

TWELFTH DAY - JANUARY 27, 2020**LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION****TWELFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, January 27, 2020

PRAYER

The prayer was offered by Pastor José Flores, Trinity Friedensau and St. Mark Lutheran Churches, Hebron and Ruskin.

ROLL CALL

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

The roll was called and all members were present except Senators Friesen, B. Hansen, McCollister, Morfeld, Pansing Brooks, Slama, Stinner, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 415, line 7, strike "LB207" and insert "LB297".
The Journal for the tenth day was approved as corrected.

The Journal for the eleventh day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB1073	Education
LB1149	Health and Human Services (rereferred)
LB1156	Education
LB1163	General Affairs
LB1164	Judiciary
LB1165	Agriculture
LB1166	Education
LB1167	Government, Military and Veterans Affairs
LB1168	Education

LB1169	Judiciary
LB1170	Health and Human Services
LB1171	Judiciary
LB1172	Health and Human Services
LB1173	Natural Resources
LB1174	General Affairs
LB1175	Revenue
LB1176	General Affairs
LB1177	Education
LB1178	Urban Affairs
LB1179	Revenue
LB1180	Judiciary
LB1181	Judiciary
LB1182	Health and Human Services
LB1183	Health and Human Services
LB1184	Health and Human Services
LB1185	Health and Human Services
LB1186	Education
LB1187	Government, Military and Veterans Affairs
LB1188	Health and Human Services
LB1189	Revenue
LB1190	Judiciary
LB1191	Executive Board
LB1192	Revenue
LB1193	Government, Military and Veterans Affairs
LB1194	Judiciary
LB1195	Government, Military and Veterans Affairs
LB1196	Banking, Commerce and Insurance
LB1197	Executive Board
LB1198	Appropriations
LB1199	Banking, Commerce and Insurance
LB1200	Agriculture
LB1201	Natural Resources
LB1202	Revenue
LB1203	Revenue
LB1204	Health and Human Services
LB1205	Natural Resources
LB1206	Education
LB1207	Executive Board
LB1208	Judiciary
LB1209	Judiciary
LB1210	Judiciary
LB1211	Government, Military and Veterans Affairs
LB1212	Revenue
LB1213	Revenue
LB1214	Revenue
LB1215	Appropriations
LB1216	Business and Labor
LB1217	Education

LB1218 Government, Military and Veterans Affairs
LB1219 Agriculture
LB1220 Revenue
LB1221 Judiciary
LR300CA Revenue

(Signed) Mike Hilgers, Chairperson
Executive Board

GENERAL FILE

LEGISLATIVE BILL 880. Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LR296 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR296.

GENERAL FILE

LEGISLATIVE BILL 310. Title read. Considered.

Committee [AM739](#), found on page 909, First Session, 2019, was offered.

Senator Vargas offered his amendment, [AM2099](#), found on page 323, to the committee amendment.

The Vargas amendment was adopted with 34 ayes, 2 nays, 10 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 34 ayes, 2 nays, 10 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 1 nay, 13 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 310A. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 1 nay, 15 present and not voting, and 3 excused and not voting.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 731. Placed on Select File with amendment.

[ER154](#)

