility, seek miscarriage management treatment, or are provided miscarriage management treatment, and the related complications at health care facilities with a religious affiliation, disaggregated by race and including the number of such patients whose care is paid by the medical assistance program;

(3) A collection of information, by means of a statewide survey, to identify health care providers participating in a practice relationship with a religious health care facility that requires such providers to agree to any restrictions on care. Such survey shall collect information on location, type of care, type of restriction, and how many patients each provider serves; and

(4) An examination of the practices of hospitals and ambulatory surgical centers with a religious affiliation, including, but not limited to:

(a) Reproductive health services not provided by such hospital or ambulatory surgical center, including contraception, tubal ligation, in vitro fertilization or other assisted reproductive technology, miscarriage management, treatment of ectopic pregnancy, maternity care, and abortion;

(b) The policy of such hospital or ambulatory surgical center regarding information and referrals to be shared with existing patients and prospective patients when they inquire about health care services sought by the patient that such hospital or ambulatory surgical center does not provide or provides in a limited capacity;

(c) The policy of such hospital or ambulatory surgical center on action to be taken and medical information and referrals to be provided when a patient's health or life is at-risk and such hospital or ambulatory surgical center will not provide the medical services needed to adhere to the standard of care, even if allowable under state law;

(d) The types of information and referrals provided to patients when medical care is denied, including actions taken when medical care is denied and the patient's life or health is at-risk. This examination shall include surveys or interviews with patients and providers at religiously affiliated hospitals or ambulatory surgical centers and not be limited to written policies; and

(e) The number of inquiries, including, but not limited to, emails, calls, and in-person visits, received by such hospital or ambulatory surgical center regarding abortion, contraception, or sterilization services.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 244. Introduced by Hansen, B., 16.

PURPOSE: The purpose of this interim study is to examine discrepancies in reimbursement under the medical assistance program between the three Heritage Health managed care plans and the impacts of applying a multiple-procedure payment-reduction policy to therapy services.

The multiple-procedure payment-reduction policy in the medicare system was implemented by the federal Centers for Medicare and Medicaid Services in 2011 for multiple surgical procedures and diagnostic imaging procedures occurring in one day. The policy implemented in the medical assistance program in Nebraska applies to all therapy services regardless of the therapy discipline, such as physical therapy, occupational therapy, or speech-language pathology services. When multiple therapy services are provided to the same patient on the same day, full payment is made for the unit or procedure with the highest practice-expense payment. For subsequent units or procedures furnished to the same patient on the same day, fifty percent payment is made for the practice expense for services submitted on either professional or institutional claims.

Therapy services are rarely only one unit, and the practice-expense for each code was calculated with the understanding that a therapy session always has more than one unit per visit, which does not comport with the multiple-procedure payment-reduction policy. With the Nebraska medicaid fee schedule currently below the medicare fee schedule, the application of the policy further reduces reimbursement to levels that most therapy practice locations cannot sustain.

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

(1) Research of other states' medicaid fee schedules and whether they are applying the multiple-procedure payment-reduction policy to therapy services;

(2) Laws and regulations regarding medicaid fee schedules;

(3) Therapy practice costs for medicaid providers, reimbursement levels, and associated costs for care when services are not provided to patients at the right time; and

(4) The impact on access to therapy services if therapy providers cannot continue to serve low-income Nebraskans.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 245. Introduced by Bolz, 29.

PURPOSE: The purpose of this interim study is to examine advance planning for mental health care, which is distinct from advance planning for end-of-life care. This study shall continue the conversation begun by the introduction of Legislative Bill 247, One Hundred Sixth Legislature, First Session, 2019.

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 246. Introduced by Linehan, 39.

PURPOSE: The purpose of this interim study is to examine the Office of Public Guardian. The issues addressed by this interim study shall include, but not be limited to, the structure, duties, and effectiveness of the office.

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.

AMENDMENT(S) - Print in Journal

Senator Brewer filed the following amendment to LB720:
AM1833

(Amendments to Standing Committee amendments, AM1614)

1 1. On page 6, line 3, strike "wind".

Senator Brewer filed the following amendment to LB720:
AM1948

(Amendments to Standing Committee amendments, AM1614)

1 1. On page 6, line 4, after "elements" insert ". The production of
2 electricity using wind shall not be considered a qualified location under
3 this section unless such production is pursuant to a current power
4 purchase agreement with a consumer-owned electric supplier operating in
5 the State of Nebraska".

SELECT FILE

LEGISLATIVE BILL 183. Senator Briese asked unanimous consent to withdraw his amendment, AM709, found on page 813, and replace it with his substitute amendment, AM1962. No objections. So ordered. AM1962 is available in the Bill Room.

SPEAKER SCHEER PRESIDING

PRESIDENT FOLEY PRESIDING

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 433. Placed on Final Reading.

LEGISLATIVE BILL 470. Placed on Final Reading.

ST31

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

1. In the La Grone amendment, AM1932, on page 1, line 22, "(2)" has been struck and "(4)" inserted.

2. On page 1, lines 2 through 10 and all amendments thereto have been struck and "77-103, 77-105, 77-202, 77-3,110, 77-1374, 77-1375, 77-2716, 77-5007, 85-1807, 85-1808, and 85-1810, Reissue Revised Statutes of Nebraska; to redefine terms; to exempt dwelling complexes and any related amenities located on a United States Department of Defense military installation from property taxes as prescribed; to provide for payments in lieu of taxes as prescribed; to change provisions relating to the Department of Revenue Miscellaneous Receipts Fund and the College Savings Plan Expense Fund; to change provisions relating to the assessment of

improvements on leased lands; to provide tax deductions for certain contributions to the Nebraska educational savings plan trust as prescribed; to provide that certain contributions to the Nebraska educational savings plan trust not be recognized as income for certain purposes; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide operative dates; to repeal the original sections; and to declare an emergency." inserted.

