

FIFTEENTH DAY - JANUARY 30, 2020

LEGISLATIVE JOURNAL

**ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION**

FIFTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 30, 2020

PRAYER

The prayer was offered by Pastor Todd Thelen, Concord Evangelical Free Church.

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 Albrecht, Cavanaugh, M. Hansen, Lindstrom, Morfeld, Pansing Brooks, Stinner, Vargas, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fourteenth day was approved.

NOTICE OF COMMITTEE HEARING(S)

Health and Human Services
Room 1510

Thursday, February 6, 2020 1:00 p.m.
Jillian Chance - Nebraska Child Abuse Prevention Fund Board
LB1188
LB1150
LB1147
LB1149
LB1172

(Signed) Sara Howard, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 518. Placed on Select File with amendment.

ER157

1 l. In the Standing Committee amendments, AM899:
 2 a. On page 2, line 1, after the comma insert "the"; in line 2 after
 3 "and" insert "the"; and in line 21 strike "includes" and insert "include"
 4 and strike "is" and insert "are";
 5 b. On page 3, lines 1 and 28; page 6, lines 14, 19, and 28; and page
 6, line 7, strike "this" and insert "such";
 7 c. On page 3, line 13, strike "on" and insert "regarding";
 8 d. On page 5, line 12, strike "2019" and insert "2020";
 9 e. On page 6, line 2, after "annually" insert "on or before December
 10 1"; in line 3 strike "by December 1"; and in line 30 after "determine"
 11 insert "the";
 12 f. On page 7, lines 4 and 5, strike "for this purpose"; and in lines
 13 22 and 25 and 26, strike "re-traumatization" and insert
 14 "retreatment";
 15 g. On page 9, line 22, strike "and" and insert "or"; and in line 31,
 16 after "victim-centered" insert "and"; and
 17 h. On page 10, lines 1 and 4, strike "prosecution" and insert
 18 "prosecutions"; in line 8, strike "funds" and insert "money"; and in line
 19 10 strike "Funds", show as stricken, and insert "Money".
 20 2. On page 1, strike beginning with "create" in line 3 through
 21 "appropriations" in line 4 and insert "change provisions relating to the
 22 Human Trafficking Victim Assistance Fund".

LEGISLATIVE BILL 541. Placed on Select File with amendment.

ER158

1 l. On page 1, line 3, after the semicolon insert "to provide powers
 2 and duties for the Department of Health and Human Services; to authorize
 3 the providing of bone marrow registry information to patients by
 4 physicians as prescribed;".

(Signed) Julie Slama, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR **Committee**
 LR306 Education

(Signed) Mike Hilgers, Chairperson
 Executive Board

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator M. Hansen has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

AMENDMENT(S) - Print in Journal

Senator Quick filed the following amendment to [LB287](#):
[AM2162](#)

(Amendments to E&R amendments, ER156)

- 1 1. On page 9, lines 28 and 29, strike "not less than thirty dollars
2 and" and show as stricken.
- 3 2. On page 15, line 10, strike "entering the draw" and insert
4 "applying"; and in line 11 strike "for the random drawing".
- 5 3. On page 16, line 1, after "for" insert "the display of"; and in
6 lines 18 and 19 strike ", as established by the commission pursuant to
7 section 37-327" and show as stricken.

Senator Groene filed the following amendment to [LB148](#):
[AM2176](#)

(Amendments to E and R amendments, ER147)

- 1 1. On page 5, lines 10 and 16, strike "in a digital advertisement".

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LR299 was adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR299.

MOTION(S) - Withdraw LB787

Senator Lathrop offered his motion, [MO136](#), found on page 464, to withdraw LB787.

The Lathrop motion to withdraw the bill prevailed with 38 ayes, 0 nays, 4 present and not voting, and 7 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 312. Title read. Considered.

Committee [AM1134](#), found on page 1082, First Session, 2019, was adopted with 37 ayes, 0 nays, 5 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 3 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 126. Title read. Considered.

Committee [AM757](#), found on page 1086, First Session, 2019, was offered.

Senator Hughes offered his amendment, [AM2150](#), found on page 442, to the committee amendment.

The Hughes amendment was adopted with 38 ayes, 1 nay, and 10 present and not voting.

Senator Bostelman offered the following motion:

[MO142](#)

Reconsider the adoption of AM2150.

Senator Bostelman asked unanimous consent to withdraw his motion, [MO142](#), to reconsider. No objections. So ordered.