1 1. Strike the original sections and all amendments thereto and
 2 insert the following new sections:
 3 Section 1. Section 14-403.01, Reissue Revised Statutes of Nebraska,
 4 is amended to read:
 5 14-403.01 When a city of the metropolitan class adopts a new
 6 comprehensive plan or a full update to an existing comprehensive plan ~~on~~
 7 ~~or after July 15, 2010, but not later than January 1, 2015,~~ such plan or
 8 update shall include, but not be limited to, an energy element which:
 9 Assesses energy infrastructure and energy use by sector, including
 10 residential, commercial, and industrial sectors; evaluates utilization of
 11 renewable energy sources; and promotes energy conservation measures that
 12 benefit the community.
 13 Sec. 2. Section 15-1102, Reissue Revised Statutes of Nebraska, is
 14 amended to read:
 15 15-1102 The general plan for the improvement and development of the
 16 city of the primary class shall be known as the comprehensive plan. This
 17 plan for governmental policies and action shall include the pattern and
 18 intensity of land use, the provision of public facilities including
 19 transportation and other governmental services, the effective development
 20 and utilization of human and natural resources, the identification and
 21 evaluation of area needs including housing, employment, education, and
 22 health and the formulation of programs to meet such needs, surveys of
 23 structures and sites determined to be of historic, cultural,
 24 archaeological, or architectural significance or value, long-range
 25 physical and fiscal plans for governmental policies and action, and
 26 coordination of all related plans and activities of the state and local
 27 governments and agencies concerned. The comprehensive plan, with the
 1 accompanying maps, plats, charts and descriptive and explanatory
 2 materials, shall show the recommendations concerning the physical
 3 development pattern of such city and of any land outside its boundaries
 4 related thereto, taking into account the availability of and need for
 5 conserving land and other irreplaceable natural resources, the
 6 preservation of sites of historic, cultural, archaeological, and
 7 architectural significance or value, the projected changes in size,
 8 movement, and composition of population, the necessity for expanding
 9 housing and employment opportunities, and the need for methods of
 10 achieving modernization, simplification, and improvements in governmental
 11 structures, systems, and procedures related to growth objectives. The
 12 comprehensive plan shall, among other things, show:
 13 (1) The general location, character, and extent of existing and
 14 proposed streets and highways and railroad, air, and other transportation
 15 routes and terminals;
 16 (2) Existing and proposed public ways, parks, grounds, and open
 17 spaces;
 18 (3) The general location, character, and extent of schools, school
 19 grounds, and other educational facilities and properties;
 20 (4) The general location and extent of existing and proposed public
 21 utility installations;
 22 (5) The general location and extent of community development and
 23 housing activities;
 24 (6) The general location of existing and proposed public buildings,
 25 structures, and facilities; and
 26 (7) When a new comprehensive plan or a full update to an existing
 27 comprehensive plan is developed ~~on or after July 15, 2010, but not later~~

28 ~~than January 1, 2015~~, an energy element which: Assesses energy
 29 infrastructure and energy use by sector, including residential,
 30 commercial, and industrial sectors; evaluates utilization of renewable
 31 energy sources; and promotes energy conservation measures that benefit
 1 the community.

2 The comprehensive plan shall include a land-use plan showing the
 3 proposed general distribution and general location of business and
 4 industry, residential areas, utilities, and recreational, educational,
 5 and other categories of public and private land uses. The land-use plan
 6 shall also show the recommended standards of population density based
 7 upon population estimates and providing for activities for which space
 8 should be supplied within the area covered by the plan. The comprehensive
 9 plan shall include and show proposals for acquisition, extension,
 10 widening, narrowing, removal, vacation, abandonment, sale, and other
 11 actions affecting public improvements.

12 Sec. 3. Section 19-903, Revised Statutes Supplement, 2019, is
 13 amended to read:

14 19-903 The regulations and restrictions authorized by sections
 15 19-901 to 19-915 shall be in accordance with a comprehensive development
 16 plan which shall consist of both graphic and textual material and shall
 17 be designed to accommodate anticipated long-range future growth which
 18 shall be based upon documented population and economic projections. The
 19 comprehensive development plan shall, among other possible elements,
 20 include:

21 (1) A land-use element which designates the proposed general
 22 distributions, general location, and extent of the uses of land for
 23 agriculture, housing, commerce, industry, recreation, education, public
 24 buildings and lands, and other categories of public and private use of
 25 land;

26 (2) The general location, character, and extent of existing and
 27 proposed major roads, streets, and highways, and air and other
 28 transportation routes and facilities;

29 (3) The general location, type, capacity, and area served of present
 30 and projected or needed community facilities including recreation
 31 facilities, schools, libraries, other public buildings, and public
 1 utilities and services;