LEGISLATIVE BILL 470A. Placed on Final Reading.

LEGISLATIVE BILL 512. Placed on Final Reading.

ST34

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

1. On page 1, lines 2 through 17 and all amendments thereto have been struck and "3-150, 66-482, 66-4,143, 66-6,101, 66-712, 66-718, 66-739, 66-1521, 77-202.03, 77-377.02, 77-702, 77-1239, 77-1301, 77-1725.01, 77-1734.01, 77-2716.01, 77-2734.01, 77-2761, 77-2773, 77-2776, 77-3506, 77-3508, 77-3519, 77-4111, and 77-6203, Reissue Revised Statutes of Nebraska, and section 39-2215, Revised Statutes Cumulative Supplement, 2018; to eliminate the Motor Fuel Tax Enforcement and Collection Division of the Department of Revenue; to provide procedures for adjusting the assessment of destroyed real property as prescribed; to change and eliminate provisions relating to a list of exempt real property, collection agency fees, rules and regulations, reimbursement to political subdivisions, personal exemptions, standard deductions, requirements for filing income tax returns, notices of deficiency, and homestead exemptions; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 66-738, Reissue Revised Statutes of Nebraska; and to declare an emergency." inserted.

LEGISLATIVE BILL 583. Placed on Final Reading.

ST33

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

1. On page 1, line 1, "the Transportation Innovation Act" has been struck and "design-build contracts" inserted; in line 2 "13-2914," has been inserted after "sections"; and in line 5 "to change provisions relating to the Political Subdivisions Construction Alternatives Act and the Transportation Innovation Act;" has been inserted after the semicolon.

LEGISLATIVE BILL 610. Placed on Final Reading.

ST32

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

1. On page 1, the matter beginning with "revenue" in line 1 through line 4 and all amendments thereto have been struck and "the Nebraska educational savings plan trust; to amend sections 72-1239.01, 77-2716, 85-1802, 85-1804, 85-1806, 85-1807, and 85-1809, Reissue Revised Statutes of

Nebraska; to adopt the Meadowlark Act; to define and redefine terms; to create a fund; to create the Employer Matching Contribution Incentive Program and provide for incentive payments as prescribed; to establish the College Savings Plan Low-Income Matching Scholarship Program and provide for state matching scholarships as prescribed; to provide powers and duties for the State Treasurer; to harmonize provisions; and to repeal the original sections." inserted.

LEGISLATIVE BILL 610A. Placed on Final Reading.

(Signed) Julie Slama, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 247. Introduced by La Grone, 49; Brewer, 43; Hansen, M., 26; Morfeld, 46.

PURPOSE: The purpose of this interim study is to examine the long-term sustainability of recurring election technology replacement.

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

1. That the Government, Military and Veterans 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 248. Introduced by Wayne, 13.

PURPOSE: The purpose of this interim study is to analyze and assess the arrangement for chemical testing of items seized pursuant to arrests for controlled substances and whether the costs of such testing should be distributed between state and local governments. Much of the testing of such items is performed by the Nebraska State Patrol criminalistics laboratory. The interim study shall include an examination of the cost to operate such laboratory, to employ testing analysts and other staff, and to perform requested testing as an obligation of the state as funded by the state budget. The interim study shall also examine the chemical testing done for local and county agencies and the requests made for testing and analysis by county-level prosecutors where costs are paid by the state.

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 249. Introduced by Friesen, 34.

PURPOSE: The purpose of this interim study is to examine how the state administers federal Older Americans Act funds. The issues addressed by this interim study shall include, but not be limited to, creating a pilot program to allow a county or a group of counties to administer Older Americans Act funds directly.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 250. Introduced by Walz, 15.

PURPOSE: The purpose of this interim study is to examine programs and policies relating to the development and implementation of the comprehensive strategic plan for providing services to qualified persons with disabilities in the most integrated community-based settings, commonly referred to as the Olmstead Plan, pursuant to section 81-6,122.

The study committee shall seek the input of the Department of Health and Human Services.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENT(S) - Print in Journal

Senator Crawford filed the following amendment to LB720:
AM1864

(Amendments to Standing Committee amendments, AM1614)

- 1 1. On page 27, line 10, strike "(1)(h)" and insert "(1)(i)".
- 2 2. On page 28, after line 25, insert the following new subdivision:
- 3 "(h) The credits provided in subsections (4) and (5) of section 32
- 4 of this act may be used to obtain a payment from the state equal to the
- 5 amount which the taxpayer demonstrates to the director was paid by the
- 6 taxpayer for paid family leave at the qualified location or locations
- 7 during the performance period and the carryover period."; and in line 26
- 8 strike "(h)" and insert "(i)".

SELECT FILE

LEGISLATIVE BILL 183. Senator Chambers offered the following motion:

MO101

Recommit to the Revenue Committee.

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 149. Placed on Final Reading.

LEGISLATIVE BILL 532. Placed on Final Reading.
ST37

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

1. In the Cavanaugh amendment, AM1773, on page 1, line 3, "protection" has been inserted after "harassment".
2. In the Standing Committee amendments, AM674:
 - a. On page 11, line 4, "(i)" has been struck; in line 9 "(ii)" has been struck and "(b)" inserted; in line 13 "(A)" has been struck and "(i)" inserted; in line 14 "(B)(I)" has been struck and "(ii)(A)" inserted; in line 17 "(II)" has been struck and "(B)" inserted; in line 19 "(iii)" has been struck and "(c)" inserted; and in line 31 "available" has been inserted after the comma; and
 - b. On page 16, line 6, "(i)" has been struck and "(a)" inserted; in line 9 "(ii)" has been struck and "(b)" inserted; and in line 12 "(iii)" has been struck and "(c)" inserted.

