

FOURTEENTH DAY - JANUARY 29, 2020**LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION****FOURTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 29, 2020

PRAYER

The prayer was offered by Dr. Phani Tej Adidam, Hindu Temple, Omaha.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Hilgers presiding.

The roll was called and all members were present except Senator Geist who was excused; and Senators M. Hansen, Hilkemann, Morfeld, Slama, Vargas, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirteenth day was approved.

MOTION(S) - Withdraw LB1092

Senator Stinner offered his motion, [MO133](#), found on page 450, to withdraw LB1092.

The Stinner motion to withdraw the bill prevailed with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 287. Placed on Select File with amendment.
[ER156](#) is available in the Bill Room.

LEGISLATIVE BILL 880. Placed on Select File.

LEGISLATIVE BILL 310. Placed on Select File with amendment.**ER155**

1 1. Strike the original sections and all amendments thereto and
 2 insert the following new sections:

3 Section 1. Section 77-2906, Reissue Revised Statutes of Nebraska, is
 4 amended to read:

5 77-2906 (1)(a) (1) Within twelve months after the date on which the
 6 historically significant real property is placed in service, a person
 7 whose application was approved under section 77-2905 shall file a request
 8 for final approval containing all required information with the officer
 9 on a form prescribed by the officer and shall include a fee established
 10 by the officer pursuant to section 77-2907. The officer shall then
 11 determine whether the work substantially conforms to the application
 12 approved under section 77-2905. If the work substantially conforms and no
 13 other significant improvements have been made to the historically
 14 significant real property that do not substantially comply with the
 15 standards, the officer shall approve the request for final approval and
 16 refer the application to the department to determine the amount of
 17 eligible expenditures, calculate the amount of the credit, and issue a
 18 certificate to the person evidencing the credit. If the work does not
 19 substantially conform to the approved application or if other significant
 20 improvements have been made to the historically significant real property
 21 that do not substantially comply with the standards, the officer shall
 22 deny the request for final approval and provide the person with a written
 23 explanation of the decision. The officer shall make a determination on
 24 the request for final approval in writing within thirty days after the
 25 filing of the request. If the officer does not make a determination
 26 within thirty days after the filing of the request, the request shall be
 27 deemed approved and the person may petition the department directly to

1 determine the amount of eligible expenditures, calculate the amount of
 2 the credit, and issue a certificate evidencing the credit.
 3 (b) The department shall determine the amount of eligible
 4 expenditures, calculate the amount of the credit, and issue one or more
 5 certificates evidencing the credit within sixty days after referral of
 6 the application to the department by the officer or the filing of a
 7 petition pursuant to subdivision (1)(a) of this section. The person
 8 filing the request for final approval and the department may also agree
 9 to extend the sixty-day period, but such extension shall not exceed an
 10 additional thirty days. If the department does not determine the amount
 11 of eligible expenditures, calculate the amount of the credit, and issue
 12 one or more certificates evidencing the credit within such sixty-day
 13 period or agreed-upon longer period, the credit shall be deemed to have
 14 been issued by the department for the amount requested in such person's
 15 request for final approval, except that such amount shall not exceed one
 16 hundred ten percent of the amount of credits allocated by the officer
 17 under section 77-2905 and such amount shall not increase or decrease the
 18 total amount of credits that may be allocated by the officer under
 19 section 77-2905 in any calendar year.

20 (c) Any denial of a request for final approval by the officer or any
 21 determination of the amount of eligible expenditures or calculation of
 22 the amount of the credit by the department pursuant to this section may
 23 be appealed, and the appeal shall be in accordance with the
 24 Administrative Procedure Act.

25 (2) The department shall divide the credit and issue multiple
 26 certificates to a person who qualifies for the credit upon reasonable
 27 request.

28 (3) In calculating the amount of the credits to be issued pursuant
 29 to this section, the department may issue credits in an amount that
 30 differs from the amount of credits allocated by the officer under section
 31 77-2905 if such credits are supported by eligible expenditures as
 1 determined by the department, except that the department shall not issue
 2 credits in an amount exceeding one hundred ten percent of the amount of

3 credits allocated by the officer under section 77-2905. If the amount of
4 credits to be issued under this section is more than the amount of
5 credits allocated by the officer pursuant to section 77-2905, the
6 department shall notify the officer of the difference and such amount
7 shall be subtracted from the annual amount available for allocation under
8 section 77-2905. If the amount of credits to be issued under this section
9 is less than the amount of credits allocated by the officer pursuant to
10 section 77-2905, the department shall notify the officer of the
11 difference and such amount shall be added to the annual amount available
12 for allocation under section 77-2905.