2 (4) When a new comprehensive plan or a full update to an existing
 3 comprehensive plan is developed ~~on or after July 15, 2010, but not later~~
 4 ~~than January 1, 2015~~, an energy element which: Assesses energy
 5 infrastructure and energy use by sector, including residential,
 6 commercial, and industrial sectors; evaluates utilization of renewable
 7 energy sources; and promotes energy conservation measures that benefit
 8 the community. This subdivision shall not apply to villages; and

9 (5)(a) When next amended after January 1, 1995, an identification of
 10 sanitary and improvement districts, subdivisions, industrial tracts,
 11 commercial tracts, and other discrete developed areas which are or in the
 12 future may be appropriate subjects for annexation and (b) a general
 13 review of the standards and qualifications that should be met to enable
 14 the municipality to undertake annexation of such areas. Failure of the
 15 plan to identify subjects for annexation or to set out standards or
 16 qualifications for annexation shall not serve as the basis for any
 17 challenge to the validity of an annexation ordinance.

18 Regulations adopted pursuant to sections 19-901 to 19-915 shall be
 19 designed to lessen congestion in the streets; to secure safety from fire,
 20 panic, and other dangers; to promote health and the general welfare; to
 21 provide adequate light and air; to prevent the overcrowding of land; to
 22 secure safety from flood; to avoid undue concentration of population; to
 23 facilitate the adequate provision of transportation, water, sewerage,
 24 schools, parks, and other public requirements; to protect property
 25 against blight and depreciation; to protect the tax base; to secure

26 economy in governmental expenditures; and to preserve, protect, and
 27 enhance historic buildings, places, and districts.
 28 Such regulations shall be made with reasonable consideration, among
 29 other things, for the character of the district and its peculiar
 30 suitability for particular uses and with a view to conserving the value
 31 of buildings and encouraging the most appropriate use of land throughout
 1 such municipality.
 2 Sec. 4. Section 23-114.02, Reissue Revised Statutes of Nebraska, is
 3 amended to read:
 4 23-114.02 The general plan for the improvement and development of
 5 the county shall be known as the comprehensive development plan and
 6 shall, among other elements, include:
 7 (1) A land-use element which designates the proposed general
 8 distribution, general location, and extent of the uses of land for
 9 agriculture, housing, commerce, industry, recreation, education, public
 10 buildings and lands, and other categories of public and private use of
 11 land;
 12 (2) The general location, character, and extent of existing and
 13 proposed major streets, roads, and highways, and air and other
 14 transportation routes and facilities;
 15 (3) When a new comprehensive plan or a full update to an existing
 16 comprehensive plan is developed ~~on or after July 15, 2010, but not later~~
 17 ~~than January 1, 2015~~, an energy element which: Assesses energy
 18 infrastructure and energy use by sector, including residential,
 19 commercial, and industrial sectors; evaluates utilization of renewable
 20 energy sources; and promotes energy conservation measures that benefit
 21 the community; and
 22 (4) The general location, type, capacity, and area served of present
 23 and projected or needed community facilities including recreation
 24 facilities, schools, libraries, other public buildings, and public
 25 utilities and services.
 26 The comprehensive development plan shall consist of both graphic and
 27 textual material and shall be designed to accommodate anticipated long-
 28 range future growth which shall be based upon documented population and
 29 economic projections.
 30 Sec. 5. Original sections 14-403.01, 15-1102, and 23-114.02,
 31 Reissue Revised Statutes of Nebraska, and section 19-903, Revised
 1 Statutes Supplement, 2019, are repealed.
 2 2. On page 1, strike beginning with "municipalities" in line 1
 3 through "Nebraska" in line 3 and insert "political subdivisions; to amend
 4 sections 14-403.01, 15-1102, and 23-114.02, Reissue Revised Statutes of
 5 Nebraska, and section 19-903, Revised Statutes Supplement, 2019".

LEGISLATIVE BILL 534. Placed on Select File with amendment.