LEGISLATIVE BILL 532A. Placed on Final Reading.

LEGISLATIVE BILL 657. Placed on Final Reading Second.

LEGISLATIVE BILL 657A. Placed on Final Reading Second.

(Signed) Julie Slama, Chairperson

VISITOR(S)

Visitors to the Chamber were students from Sunny Slope Elementary School, Omaha; and students from Mount View Elementary School, Omaha.

RECESS

At 5:28 p.m., on a motion by Senator Scheer, the Legislature recessed until 6:15 p.m.

AFTER RECESS

The Legislature reconvened at 6:15 p.m., President Foley presiding.

ROLL CALL

The roll was called and all members were present except Senators Groene, La Grone, Morfeld, Pansing Brooks, and Wayne who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 183. The Chambers motion, MO101, found in this day's Journal, to recommit to the Revenue Committee, was renewed.

Senator Briese offered the following motion:
MO102

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Briese moved for a call of the house. The motion prevailed with 22 ayes, 4 nays, and 23 not voting.

Senator Briese requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 23:

Albrecht	Briese	Gragert	Linehan	Stinner
Blood	Crawford	Halloran	McCollister	Walz
Bostelman	Dorn	Hughes	Moser	Williams
Brandt	Erdman	Kolterman	Murman	
Brewer	Friesen	Lindstrom	Scheer	

Voting in the negative, 7:

Arch	Chambers	Hansen, M.	Hunt
Cavanaugh	Geist	Hilkemann	

Present and not voting, 16:

Bolz	Hilgers	Lowe	Slama
Clements	Howard	McDonnell	Vargas
DeBoer	La Grone	Pansing Brooks	Wayne
Hansen, B.	Lathrop	Quick	Wishart

Excused and not voting, 3:

Groene	Kolowski	Morfeld
--------	----------	---------

The Briese motion to invoke cloture failed with 23 ayes, 7 nays, 16 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

AMENDMENT(S) - Print in Journal

Senator Briese filed the following amendment to LB183:

FA80

Amend AM1962

Page 25, line 24 strike "the" replace with "such".

Senator Hilgers filed the following amendment to LB183:

FA81

Amend AM1962

Strike in Section 9 on page 19 subparagraph 'O' lines 14-22.

Senator Cavanaugh filed the following amendment to LB183:

AM1965

(Amendments to AM1962)

1 1. Insert the following new sections:

2 Section 1. Section 71-7611, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 71-7611 (1) The Nebraska Health Care Cash Fund is created. The State
5 Treasurer shall transfer (a) sixty million three hundred thousand dollars
6 on or before July 15, 2014, (b) sixty million three hundred fifty
7 thousand dollars on or before July 15, 2015, (c) sixty million three
8 hundred fifty thousand dollars on or before July 15, 2016, (d) sixty
9 million seven hundred thousand dollars on or before July 15, 2017, (e)
10 five hundred thousand dollars on or before May 15, 2018, (f) sixty-one
11 million six hundred thousand dollars on or before July 15, 2018, (g)
12 sixty-one million three hundred fifty thousand dollars on or before July
13 15, 2019, and (h) sixty million four hundred fifty thousand dollars on or
14 before every July 15 thereafter from the Nebraska Medicaid
15 Intergovernmental Trust Fund and the Nebraska Tobacco Settlement Trust

16 Fund to the Nebraska Health Care Cash Fund, except that such amount shall
17 be reduced by the amount of the unobligated balance in the Nebraska
18 Health Care Cash Fund at the time the transfer is made. The state
19 investment officer shall advise the State Treasurer on the amounts to be
20 transferred first from the Nebraska Medicaid Intergovernmental Trust Fund
21 until the fund balance is depleted and from the Nebraska Tobacco
22 Settlement Trust Fund thereafter in order to sustain such transfers in
23 perpetuity. The state investment officer shall report electronically to
24 the Legislature on or before October 1 of every even-numbered year on the
25 sustainability of such transfers. The Nebraska Health Care Cash Fund
26 shall also include money received pursuant to section 77-2602. Except as
1 otherwise provided by law, no more than the amounts specified in this
2 subsection may be appropriated or transferred from the Nebraska Health
3 Care Cash Fund in any fiscal year.

4 The State Treasurer shall transfer ten million dollars from the
5 Nebraska Medicaid Intergovernmental Trust Fund to the General Fund on
6 June 28, 2018, and June 28, 2019.

7 It is the intent of the Legislature that no additional programs are
8 funded through the Nebraska Health Care Cash Fund until funding for all
9 programs with an appropriation from the fund during FY2012-13 are
10 restored to their FY2012-13 levels.

11 (2) Any money in the Nebraska Health Care Cash Fund available for
12 investment shall be invested by the state investment officer pursuant to
13 the Nebraska Capital Expansion Act and the Nebraska State Funds
14 Investment Act.

15 (3) The University of Nebraska and postsecondary educational
16 institutions having colleges of medicine in Nebraska and their affiliated
17 research hospitals in Nebraska, as a condition of receiving any funds
18 appropriated or transferred from the Nebraska Health Care Cash Fund,
19 shall not discriminate against any person on the basis of sexual
20 orientation.