The committee amendment, as amended, was adopted with 37 ayes, 1 nay, 10 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 1 nay, 9 present and not voting, and 1 excused and not voting.

COMMITTEE REPORT(S)

Business and Labor

LEGISLATIVE BILL 888. Placed on General File.

LEGISLATIVE BILL 926. Placed on General File.

(Signed) Matt Hansen, Chairperson

NOTICE OF COMMITTEE HEARING(S)

Business and Labor

Room 1003

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

LB813

LB1216

LB1160

LB1101

LB1103

Room 1524

Monday, February 24, 2020 1:30 p.m.

LB927

LB928

LB1126

LB1127

LB1128

LB1129

(Signed) Matt Hansen, Chairperson

Revenue
Room 1524

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

LB1084

AM2207

Note: Amendment to LB720

(Signed) Lou Ann Linehan, Chairperson

Appropriations
Room 1524

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

LB827

LB874

LB877

LB1093

LB1215

Agency 25 - Health and Human Services

Note: Operations, Medicaid and Long Term Care, Developmental
Disabilities

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

LB779

LB897

LB1100

LB1146

LB1161

Agency 25 - Health and Human Services

Note: Public Health, Children and Family Services, Behavioral Health,
Facilities

Room 1003

Wednesday, February 12, 2020 1:30 p.m.

LB773

LB1026

LB1050

LB1069

LB1098

Agency 72 - Economic Development, Department of

Agency 50 - Nebraska State College System

Agency 51 - University of Nebraska System

(Signed) John Stinner, Chairperson

AMENDMENT(S) - Print in Journal

Senator Kolterman filed the following amendment to LB720:
[AM2207](#) is available in the Bill Room.

MOTION(S) - Print in Journal

Senator Brewer filed the following motion to LR284CA:
[MO141](#)
Withdraw resolution.

AMENDMENT(S) - Print in Journal

Senator Hilgers filed the following amendment to LB381:
[AM2209](#)

(Amendments to E & R amendments, ER149)

1 1. On page 101, line 22, after "50-415" insert "or Supreme Court
2 rule".

ANNOUNCEMENT(S)

Priority designation(s) received:

Executive Board - LR279CA

RESOLUTION(S)

LEGISLATIVE RESOLUTION 307. Introduced by McCollister, 20; Arch, 14; Blood, 3; Cavanaugh, 6; Chambers, 11; Crawford, 45; DeBoer, 10; Hilgers, 21; Hilkemann, 4; Howard, 9; Hunt, 8; Kolowski, 31; Lathrop, 12; Linehan, 39; McDonnell, 5; Pansing Brooks, 28; Vargas, 7; Williams, 36.

WHEREAS, Omaha firefighter Drew Gerken and his wife Crystal, a teacher, created and run The Furniture Project, where Drew and fellow firefighters collect and deliver donated furniture for families in need; and

WHEREAS, Drew Gerken was recently the focus of an episode of the Facebook Watch show, Returning the Favor, hosted by Mike Rowe; and

WHEREAS, Returning the Favor follows host, Mike Rowe, as he travels across the United States in search of people who give back to their community and provides such people with something to assist with their community service work; and

WHEREAS, as part of the show, The Furniture Project received 100 bunk beds from the Omaha chapter of Sleep in Heavenly Peace, four years of use of a storage unit from the StorageMart, and a new cargo truck from Returning the Favor; and

WHEREAS, the Gerkens are in the business of serving their community by teaching children, fighting fires, and operating The Furniture Project.

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

1. That the Legislature congratulates Drew Gerken for being recognized for his service to the Omaha community.
2. That a copy of this resolution be sent to Crystal and Drew Gerken.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 540. Title read. Considered.

Committee [AM1182](#), found on page 1105, First Session, 2019, was adopted with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, 5 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 643. Title read. Considered.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 387. Title read. Considered.

Committee [AM404](#), found on page 1170, First Session, 2019, was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

COMMITTEE REPORT(S)

Transportation and Telecommunications

LEGISLATIVE BILL 785. Placed on General File.

LEGISLATIVE BILL 831. Placed on General File.

LEGISLATIVE BILL 768. Placed on General File with amendment.