[ER153](#)

1 1. On page 1, strike beginning with "a" in line 1 through line 2 and
 2 insert "public postsecondary institutions to submit reports regarding
 3 sexual violence, dating violence, domestic violence, and stalking; to
 4 require public hearings as prescribed; and to define terms."

(Signed) Julie Slama, Chairperson

AMENDMENT(S) - Print in Journal

Senator Bolz filed the following amendment to [LB813](#):

[AM2147](#)

1 1. On page 2, line 12, after "expanding" insert "federally
 2 approved"; in line 14 after "the" insert "federally approved"; in line 18

3 after the semicolon insert "or"; in line 20 after "establishing" insert
 4 "federally approved"; in line 21 after "employers" insert "or training
 5 agencies"; in line 22 strike "or" and after "costs" insert an underscored
 6 comma; and strike beginning with "needed" in line 23 through "for" in
 7 line 26 and insert "tuition assistance,".

ANNOUNCEMENT(S)

Priority designation(s) received:

Nebraska Retirement Systems - LB1054

COMMITTEE REPORT(S)

Natural Resources

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

James W. Hawks - Environmental Quality Council

Aye: 8. Albrecht, Bostelman, Geist, Gragert, Halloran, Hughes, Moser, Quick. Nay: 0. Absent: 0. Present and not voting: 0.

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Jeff T. Kanger - Nebraska Environmental Trust Board

Aye: 8. Albrecht, Bostelman, Geist, Gragert, Halloran, Hughes, Moser, Quick. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Dan Hughes, Chairperson

NOTICE OF COMMITTEE HEARING(S)

General Affairs
 Room 1510

Monday, February 3, 2020 1:30 p.m.

LB1064
 LB1056
 LB862
 LB1174
 LB1176

(Signed) Tom Briese, Chairperson

Banking, Commerce and Insurance
Room 1507

Monday, February 3, 2020 1:30 p.m.

LB760
LB929
LB1063

Tuesday, February 4, 2020 1:30 p.m.

LB757
LB886
LB1014
LB1123

(Signed) Matt Williams, Chairperson

Appropriations
Room 1003

Monday, February 3, 2020 1:30 p.m.

Agency 18 - Agriculture, Department of
Agency 22 - Insurance, Department of
Agency 29 - Natural Resources, Department of
Agency 30 - Electrical Board, State
Agency 33 - Game and Parks Commission

(Signed) John Stinner, Chairperson

Urban Affairs
Room 1510

Tuesday, February 4, 2020 1:30 p.m.

LB973
LB794
LB866
LB1155
LB999
LB1135

Tuesday, February 11, 2020 1:30 p.m.

LB743
LB1116
LB864
LB1114
LB984
LB1178
LB960

Tuesday, February 18, 2020 1:30 p.m.
LB1003
LB876
LB1021
LB801

Tuesday, February 25, 2020 1:30 p.m.
LB976
LB1078
LB867
LB1077

(Signed) Justin Wayne, Chairperson

MOTION(S) - Print in Journal

Senator Wayne filed the following motion to [LB1046](#):

[MO129](#)

Rerefer bill to the Urban Affairs Committee, pursuant to Rule 6, Section 2(a).

GENERAL FILE

LEGISLATIVE BILL 518. Title read. Considered.

Committee [AM899](#), found on page 968, First Session, 2019, was offered.

Senator Chambers offered his amendment, [FA92](#), found on page 416, to the committee amendment.

SENATOR HILGERS PRESIDING

Senator Chambers withdrew his amendment.

The committee amendment was adopted with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

Senator Chambers offered the following motion:

[MO130](#)

Indefinitely postpone.

Senator Chambers withdrew his motion to indefinitely postpone.

SENATOR HUGHES PRESIDING

Senator Chambers offered the following motion:

[MO131](#)

Indefinitely postpone.

Senator Chambers moved for a call of the house. The motion prevailed with 22 ayes, 7 nays, and 20 not voting.