13 (4) The department shall not issue any certificates for credits
14 under this section until the recipient of the credit has paid to the
15 department:

16 (a) A fee equal to one-quarter of one percent of the credit
17 amount. The department shall remit such fees to the State Treasurer for
18 credit to the Civic and Community Center Financing Fund; and -

19 (b) A fee equal to six-tenths of one percent of the credit amount.

20 The department shall remit such fees to the State Treasurer for credit to
21 the Department of Revenue Enforcement Fund.

22 (5) If the recipient of the credit is (a) a corporation having an
23 election in effect under subchapter S of the Internal Revenue Code of
24 1986, as amended, (b) a partnership, or (c) a limited liability company,
25 the credit may be claimed by the shareholders of the corporation, the
26 partners of the partnership, or the members of the limited liability
27 company in the same manner as those shareholders, partners, or members
28 account for their proportionate shares of the income or losses of the
29 corporation, partnership, or limited liability company, or as provided in
30 the bylaws or other executed agreement of the corporation, partnership,
31 or limited liability company. Credits granted to a partnership, a limited
1 liability company taxed as a partnership, or other multiple owners of
2 property shall be passed through to the partners, members, or owners,
3 respectively, on a pro rata basis or pursuant to an executed agreement
4 among the partners, members, or owners documenting any alternate
5 distribution method.

6 (6) Subject to section 77-2912, any credit amount that is unused may
7 be carried forward to subsequent tax years until fully utilized.

8 (7) Credits allowed under this section may be claimed for taxable
9 years beginning or deemed to begin on or after January 1, 2015, under the
10 Internal Revenue Code of 1986, as amended.

11 Sec. 2. Section 77-5601, Revised Statutes Supplement, 2019, is
12 amended to read:

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

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

31 (3) The department shall not seek civil or criminal prosecution
1 against any person for any taxable period for which amnesty has been
2 granted. The Tax Commissioner shall develop forms for applying for the

3 tax amnesty program, develop procedures for qualification for tax
4 amnesty, and conduct a public awareness campaign publicizing the program.
5 (4) If a person elects to participate in the amnesty program, the
6 election shall constitute an express and irrevocable relinquishment of
7 all administrative and judicial rights to challenge the imposition of the
8 tax or its amount. Nothing in this section shall prohibit the department
9 from adjusting a return as a result of any state or federal audit.
10 (5)(a) Except for any local option sales tax collected and returned
11 to the appropriate municipality and any motor vehicle fuel, diesel fuel,
12 and compressed fuel taxes, which shall be deposited in the Highway Trust
13 Fund or Highway Allocation Fund as provided by law, no less than eighty
14 percent of all revenue received pursuant to the tax amnesty program shall
15 be deposited in the General Fund and ten percent, not to exceed five
16 hundred thousand dollars, shall be deposited in the Department of Revenue
17 Enforcement Fund. Any amount that would otherwise be deposited in the
18 Department of Revenue Enforcement Fund that is in excess of the five-
19 hundred-thousand-dollar limitation shall be deposited in the General
20 Fund.
21 (b) For fiscal year 2005-06, all proceeds in the Department of
22 Revenue Enforcement Fund shall be appropriated to the department for
23 purposes of employing investigators, agents, and auditors and otherwise
24 increasing personnel for enforcement of the Nebraska Revenue Act of 1967.
25 (c) For fiscal years after fiscal year 2005-06, twenty percent of
26 all proceeds received during the previous calendar year due to the
27 efforts of auditors and investigators hired pursuant to subdivision (5)
28 (b) of this section, not to exceed seven hundred fifty thousand dollars,
29 shall be deposited in the Department of Revenue Enforcement Fund for
30 purposes of employing investigators and auditors or continuing such
31 employment for purposes of increasing enforcement of the act.
1 (d) Ten percent of all proceeds received during each calendar year
2 due to the contracts entered into pursuant to section 77-367 shall be
3 deposited in the Department of Revenue Enforcement Fund for purposes of
4 identifying nonfilers of returns, underreporters, nonpayers of taxes, and
5 improper or fraudulent payments.
6 (6)(a) The department shall prepare a report by April 1, 2005, and
7 by February 1 of each year thereafter detailing the results of the tax
8 amnesty program and the subsequent enforcement efforts. For the report
9 due April 1, 2005, the report shall include (i) the amount of revenue
10 obtained as a result of the tax amnesty program broken down by tax
11 program, (ii) the amount obtained from instate taxpayers and from out-of-
12 state taxpayers, and (iii) the amount obtained from individual taxpayers
13 and from business enterprises.
14 (b) For reports due in subsequent years, the report shall include
15 (i) the number of personnel hired for purposes of subdivision (5)(b) of
16 this section and their duties, (ii) a description of lists, software,
17 programming, computer equipment, and other technological methods acquired
18 and the purposes of each, and (iii) the amount of new revenue obtained as
19 a result of the new personnel and acquisitions during the prior calendar
20 year, broken down into the same categories as described in subdivision
21 (6)(a) of this section.
22 (7) The Department of Revenue Enforcement Fund is created. Transfers
23 may be made from the Department of Revenue Enforcement Fund to the
24 General Fund at the direction of the Legislature. The Department of
25 Revenue Enforcement Fund may receive transfers from the Civic and
26 Community Center Financing Fund at the direction of the Legislature for
27 the purpose of administering the Sports Arena Facility Financing
28 Assistance Act. The Department of Revenue Enforcement Fund shall include
29 any money credited to the fund (a) under section 77-2703, and such money
30 shall be used by the Department of Revenue to defray the costs incurred
31 to implement Laws 2019, LB237, and (b) under the Mechanical Amusement
1 Device Tax Act, and such money shall be used by the department to defray
2 the costs incurred to implement and enforce Laws 2019, LB538, and any