[AM2101](#)

1 1. Insert the following new section:

2 Sec. 31. Section 75-369.03, Reissue Revised Statutes of Nebraska, is

3 amended to read:

4 75-369.03 (1) The Superintendent of Law Enforcement and Public

5 Safety may issue an order imposing a civil penalty against a motor

6 carrier transporting persons or property in interstate commerce for a

7 violation of sections 75-392 to 75-399 or against a motor carrier

8 transporting persons or property in intrastate commerce for a violation

9 or violations of section 75-363 or 75-364 based upon an inspection

10 conducted pursuant to section 75-366 in an amount which shall not exceed
 11 eight hundred dollars for any single violation in any proceeding or
 12 series of related proceedings against any person or motor carrier as
 13 defined in 49 C.F.R. 390.5 as adopted in section 75-363.

14 (2) The superintendent shall issue an order imposing a civil penalty
 15 in an amount not to exceed ~~sixteen thousand four hundred fifty-three~~
 16 ~~fifteen thousand seven hundred twenty-seven~~ dollars against a motor
 17 carrier transporting persons or property in interstate commerce for a
 18 violation of subdivision (2)(e) of section 60-4,162 based upon a
 19 conviction of such a violation.

20 (3) The superintendent shall issue an order imposing a civil penalty
 21 against a driver operating a commercial motor vehicle, as defined in
 22 section 60-465, that requires a commercial driver's license or CLP-
 23 commercial learner's permit, in violation of an out-of-service order. The
 24 civil penalty shall be in an amount not less than three thousand ~~one~~
 25 ~~hundred seventy-four~~ ~~thirty-four~~ dollars for a first violation and not
 26 less than six thousand ~~three hundred forty-eight~~ ~~sixty-eight~~ dollars for
 27 a second or subsequent violation.

1 (4) The superintendent shall issue an order imposing a civil penalty
 2 against a motor carrier who knowingly allows, requires, permits, or
 3 authorizes the operation of a commercial motor vehicle, as defined in
 4 section 60-465, that requires a commercial driver's license or CLP-
 5 commercial learner's permit, in violation of an out-of-service order. The
 6 civil penalty shall be not less than five thousand ~~seven hundred thirty-~~
 7 ~~two~~ ~~four~~ ~~hundred~~ ~~seventy-nine~~ dollars but not more than thirty ~~one~~
 8 thousand ~~seven thousand three~~ hundred thirty-seven dollars per violation.

9 (5) Upon the discovery of any violation by a motor carrier
 10 transporting persons or property in interstate commerce of section
 11 75-307, 75-363, or 75-364 or sections 75-392 to 75-399 based upon an
 12 inspection conducted pursuant to section 75-366, the superintendent shall
 13 immediately refer such violation to the appropriate federal agency for
 14 disposition, and upon the discovery of any violation by a motor carrier
 15 transporting persons or property in intrastate commerce of section 75-307
 16 based upon such inspection, the superintendent shall refer such violation
 17 to the Public Service Commission for disposition.

18 2. Renumber the remaining sections and correct the repealer
 19 accordingly.

(Signed) Curt Friesen, Chairperson

AMENDMENT(S) - Print in Journal

Senator Howard filed the following amendment to [LB329](#):
[AM2186](#)

(Amendments to Standing Committee amendments, AM1183)

1 1. Strike sections 1 and 2 and insert the following new sections:
 2 Section 1. Section 68-1206, Revised Statutes Supplement, 2019, is
 3 amended to read:
 4 68-1206 (1) The Department of Health and Human Services shall
 5 administer the program of social services in this state. The department
 6 may contract with other social agencies for the purchase of social
 7 services at rates not to exceed those prevailing in the state or the cost
 8 at which the department could provide those services. The statutory
 9 maximum payments for the separate program of aid to dependent children
 10 shall apply only to public assistance grants and shall not apply to
 11 payments for social services. As part of the provision of social services
 12 authorized by section 68-1202, the department shall participate in the
 13 federal child care assistance program under 42 U.S.C. 618, as such
 14 section existed on January 1, 2013, and provide child care assistance to