21 (4) The State Treasurer shall transfer fifty thousand dollars on or
22 before July 15, 2016, from the Nebraska Health Care Cash Fund to the
23 Board of Regents of the University of Nebraska for the University of
24 Nebraska Medical Center. It is the intent of the Legislature that these
25 funds be used by the College of Public Health for workforce training.

26 (5) It is the intent of the Legislature that the cost of the staff
27 and operating costs necessary to carry out the changes made by Laws 2018,
28 LB439, and not covered by fees or federal funds shall be funded from the
29 Nebraska Health Care Cash Fund for fiscal years 2018-19 and 2019-20.

30 (6)(a) Beginning with fiscal year 2020-21, and every fiscal year
31 thereafter, one dollar of the one dollar and sixty-four cents special
1 privilege tax under subsection (1) of section 77-2602 shall be
2 distributed as follows:

3 (i) Forty percent to the Nebraska Health Care Cash Fund;

4 (ii) Thirty-five percent for medicaid expansion;

5 (iii) Fifteen percent to the University of Nebraska Medical Center
6 and the Creighton University Medical Center for cancer research;

7 (iv) Five percent for the Tobacco Prevention and Control Program;

8 and

9 (v) Five percent for addiction treatment services.

10 Sec. 10. Section 77-2602, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 77-2602 (1) Every stamping agent engaged in distributing or selling
13 cigarettes at wholesale in this state shall pay to the Tax Commissioner
14 of this state a special privilege tax. This shall be in addition to all
15 other taxes. It shall be paid prior to or at the time of the sale, gift,
16 or delivery to the retail dealer in the several amounts as follows: On
17 each package of cigarettes containing not more than twenty cigarettes,
18 one dollar and sixty-four cents per package; and on packages containing
19 more than twenty cigarettes, the same tax as provided on packages
20 containing not more than twenty cigarettes for the first twenty
21 cigarettes in each package and a tax of one-twentieth of the tax on the
22 first twenty cigarettes on each cigarette in excess of twenty cigarettes
23 in each package.

24 (2) Beginning October 1, 2004, the State Treasurer shall place the
25 equivalent of forty-nine cents of such tax in the General Fund. The State
26 Treasurer shall reduce the amount placed in the General Fund under this
27 subsection by the amount prescribed in subdivision (3)(d) of this
28 section. For purposes of this section, the equivalent of a specified
29 number of cents of the tax shall mean that portion of the proceeds of the
30 tax equal to the specified number divided by the tax rate per package of
31 cigarettes containing not more than twenty cigarettes.

1 (3) The State Treasurer shall distribute the remaining proceeds of
2 such tax in the following order:

3 (a) First, beginning July 1, 1980, the State Treasurer shall place
4 the equivalent of one cent of such tax in the Nebraska Outdoor Recreation
5 Development Cash Fund. For fiscal year distributions occurring after
6 FY1998-99, the distribution under this subdivision shall not be less than
7 the amount distributed under this subdivision for FY1997-98. Any money
8 needed to increase the amount distributed under this subdivision to the
9 FY1997-98 amount shall reduce the distribution to the General Fund;

10 (b) Second, beginning July 1, 1993, the State Treasurer shall place
11 the equivalent of three cents of such tax in the Health and Human
12 Services Cash Fund to carry out sections 81-637 to 81-640. For fiscal
13 year distributions occurring after FY1998-99, the distribution under this
14 subdivision shall not be less than the amount distributed under this
15 subdivision for FY1997-98. Any money needed to increase the amount
16 distributed under this subdivision to the FY1997-98 amount shall reduce
17 the distribution to the General Fund;

18 (c) Third, beginning October 1, 2002, and continuing until all the
19 purposes of the Deferred Building Renewal Act have been fulfilled, the
20 State Treasurer shall place the equivalent of seven cents of such tax in
21 the Building Renewal Allocation Fund. The distribution under this
22 subdivision shall not be less than the amount distributed under this
23 subdivision for FY1997-98. Any money needed to increase the amount
24 distributed under this subdivision to the FY1997-98 amount shall reduce
25 the distribution to the General Fund;

26 (d) Fourth, until July 1, 2009, the State Treasurer shall place in
27 the Municipal Infrastructure Redevelopment Fund the sum of five hundred
28 twenty thousand dollars each fiscal year to carry out the Municipal
29 Infrastructure Redevelopment Fund Act. The Legislature shall appropriate
30 the sum of five hundred twenty thousand dollars each year for fiscal year
31 2003-04 through fiscal year 2008-09;

1 (e) Fifth, beginning July 1, 2001, and continuing until June 30,
2 2008, the State Treasurer shall place the equivalent of two cents of such
3 tax in the Information Technology Infrastructure Fund. The distribution
4 under this subdivision shall not be less than two million fifty thousand
5 dollars. Any money needed to increase the amount distributed under this
6 subdivision to two million fifty thousand dollars shall reduce the
7 distribution to the General Fund;

8 (f) Sixth, beginning July 1, 2001, and continuing until June 30,
9 2016, the State Treasurer shall place one million dollars each fiscal
10 year in the City of the Primary Class Development Fund. If necessary, the
11 State Treasurer shall reduce the distribution of tax proceeds to the
12 General Fund pursuant to subsection (2) of this section by such amount
13 required to fulfill the one million dollars to be distributed pursuant to
14 this subdivision;

15 (g) Seventh, beginning July 1, 2001, and continuing until June 30,
16 2016, the State Treasurer shall place one million five hundred thousand
17 dollars each fiscal year in the City of the Metropolitan Class
18 Development Fund. If necessary, the State Treasurer shall reduce the
19 distribution of tax proceeds to the General Fund pursuant to subsection
20 (2) of this section by such amount required to fulfill the one million
21 five hundred thousand dollars to be distributed pursuant to this
22 subdivision;