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

Voting in the affirmative, 0.

Voting in the negative, 47:

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

Excused and not voting, 2:

Geist Morfeld

The Chambers motion to indefinitely postpone failed with 0 ayes, 47 nays, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 4. Placed on Final Reading Second.
LEGISLATIVE BILL 4A. Placed on Final Reading Second.
LEGISLATIVE BILL 30. Placed on Final Reading.
LEGISLATIVE BILL 93. Placed on Final Reading.
LEGISLATIVE BILL 153. Placed on Final Reading.
LEGISLATIVE BILL 230. Placed on Final Reading.
LEGISLATIVE BILL 582. Placed on Final Reading.
LEGISLATIVE BILL 740. Placed on Final Reading.
LEGISLATIVE BILL 741. Placed on Final Reading.

(Signed) Julie Slama, Chairperson

NOTICE OF COMMITTEE HEARING(S)

Education
Room 1525

Monday, February 3, 2020 1:30 p.m.

LB1168
LB1186
LB1089

(Signed) Mike Groene, Chairperson

Agriculture
Room 1524

Tuesday, February 4, 2020 1:30 p.m.

Bradley D. Lubben - Beginning Farmer Board
LB1152
LB1219
LB919

Room 1003

Tuesday, February 11, 2020 1:30 p.m.

Britt D. Anderson - Beginning Farmer Board
Dave W. Nielsen - Beginning Farmer Board
Wade E. Thornburg - Beginning Farmer Board
LB1159
LB1040

(Signed) Steve Halloran, Chairperson

Transportation and Telecommunications
Room 1113

Tuesday, February 4, 2020 1:30 p.m.

LB1067
LB746

Monday, February 10, 2020 1:30 p.m.

LB1088
LB843
LB903
LB921
LB942
LB1139

Tuesday, February 11, 2020 1:30 p.m.

LB787
LB1046

(Signed) Curt Friesen, Chairperson

AMENDMENT(S) - Print in Journal

Senator Hughes filed the following amendment to LB126:
AM2150

(Amendments to Standing Committee amendments, AM757)

1 1. Strike amendment 1 and insert the following new amendment:
2 1. On page 4, line 11, strike "upto" and insert "up to"; strike line
3 12 and insert "during the five days of Saturday through Wednesday
4 immediately preceding the opening day of"; strike beginning with "if" in
5 line 14 through "permit" in line 18; in line 18 after the period insert
6 "No more than four free permits may be issued per qualified landowner to
7 the landowner or designated members of his or her immediate family, and
8 for a Nebraska resident, the number of free permits issued shall not
9 exceed the total acreage of the farm or ranch divided by eighty, and for
10 a nonresident, the number of free permits issued shall not exceed the
11 total acreage of the farm or ranch divided by three hundred twenty.";
12 strike lines 23 through 30; and in line 31 strike "(c)" and insert "(b)",
13 and strike "shall" and insert "may".

GENERAL FILE

LEGISLATIVE BILL 518. Considered.

Advanced to Enrollment and Review Initial with 46 ayes, 0 nays, 1 present and not voting, and 2 excused and not voting.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Wayne name added to LB310.
Senator Wayne name added to LB518.
Senator Quick name added to LB518.
Senator La Grone name added to LB744.
Senator Vargas name added to LB933.
Senator Vargas name added to LB968.
Senator Murman name added to LB1136.
Senator Lindstrom name added to LB1162.
Senator McCollister name added to LB1177.

VISITOR(S)

Visitors to the Chamber were members of the Nebraska Professional Firefighters Association; members from ABATE of Nebraska from across the state; and Temi Onayemi.

The Doctor of the Day was Dr. Lynette Kramer from Albion.

ADJOURNMENT

At 11:41 a.m., on a motion by Senator Albrecht, the Legislature adjourned until 9:00 a.m., Tuesday, January 28, 2020.

Patrick J. O'Donnell
Clerk of the Legislature

