

**EIGHTEENTH DAY - FEBRUARY 4, 2020****LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE  
SECOND SESSION****EIGHTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, February 4, 2020

**PRAYER**

The prayer was offered by Pastor Randall Klynsma, Omaha Reformed 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 Brandt, Cavanaugh, Groene, Linehan, Lowe, Morfeld, Slama, Stinner, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventeenth day was approved.

**COMMITTEE REPORT(S)**

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 763.** Placed on General File.

**LEGISLATIVE BILL 822.** Placed on General File.

**LEGISLATIVE BILL 911.** Placed on General File.

**LEGISLATIVE BILL 820.** Placed on General File with amendment.

**AM2225**

1 1. Strike original section 2 and insert the following new sections:  
2 Sec. 2. Section 32-1305, Reissue Revised Statutes of Nebraska, is  
3 amended to read:  
4 32-1305 (1) The principal circulator or circulators shall file, as  
5 one instrument, all petition papers comprising a recall petition for  
6 signature verification with the filing clerk within thirty days after the  
7 filing clerk issues the initial petition papers to the principal  
8 circulator or circulators as provided in section 32-1303.  
9 (2) If the filing clerk is the subject of a recall petition, the  
10 signature verification process shall be conducted by two election

11 commissioners or county clerks appointed by the Secretary of State.  
 12 Mileage and expenses incurred by officials appointed pursuant to this  
 13 subsection shall be reimbursed by the political subdivision involved in  
 14 the recall.

15 (3) Within fifteen business days after the filing of the petition,  
 16 the filing clerk shall ascertain whether or not the petition is signed by  
 17 the requisite number of registered voters. No new signatures may be added  
 18 after the initial filing of the petition papers. No signatures may be  
 19 removed unless the filing clerk receives an affidavit signed by the  
 20 person requesting his or her signature be removed before the petitions  
 21 are filed with the filing clerk for signature verification. If the  
 22 petition is found to be sufficient, the filing clerk shall attach to the  
 23 petition a certificate showing the result of such examination. If the  
 24 requisite number of signatures has not been gathered, the filing clerk  
 25 shall file the petition in his or her office without prejudice to the  
 26 filing of a new petition for the same purpose.

27 Sec. 3. Section 32-1306, Revised Statutes Supplement, 2019, is  
 1 amended to read:

2 32-1306 (1) If the recall petition is found to be sufficient, the  
 3 filing clerk shall notify the official whose removal is sought and the  
 4 governing body of the affected political subdivision that sufficient  
 5 signatures have been gathered. Notification of the official sought to be  
 6 removed may be by any method specified in section 25-505.01 or, if  
 7 notification cannot be made with reasonable diligence by any of the  
 8 methods specified in section 25-505.01, by leaving such notice at the  
 9 official's usual place of residence and mailing a copy by first-class  
 10 mail to the official's last-known address.

11 (2) The governing body of the political subdivision shall, within  
 12 twenty-one days after receipt of the notification from the filing clerk  
 13 pursuant to subsection (1) of this section, order an election. The date  
 14 of the election shall be the first available date that complies with  
 15 section 32-405 and that can be certified to the election commissioner or  
 16 county clerk at least fifty days prior to the election to be held not  
 17 less than fifty nor more than eighty days after the notification of the  
 18 official whose removal is sought under subsection (1) of this section,  
 19 except that if any other election is to be held in that political  
 20 subdivision within ninety days after such notification, the governing  
 21 body of the political subdivision shall provide for the holding of the  
 22 recall election on the same day.

23 (3) All resignations shall be tendered as provided in section  
 24 32-562. If the official whose removal is sought resigns before the recall  
 25 election is held, the governing body may cancel the recall election if  
 26 the governing body notifies the election commissioner or county clerk of  
 27 the cancellation at least twenty-four days prior to the election,  
 28 otherwise the recall election shall be held as scheduled.

29 (4) (3) If the governing body of the political subdivision fails or  
 30 refuses to order a recall election within the time required, the election  
 31 may be ordered by the district court having jurisdiction over a county in  
 1 which the elected official serves. If a filing clerk is subject to a  
 2 recall election, the Secretary of State shall conduct the recall  
 3 election.

4 Sec. 4. Original section 32-1305, Reissue Revised Statutes of  
 5 Nebraska, section 32-312, Revised Statutes Cumulative Supplement, 2018,  
 6 and section 32-1306, Revised Statutes Supplement, 2019, are repealed.

**LEGISLATIVE BILL 850.** Placed on General File with amendment.

AM2226

1 1. On page 4, line 31, strike "Chairperson of the" and insert

2 "Secretary of State".