23 (h) Eighth, beginning July 1, 2008, and continuing until June 30,
24 2009, the State Treasurer shall place the equivalent of two million fifty
25 thousand dollars of such tax in the Nebraska Public Safety Communication
26 System Cash Fund. Beginning July 1, 2009, and continuing until June 30,
27 2016, the State Treasurer shall place the equivalent of two million five
28 hundred seventy thousand dollars of such tax in the Nebraska Public
29 Safety Communication System Cash Fund. Beginning July 1, 2016, and every
30 fiscal year thereafter, the State Treasurer shall place the equivalent of
31 three million eight hundred twenty thousand dollars of such tax in the
1 Nebraska Public Safety Communication System Cash Fund. If necessary, the
2 State Treasurer shall reduce the distribution of tax proceeds to the
3 General Fund pursuant to subsection (2) of this section by such amount
4 required to fulfill the distribution pursuant to this subdivision; and

5 (i) Ninth, beginning July 1, 2016, and every fiscal year thereafter,
6 the State Treasurer shall place the equivalent of one million two hundred
7 fifty thousand dollars of such tax in the Nebraska Health Care Cash Fund.
8 If necessary, the State Treasurer shall reduce the distribution of tax
9 proceeds to the General Fund pursuant to subsection (2) of this section
10 by such amount required to fulfill the distribution pursuant to this
11 subdivision.

12 (4) If, after distributing the proceeds of such tax pursuant to

13 subsections (2) and (3) of this section, any proceeds of such tax remain,
 14 the State Treasurer shall place such remainder in the Nebraska Capital
 15 Construction Fund.

16 (5) The Legislature hereby finds and determines that the projects
 17 funded from the Municipal Infrastructure Redevelopment Fund and the
 18 Building Renewal Allocation Fund are of critical importance to the State
 19 of Nebraska. It is the intent of the Legislature that the allocations and
 20 appropriations made by the Legislature to such funds or, in the case of
 21 allocations for the Municipal Infrastructure Redevelopment Fund, to the
 22 particular municipality's account not be reduced until all contracts and
 23 securities relating to the construction and financing of the projects or
 24 portions of the projects funded from such funds or accounts of such funds
 25 are completed or paid or, in the case of the Municipal Infrastructure
 26 Redevelopment Fund, the earlier of such date or July 1, 2009, and that
 27 until such time any reductions in the cigarette tax rate made by the
 28 Legislature shall be simultaneously accompanied by equivalent reductions
 29 in the amount dedicated to the General Fund from cigarette tax revenue.
 30 Any provision made by the Legislature for distribution of the proceeds of
 31 the cigarette tax for projects or programs other than those to (a) the
 1 General Fund, (b) the Nebraska Outdoor Recreation Development Cash Fund,
 2 (c) the Health and Human Services Cash Fund, (d) the Municipal
 3 Infrastructure Redevelopment Fund, (e) the Building Renewal Allocation
 4 Fund, (f) the Information Technology Infrastructure Fund, (g) the City of
 5 the Primary Class Development Fund, (h) the City of the Metropolitan
 6 Class Development Fund, (i) the Nebraska Public Safety Communication
 7 System Cash Fund, and (j) the Nebraska Health Care Cash Fund shall not be
 8 made a higher priority than or an equal priority to any of the programs
 9 or projects specified in subdivisions (a) through (j) of this subsection.
 10 2. Renumber the remaining sections and correct internal references
 11 accordingly.
 12 3. Correct the operative date and repealer sections so that the
 13 sections added by this amendment become operative on their effective
 14 date.

Senator Chambers filed the following amendment to LB183:
 AM1966

(Amendments to AM1962)

1 1. On page 19, line 10, strike "hair care"; and in line 11 after
 2 "services" insert "and hair care".

Senator Chambers filed the following amendment to LB183:
 AM1967

(Amendments to AM1962)

1 1. On page 18, lines 20 and 21, strike the new matter.

Senator Cavanaugh filed the following amendment to LB183:
AM1968

(Amendments to AM1962)

- 1 1. On page 8, line 14, strike the new matter and reinstate the
2 stricken matter; in line 15 reinstate the stricken "repair services";
3 and in line 21 reinstate the stricken "legal".
- 4 2. On page 18, line 17, reinstate the stricken matter; and in lines
5 20 and 21, strike the new matter.
- 6 3. On page 20, line 8, after the semicolon insert "and"; in line 9
7 strike the semicolon and insert an underscored period; and strike lines
8 10 through 14.
- 9 4. On page 21, strike lines 26 through 31.
- 10 5. On page 22, lines 1 through 23, strike the new matter and
11 reinstate the stricken matter; strike beginning with "bottled" in line 27
12 through the first comma in line 28; and in lines 29 and 31, strike the
13 new matter and reinstate the stricken matter.
- 14 6. On page 23, line 22, strike "(h)" and insert "(f)"; in line 26
15 strike "(i)" and insert "(g)"; and strike lines 28 through 31.

Senator Hunt filed the following amendment to LB183:
AM1971

(Amendments to AM1962)

- 1 1. On page 21, strike lines 26 through 31.
- 2 2. On page 22, strike lines 1 and 2; in line 3 strike "(c)" and
3 insert "(b)"; in line 8 strike "(d)" and insert "(c)"; in line 14 strike
4 "(2)(d)(i)" and insert "(2)(c)(i)"; in line 23 strike "(e)" and insert
5 "(d)"; in line 27 strike "bottled water"; in line 29 strike "(f)" and
6 insert "(e)"; and in line 31 strike "(g)" and insert "(f)".
- 7 3. On page 23, line 22, strike "(h)" and insert "(g)"; in line 26
8 strike "(i)" and insert "(h)"; and strike lines 28 through 31.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 251. Introduced by Vargas, 7.