3 rules and regulations adopted and promulgated to carry out Laws 2019,
 4 LB538, and (c) under section 77-2906, and such money shall be used by the
 5 Department of Revenue to defray the costs incurred to implement this
 6 legislative bill. Any money in the Department of Revenue Enforcement Fund
 7 available for investment shall be invested by the state investment
 8 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
 9 State Funds Investment Act.
 10 (8) For purposes of this section, taxes mean any taxes collected by
 11 the department, including, but not limited to state and local sales and
 12 use taxes, individual and corporate income taxes, financial institutions
 13 deposit taxes, motor vehicle fuel, diesel fuel, and compressed fuel
 14 taxes, cigarette taxes, transfer taxes, and charitable gaming taxes.
 15 Sec. 3. Original section 77-2906, Reissue Revised Statutes of
 16 Nebraska, and section 77-5601, Revised Statutes Supplement, 2019, are
 17 repealed.
 18 2. On page 1, strike beginning with "the" in line 1 through
 19 "section" in line 5 and insert "revenue and taxation; to amend section
 20 77-2906, Reissue Revised Statutes of Nebraska, and section 77-5601,
 21 Revised Statutes Supplement, 2019; to provide deadlines for the
 22 determination of tax credits, change provisions relating to appeals, and
 23 provide a fee under the Nebraska Job Creation and Mainstreet
 24 Revitalization Act; to authorize the use of certain fees for revenue
 25 enforcement; to harmonize provisions; and to repeal the original
 26 sections".

LEGISLATIVE BILL 310A. Placed on Select File.

(Signed) Julie Slama, Chairperson

AMENDMENT(S) - Print in Journal

Senator Hughes filed the following amendment to LB1072:
AM2171

1 1. Insert the following new section:
 2 Sec. 3. Section 46-1,153, Reissue Revised Statutes of Nebraska, is
 3 amended to read:
 4 46-1,153 The board of directors of any irrigation district in this
 5 state sustaining contractual relations with the United States shall have
 6 the power to borrow funds for the purpose of making any necessary
 7 payments thereon and to pledge the credit of the district for the payment
 8 of the same. The board of directors of any irrigation district in this
 9 state shall have the power to borrow funds to meet the necessities of any
 10 unforeseen or unusual conditions arising in the operation and maintenance
 11 of the irrigation system of such district and to pledge the credit of
 12 such district for the payment thereof. ~~The total sum borrowed by any~~
 13 ~~district under the provisions of this section shall at no time exceed~~
 14 ~~two-thirds the amount of the general fund levy of such district for the~~
 15 ~~preceding year. If the levy for the then current year shall be~~
 16 ~~insufficient to provide for the payment of the sum or sums so borrowed,~~
 17 ~~then such payment shall be provided for in the levy for the year next~~
 18 ~~ensuing.~~
 19 2. Renumber the remaining section and correct the repealer
 20 accordingly.

MOTION(S) - Print in Journal

Senator Lathrop filed the following motion to [LB787](#):

[MO136](#)

Withdraw bill.

COMMITTEE REPORT(S)

Urban Affairs

LEGISLATIVE BILL 797. Placed on General File.

LEGISLATIVE BILL 809. Placed on General File.

LEGISLATIVE BILL 957. Placed on General File.

LEGISLATIVE BILL 824. Placed on General File with amendment.

[AM2133](#)

1 I. Insert the following new section:

2 Sec. 5. Since an emergency exists, this act takes effect when

3 passed and approved according to law.

(Signed) Justin Wayne, Chairperson

COMMITTEE REPORT(S)

Nebraska Retirement Systems

The Nebraska Retirement Systems 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.

Kelli M. Ackerman - Public Employees Retirement Board

Michael D. Jahnke - Public Employees Retirement Board

Allen Simpson - Public Employees Retirement Board

Aye: 6. Bolz, Groene, Kolowski, Kolterman, Lindstrom, Stinner. Nay: 0.