15 families with incomes up to one hundred twenty-five percent of the
 16 federal poverty level for FY2013-14 and one hundred thirty percent of the
 17 federal poverty level for FY2014-15 and each fiscal year thereafter.
 18 (2) As part of the provision of social services authorized by this
 19 section and section 68-1202, the department shall participate in the
 20 federal Child Care Subsidy program. In determining ongoing eligibility
 21 for this program, ten percent of a household's gross earned income shall
 22 be disregarded after twelve continuous months on the program and at each
 23 subsequent redetermination. In determining ongoing eligibility, if a
 24 family's income exceeds one hundred thirty percent of the federal poverty
 25 level, the family shall receive transitional child care assistance
 26 through the remainder of the family's eligibility period or until the
 1 family's income exceeds eighty-five percent of the state median income
 2 for a family of the same size as reported by the United States Bureau of
 3 the Census, whichever occurs first. When the family's eligibility period
 4 ends, the family shall continue to be eligible for transitional child
 5 care assistance if the family's income is below ~~two hundred one hundred~~
 6 ~~eighty-five~~ percent of the federal poverty level. The family shall
 7 receive transitional child care assistance through the remainder of the
 8 transitional eligibility period or until the family's income exceeds
 9 eighty-five percent of the state median income for a family of the same
 10 size as reported by the United States Bureau of the Census, whichever
 11 occurs first. The amount of such child care assistance shall be based on
 12 a cost-shared plan between the recipient family and the state and shall
 13 be based on a sliding-scale methodology. A recipient family may be
 14 required to contribute a percentage of such family's gross income for
 15 child care that is no more than the cost-sharing rates in the
 16 transitional child care assistance program as of January 1, 2015, for
 17 those no longer eligible for cash assistance as provided in section
 18 68-1724. Initial program eligibility standards shall not be impacted by
 19 the provisions of this subsection.
 20 (3) In determining the rate or rates to be paid by the department
 21 for child care as defined in section 43-2605, the department shall adopt
 22 a fixed-rate schedule for the state or a fixed-rate schedule for an area
 23 of the state applicable to each child care program category of provider
 24 as defined in section 71-1910 which may claim reimbursement for services
 25 provided by the federal Child Care Subsidy program, except that the
 26 department shall not pay a rate higher than that charged by an individual
 27 provider to that provider's private clients. The schedule may provide
 28 separate rates for care for infants, for children with special needs,
 29 including disabilities or technological dependence, or for other
 30 individual categories of children. The schedule may also provide tiered
 31 rates based upon a quality scale rating of step three or higher under the
 1 Step Up to Quality Child Care Act. The schedule shall be effective on
 2 October 1 of every year and shall be revised annually by the department.
 3 Sec. 2. Original section 68-1206, Revised Statutes Supplement,
 4 2019, is repealed.

Senator Kolterman filed the following amendment to LB205A:
AM2166

1 1. Strike original section 1 and insert the following new section:
 2 Section 1. There is hereby appropriated (1) \$29,293 from the
 3 Professional and Occupational Credentialing Cash Fund for FY2020-21 and
 4 (2) \$29,293 from the Professional and Occupational Credentialing Cash
 5 Fund for FY2021-22 to the Department of Health and Human Services, for
 6 Program 178, to aid in carrying out the provisions of Legislative Bill
 7 205, One Hundred Sixth Legislature, Second Session, 2020.
 8 Total expenditures for permanent and temporary salaries and per
 9 diems from funds appropriated in this section shall not exceed \$16,493
 10 for FY2020-21 or \$16,493 for FY2021-22.

Senator Kolterman filed the following amendment to LB607A:

AM2165

1 1. Strike original section 1 and insert the following new section:
2 Section 1. There is hereby appropriated \$24,286 from the
3 Professional and Occupational Credentialing Cash Fund for FY2020-21 to
4 the Department of Health and Human Services, for Program 178, to aid in
5 carrying out the provisions of Legislative Bill 607, One Hundred Sixth
6 Legislature, Second Session, 2020.
7 Total expenditures for permanent and temporary salaries and per
8 diems from funds appropriated in this section shall not exceed \$13,674
9 for FY2020-21.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Hunt name added to LB640.
Senator Walz name added to LB640.
Senator Morfeld name added to LB640.
Senator Hilkemann name added to LB640.
Senator Bolz name added to LB748.
Senator McCollister name added to LB805.
Senator Hunt name added to LB1020.
Senator Bolz name added to LB1147.

WITHDRAW - Cointroducer(s)

Senator Bolz name withdrawn from LB1148.

VISITOR(S)

Visitors to the Chamber were Leah Barrett and Dr. Tracy Kruse from Northeast Community College; and students Charlee Sharack, Mollie Petersen, and Jessica Schiefelbein from Elkhorn High School.

The Doctor of the Day was Dr. Steven M. Williams from Omaha.

ADJOURNMENT

At 11:37 a.m., on a motion by Senator Hunt, the Legislature adjourned until 9:00 a.m., Friday, January 31, 2020.

Patrick J. O'Donnell
Clerk of the Legislature