PURPOSE: The purpose of this interim study is to conduct a comprehensive review of food deserts in Nebraska and make recommendations to combat the rise of food deserts and increase access to healthy, affordable food. The study shall include, but not be limited to, an examination of the following issues:

- (1) National best practices relating to state and local efforts to provide healthy, affordable food to low-income areas;
- (2) Resources the state may use to combat food deserts;
- (3) A review of the Department of Economic Development's ability to establish a financing program involving public, private, and nonprofit sectors to increase access to healthy food;
- (4) The ways in which food insecurity affects thousands of Nebraska families; and

(5) The benefits of access to healthy, affordable food for rural, low-income, and predominantly minority communities.

The interim study shall obtain input from interested parties including the Department of Economic Development and statewide stakeholders in providing healthy, affordable food.

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

1. That the Agriculture 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 252. Introduced by Vargas, 7; Hansen, B., 16.

PURPOSE: The purpose of this interim study is to review employment opportunities and barriers to employment for minority and at-risk populations and to make recommendations to increase success in obtaining employment for such populations. For purposes of this interim study, at-risk populations means populations at-risk of becoming homeless.

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

(1) Rates of underemployment of minority and at-risk populations across Nebraska;

(2) Reasons for underemployment of minority and at-risk populations across Nebraska;

(3) Barriers to employment for minority and at-risk populations, including, but not limited to, access to transportation, childcare, and housing;

(4) Current workforce initiatives serving minority and at-risk populations, including but not limited to, an analysis of currently eligible Workforce Innovation and Opportunity Act training providers and their willingness and capacity to serve minority and at-risk populations;

(5) Best practices for increasing access to employment and income stability for minority and at-risk populations; and

(6) Recommendations to increase the effectiveness of workforce initiatives to better serve minority and at-risk populations.

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.

MOTION(S) - Return LB86 to Select File

Senator Wayne moved to return LB86 to Select File for his specific amendment, AM1912, found on page 1649.

The Wayne motion to return prevailed with 37 ayes, 2 nays, 7 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 86. The Wayne specific amendment, AM1912, found on page 1649, was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

MOTION(S) - Return LB186 to Select File

Senator Lindstrom moved to return LB186 to Select File for his specific amendment, AM1937, found on page 1691.

The Lindstrom motion to return prevailed with 35 ayes, 1 nay, 10 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 186. The Lindstrom specific amendment, AM1937, found on page 1691, was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

WITHDRAW - Amendment to LB186

Senator Lindstrom withdrew his amendment, AM1823, found on page 1626, to LB186.

WITHDRAW - Amendment to LB186A

Senator Lindstrom withdrew his amendment, AM1814, found on page 1627, to LB186A.

MOTION(S) - Return LB186A to Select File

Senator Lindstrom moved to return LB186A to Select File for his specific amendment, AM1938, found on page 1692.

The Lindstrom motion to return prevailed with 38 ayes, 1 nay, 8 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 186A. The Lindstrom specific amendment, AM1938, found on page 1692, was adopted with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

LEGISLATIVE BILL 630. ER126, found on page 1607, was adopted.

Senator Morfeld offered the following amendment:

AM1961

(Amendments to Standing Committee amendments, AM1635)

- 1 1. On page 1, line 15, strike "section" and insert "subsection"; in
- 2 line 20, strike "Violation" and insert "A first or second violation"; in
- 3 line 21 after the period insert "A third or subsequent violation of this
- 4 subsection is a Class II felony."; in line 25 strike "when" and after
- 5 "(a)" insert "if"; and in line 27 after "(c)" insert "if".
- 6 2. On page 3, lines 7 and 8, strike the new matter and reinstate the
- 7 stricken matter; in line 25 strike "the"; in line 26 strike "of"; in line
- 8 28 after "Recording" insert "another person in a state of undress"; and
- 9 in line 29 strike "of another person in a state of undress".
- 10 3. On page 4, lines 9, 10, 13, and 15, strike "or" and show as
- 11 stricken; in lines 17 and 25 after "property" insert ", money, or other
- 12 thing of value"; and in lines 26 and 28 after "lawsuit" insert an
- 13 underscored comma.
- 14 4. On page 5, line 13, after the period insert "A second or
- 15 subsequent conviction under this subsection is a Class IV felony.".
- 16 5. On page 7, after line 9, insert the following new subsection:
- 17 "(6) The definitions in section 28-1463.02 shall apply to this
- 18 section.".

SENATOR WILLIAMS PRESIDING

PRESIDENT FOLEY PRESIDING

The Morfeld amendment was adopted with 30 ayes, 1 nay, 15 present and not voting, and 3 excused and not voting.

Senator Hilgers offered the following amendment:

AM1923

(Amendments to Standing Committee amendments, AM1635)

- 1 1. On page 11, lines 8 through 12, strike the new matter.
- 2 2. On page 12, lines 30 and 31, strike the new matter.
- 3 3. On page 13, lines 1 through 3, strike the new matter.

Senator Hilgers moved for a call of the house. The motion prevailed with 29 ayes, 1 nay, and 19 not voting.

Senator Hilgers requested a roll call vote on his amendment.