Absent: 0. Present and not voting: 0.

The Nebraska Retirement Systems 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.

John M. Dinkel - Nebraska Investment Council

Aye: 6. Bolz, Groene, Kolowski, Kolterman, Lindstrom, Stinner. Nay: 0.

Absent: 0. Present and not voting: 0.

(Signed) Mark Kolterman, Chairperson

NOTICE OF COMMITTEE HEARING(S)

Revenue
Room 1524

Wednesday, February 5, 2020 1:30 p.m.

LB1189

LB806

LB819

LB891

(Signed) Lou Ann Linehan, Chairperson

GENERAL FILE

LEGISLATIVE BILL 347. Senator Chambers withdrew his motion, [MO135](#), found on page 454, to bracket until April 22, 2020.

Senator Murman renewed his amendment, [AM2146](#), found on page 453.

Senator Chambers offered the following motion:

[MO138](#)

Bracket until April 22, 2020.

SPEAKER SCHEER PRESIDING**SENATOR DEBOER PRESIDING**

Senator Chambers moved for a call of the house. The motion prevailed with 17 ayes, 3 nays, and 29 not voting.

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

Voting in the affirmative, 1:

Hunt

Voting in the negative, 40:

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

Present and not voting, 3:

Cavanaugh Chambers Kolowski

Excused and not voting, 5:

Geist Groene Stinner Wayne Wishart

The Chambers motion to bracket failed with 1 aye, 40 nays, 3 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

[MO139](#)

Reconsider the vote taken to bracket.

Senator Chambers moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

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

Voting in the affirmative, 2:

Chambers Hunt

Voting in the negative, 39:

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

Present and not voting, 2:

Cavanaugh Kolowski

Excused and not voting, 6:

Geist Scheer Wayne
Kolterman Stinner Wishart

The Chambers motion to reconsider failed with 2 ayes, 39 nays, 2 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

[MO140](#)

Recommit to the Health and Human Services Committee.

Pending.

NOTICE OF COMMITTEE HEARING(S)

Health and Human Services
Room 1510

Wednesday, February 5, 2020 1:00 p.m.

Shelly K. McQuillan - Nebraska Child Abuse Prevention Fund Board

David J. Hansen - Nebraska Child Abuse Prevention Fund Board

LB1140

LB1141

LB1142

LB1143

LB1145

(Signed) Sara Howard, Chairperson

Natural Resources
Room 1525

Wednesday, February 5, 2020 1:30 p.m.

Sherry Vinton - Nebraska Environmental Trust Board

LB1201

LR288

LB1072

AM2171 to LB1072

Thursday, February 6, 2020 1:30 p.m.

Douglas Anderson - Environmental Quality Council

LB859

LB860

(Signed) Dan Hughes, Chairperson

General Affairs
Room 1510

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

LB1090

LB1163

LB971

LB990

LR295CA

(Signed) Tom Briese, Chairperson

COMMITTEE REPORT(S)
General Affairs

The General Affairs 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.

Cameron J. Arch - Nebraska Commission on Problem Gambling

Aye: 7. Blood, Brandt, Briese, Hunt, Lowe, Moser, Wayne. Nay: 0. Absent: 0. Present and not voting: 0. Recused: 1. Arch.

The General Affairs 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.

Claudia Louise Barthold - Nebraska Commission on Problem Gambling
Mark R. Canada - Nebraska Commission on Problem Gambling

Aye: 8. Arch, Blood, Brandt, Briese, Hunt, Lowe, Moser, Wayne. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Tom Briese, Chairperson

AMENDMENT(S) - Print in Journal

Senator Halloran filed the following amendment to [LB344](#):
[AM2039](#) is available in the Bill Room.

MOTION(S) - Print in Journal

Senator Chambers filed the following motion to [LB347](#):
[MO137](#)
Indefinitely postpone.

GENERAL FILE

LEGISLATIVE BILL 541. Title read. Considered.

Committee [AM950](#), found on page 1024, First Session, 2019, was adopted with 38 ayes, 0 nays, 2 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 4 present and not voting, and 9 excused and not voting.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator La Grone name added to LB853.

Senator Stinner name added to LB962.

Senator Cavanaugh name added to LB962.

Senator Howard name added to LB962.

VISITOR(S)

Visitors to the Chamber were Grace Schleining from Malcolm High School; and members from the Scottsbluff/Gering United Chamber, Leadership Scotts Bluff Class XXXI, and Heartland Expressway Association.

The Doctor of the Day was Dr. Joe Miller from Omaha.

ADJOURNMENT

At 11:39 a.m., on a motion by Senator Hilgers, the Legislature adjourned until 9:00 a.m., Thursday, January 30, 2020.

Patrick J. O'Donnell
Clerk of the Legislature