Voting in the affirmative, 26:

Albrecht	Dorn	Hilgers	Lowe	Williams
Arch	Erdman	Hilkemann	Moser	Wishart
Bostelman	Geist	Hughes	Murman	
Brewer	Gragert	La Grone	Scheer	
Briese	Halloran	Lindstrom	Slama	
Clements	Hansen, B.	Linehan	Wayne	

Voting in the negative, 14:

Blood	Chambers	Hunt	McDonnell	Quick
Bolz	Crawford	Lathrop	Morfeld	Walz
Cavanaugh	DeBoer	McCollister	Pansing Brooks	

Present and not voting, 6:

Brandt	Hansen, M.	Stinner
Friesen	Howard	Vargas

Excused and not voting, 3:

Groene	Kolowski	Kolterman
--------	----------	-----------

The Hilgers amendment was adopted with 26 ayes, 14 nays, 6 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 519. ER129, found on page 1608, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 462. ER127, found on page 1608, was offered.

ER127 was adopted.

Senator Cavanaugh offered the following motion:

MO103

Recommit to the Transportation and Telecommunications Committee.

Senator Cavanaugh withdrew her motion to recommit to committee.

Senator Friesen offered his amendment, AM1909, found on page 1626.

The Friesen amendment was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 680. ER128, found on page 1613, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 397. ER130, found in this day's Journal, was adopted.

Senator Briese offered the following amendment:
AM1950

(Amendments to E&R amendments, ER130)

1 1. Strike section 2 and insert the following new section:

2 Sec. 2. Section 28-1418.01, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 28-1418.01 For purposes of sections 28-1418 to 28-1429.03:

5 (1) Alternative nicotine product means any noncombustible product
6 containing nicotine that is intended for human consumption, whether
7 chewed, absorbed, dissolved, or ingested by any other means. Alternative
8 nicotine product does not include any electronic nicotine delivery system
9 ~~vapor product~~, cigarette, cigar, or other tobacco product, or any product
10 regulated as a drug or device by the United States Food and Drug
11 Administration under Chapter V of the Federal ~~federal~~ Food, Drug, and
12 Cosmetic Act;

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

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

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

1 (ii) Any product or device marketed, manufactured, distributed, or
2 sold as an electronic cigarette, electronic cigar, electronic cigarillo,
3 electronic pipe, electronic hookah, or similar products, names,

4 descriptors, or devices; and
5 (iii) Any component, part, or accessory of such a product or device
6 that is used during operation of the product or device when sold in
7 combination with any substance containing nicotine, tobacco, or tobacco
8 derivatives.
9 (c) Electronic nicotine delivery system does not include the
10 following:
11 (i) An alternative nicotine product, cigarette, cigar, or other
12 tobacco product, or any product regulated as a drug or device by the
13 United States Food and Drug Administration under Chapter V of the Federal
14 Food, Drug, and Cosmetic Act; or
15 (ii) Any component, part, or accessory of such a product or device
16 that is used during operation of the product or device when not sold in
17 combination with any substance containing nicotine, tobacco, or tobacco
18 derivatives;
19 (3) (2) Self-service display means a retail display that contains a
20 tobacco product, a tobacco-derived product, an electronic nicotine
21 delivery system a vapor product, or an alternative nicotine product and
22 is located in an area openly accessible to a retailer's customers and
23 from which such customers can readily access the product without the
24 assistance of a salesperson. Self-service display does not include a
25 display case that holds tobacco products, tobacco-derived products,
26 electronic nicotine delivery systems vapor products, or alternative
27 nicotine products behind locked doors; and
28 (4) (3) Tobacco specialty store means a retail store that (a)
29 derives at least seventy-five percent of its revenue from tobacco
30 products, tobacco-derived products, electronic nicotine delivery systems
31 vapor products, or alternative nicotine products and (b) does not permit
1 minors under the age of eighteen years to enter the premises unless
2 accompanied by a parent or legal guardian; and
3 (4) Vapor product means any noncombustible product containing
4 nicotine that employs a heating element, power source, electronic
5 circuit, or other electronic, chemical, or mechanical means, regardless
6 of shape or size, that can be used to produce vapor from nicotine in a
7 solution or other form. Vapor product includes any electronic cigarette,
8 electronic cigar, electronic cigarillo, electronic pipe, or similar
9 product or device and any vapor cartridge or other container of nicotine
10 in a solution or other form that is intended to be used with or in an
11 electronic cigarette, electronic cigar, electronic cigarillo, electronic
12 pipe, or similar product or device. Vapor product does not include an
13 alternative nicotine product, cigarette, cigar, or other tobacco product,
14 or any product regulated as a drug or device by the United States Food
15 and Drug Administration under Chapter V of the federal Food, Drug, and
16 Cosmetic Act.

The Briese amendment was adopted with 35 ayes, 1 nay, 8 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 481. ER131, found in this day's Journal, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 481A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 593. ER133, found in this day's Journal, was adopted.

Senator Lathrop offered the following amendment:

AM1935

1 1. Insert the following new section:

2 Sec. 7. Section 68-989, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 68-989 (1) This section shall apply to the fullest extent permitted
5 by federal law and understandings entered into between the state and the
6 federal government. An applicant for medical assistance, or a person
7 acting on behalf of the applicant, shall disclose at the time of
8 application and, to the extent not owned at the time of application, at
9 the time of any subsequent review of the applicant's eligibility for
10 medical assistance all of his or her interests in any assets, including,
11 but not limited to, any security, bank account, intellectual property
12 right, contractual or lease right, real estate, trust, corporation,
13 limited liability company, or other entity, whether such interest is
14 direct or indirect ~~or~~ vested or contingent, ~~or otherwise~~. The applicant
15 or a person acting on behalf of the applicant shall also disclose any ~~:~~
16 ~~(a) Any~~ income derived from such interests and the source of the
17 income. ~~;~~ ~~and~~

18 ~~(b) Whether the income is generated directly or indirectly from (i)~~
19 ~~the applicant's spouse or an individual who is related to the applicant~~
20 ~~as described in section 77-2004 or 77-2005 or (ii) an entity controlled~~
21 ~~by one or more individuals described in subdivision (1)(b)(i) of this~~
22 ~~section. For purposes of this subdivision, control means individuals~~
23 ~~listed in subdivision (1)(b)(i) of this section together own or have the~~
24 ~~option to acquire more than fifty percent of the entity.~~

25 (2) If the applicant or a person acting on behalf of the applicant
26 willfully fails to make the disclosures required in this section, any
27 medical assistance obtained as a result of such failure is deemed
1 unlawfully obtained and the department shall seek recovery of such
2 medical assistance from the applicant or the estate of the recipient of
3 medical assistance as defined in subdivision (4)(b) of section 68-919.

4 ~~(3)(a)~~ ~~(3)~~ If income is derived from a related party as described in
5 subdivision ~~(3)(c)~~ ~~(1)(b)~~ of this section, the department shall determine
6 whether the income is or, in the case of a written lease, whether the
7 terms of the lease at the time it was entered into were commercially

8 reasonable and consistent with income or lease terms derived in the
9 relevant market area and negotiated at arms length between parties who
10 are not related.

11 (b) If the department determines that the income or lease fails to
12 meet these requirements, such income or lease shall be considered a
13 transfer of the applicant's assets for less than full consideration and
14 the department shall consider the resulting shortfall, to the fullest
15 extent permitted by federal law, when determining eligibility for medical
16 assistance or any share of cost or as otherwise required by law. The
17 burden of proof of commercial reasonableness rests with the applicant.
18 The department's determination on commercial reasonableness may be
19 appealed, and the appeal shall be in accordance with the Administrative
20 Procedure Act.

21 (c) A related party is (i) the applicant's spouse or an individual
22 who is related to the applicant as described in section 77-2004 or
23 77-2005 or (ii) an entity controlled by one or more individuals described
24 in subdivision (1)(c)(i) of this section. For purposes of this
25 subdivision, control means individuals listed in subdivision (1)(c)(i) of
26 this section who together own or have the option to acquire more than
27 fifty percent of the entity.

28 (4) An action for recovery of medical assistance obtained in
29 violation of this section may be brought by the department against the
30 applicant or against the estate of the recipient of medical assistance as
31 defined in subdivision (4)(b) of section 68-919 at any time before five
1 years after the death of both the applicant and the applicant's spouse,
2 if any.

3 (5) The department may adopt and promulgate rules and regulations to
4 carry out this section. The rules and regulations may include guidance on
5 the commercial reasonableness of lease terms.

6 2. On page 33, line 27, after "68-919," insert "68-989,".

7 3. Renumber the remaining sections accordingly.

The Lathrop amendment was adopted with 32 ayes, 0 nays, 13 present and
not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 253. Introduced by Brewer, 43; Wayne,
13.

PURPOSE: The purpose of this interim study is to investigate the laws of
self-defense and defense of third parties as they apply to the defense of
persons victimized by domestic violence and human trafficking. The interim
study shall also examine how criminal justice procedures and institutions
could be reformed to better protect victims of domestic violence and human
trafficking and the private volunteers and charity workers who intervene to
rescue and protect victims from abusers and traffickers.

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.

GENERAL FILE

LEGISLATIVE BILL 288. Title read. Considered.

Committee AM1594, found on page 1594, was offered.

Senator Linehan offered her amendment, AM1929, found on page 1652, to the committee amendment.

The Linehan amendment was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Senator Friesen offered the following amendment to the committee amendment:

AM1958

(Amendments to Standing Committee amendments, AM1594)

1 1. Strike sections 1, 2, and 3.

2 2. Renumber the remaining sections and correct the repealer

3 accordingly.

SENATOR WILLIAMS PRESIDING

Senator Friesen moved for a call of the house. The motion prevailed with 26 ayes, 4 nays, and 19 not voting.

The Friesen amendment lost with 15 ayes, 7 nays, 21 present and not voting, and 6 excused and not voting.

Senator Linehan withdrew her amendments, AM268 and AM974, found on pages 500 and 983.

The Chair declared the call raised.

Senator Crawford offered the following amendment to the committee amendment:

AM1959

(Amendments to Standing Committee amendments, AM1594)

1 1. On page 5, lines 15 through 31, strike the new matter and

2 reinstate the stricken matter.

3 2. On page 6, strike lines 1 through 25.

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 86. Placed on Final Reading Second.

LEGISLATIVE BILL 186. Placed on Final Reading Second.

LEGISLATIVE BILL 186A. Placed on Final Reading Second.

LEGISLATIVE BILL 397. Placed on Final Reading.

LEGISLATIVE BILL 462. Placed on Final Reading.

LEGISLATIVE BILL 481. Placed on Final Reading.

LEGISLATIVE BILL 481A. Placed on Final Reading.

LEGISLATIVE BILL 519. Placed on Final Reading.

LEGISLATIVE BILL 593. Placed on Final Reading.

LEGISLATIVE BILL 630. Placed on Final Reading.

LEGISLATIVE BILL 680. Placed on Final Reading.

ST38

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

1. In the Standing Committee amendments, AM1537, on page 3, line 30, "this subsection" has been struck and "this section" inserted.

(Signed) Julie Slama, Chairperson

VISITOR(S)

The Doctor of the Day was Dr. Carol LaCroix from Omaha.

ADJOURNMENT

At 11:36 p.m., on a motion by Senator Pansing Brooks, the Legislature adjourned until 9:00 a.m., Thursday, May 23, 2019.

Patrick J. O'Donnell
Clerk of the Legislature