3 2. On page 5, strike line 1; and in line 15 strike "General Funds"

4 and insert "general funds".

(Signed) Tom Brewer, Chairperson

### RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LR305 was adopted.

### PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR305.

### COMMITTEE REPORT(S)

Enrollment and Review

**LEGISLATIVE BILL 68.** Placed on Final Reading.

**LEGISLATIVE BILL 76.** Placed on Final Reading.

**LEGISLATIVE BILL 107.** Placed on Final Reading.

**LEGISLATIVE BILL 148.** Placed on Final Reading.

**LEGISLATIVE BILL 236.** Placed on Final Reading.

**LEGISLATIVE BILL 266.** Placed on Final Reading.

**LEGISLATIVE BILL 381.** Placed on Final Reading.

#### [ST40](#)

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

1. In the E&R amendments, ER149, on page 9, line 2, "(3)(a)" has been inserted before "The"; and in line 9 "(c)" has been struck, shown as stricken, and "(b)" inserted.

**LEGISLATIVE BILL 477.** Placed on Final Reading.

**LEGISLATIVE BILL 477A.** Placed on Final Reading.

**LEGISLATIVE BILL 534.** Placed on Final Reading.

**LEGISLATIVE BILL 731.** Placed on Final Reading.

**LEGISLATIVE BILL 880.** Placed on Final Reading.

(Signed) Julie Slama, Chairperson

### GENERAL FILE

**LEGISLATIVE RESOLUTION 279CA.** Read. Considered.

Senator Chambers offered the following motion:

[MO144](#)

Recommit to the Executive Board.

Senator Chambers withdrew his motion to recommit to committee.

Senator Chambers offered the following motion:

[MO145](#)

Bracket until April 22, 2020.

Senator Chambers withdrew his motion to bracket.

Senator Chambers offered the following motion:

[MO146](#)

Bracket until April 22, 2020.

Senator Chambers withdrew his motion to bracket.

Pending.

#### AMENDMENT(S) - Print in Journal

Senator Hilkemann filed the following amendment to [LB827](#):

[AM2266](#)

1 1. Strike original section 1 and insert the following new sections:  
 2 Section 1. There is hereby appropriated \$4,507,813 from federal  
 3 funds for FY2020-21 to the Department of Health and Human Services, for  
 4 Program 348.  
 5 Sec. 2. There is hereby appropriated \$3,730,149 from the General  
 6 Fund and \$4,507,813 from federal funds for FY2020-21 to the Department of  
 7 Health and Human Services, for Program 424.  
 8 There is included in the amount shown as aid in Program 424 for  
 9 FY2020-21 \$3,730,149 General Funds and \$4,507,813 federal funds for rates  
 10 paid to providers of developmental disability services as determined by  
 11 the rate study conducted by the Division of Developmental Disabilities  
 12 and completed in 2018.  
 13 No expenditures for permanent and temporary salaries and per diems  
 14 for state employees shall be made from funds appropriated in this  
 15 section.

Senator Lindstrom filed the following amendment to [LB242](#):

[AM2279](#)

(Amendments to Standing Committee amendments, AM434)

1 1. Insert the following new section:  
 2 Sec. 5. (1) The Tax Commissioner shall certify to the State  
 3 Treasurer, on a quarterly basis, the amount of state sales tax revenue  
 4 collected by any political subdivision, sewer utility, or water utility  
 5 on sewer and potable water fees and the applicable percentage which the  
 6 state shall pay pursuant to section 4 of this act.  
 7 (2) Upon receipt of the quarterly certification, the State Treasurer  
 8 shall transfer the amount certified from the General Fund to the  
 9 Infrastructure Improvement and Replacement Assistance Cash Fund. The  
 10 Infrastructure Improvement and Replacement Assistance Cash Fund is  
 11 created. Transfers may be made from the fund to the General Fund at the  
 12 direction of the Legislature. Any money in the Infrastructure Improvement  
 13 and Replacement Assistance Cash Fund available for investment shall be  
 14 invested by the state investment officer pursuant to the Nebraska Capital  
 15 Expansion Act and the Nebraska State Funds Investment Act.  
 16 (3) It is the intent of the Legislature to appropriate from the  
 17 Infrastructure Improvement and Replacement Assistance Cash Fund to any  
 18 political subdivision, sewer utility, or water utility an amount equal to  
 19 the percentage of state sales taxes collected as provided in section 4 of  
 20 this act.  
 21 (4) Distributions from the Infrastructure Improvement and  
 22 Replacement Assistance Cash Fund shall be made based on the certification

23 from the Tax Commissioner under subsection (1) of this section and shall  
 24 occur within fifteen days after receipt by the State Treasurer of such  
 25 certification.  
 26 (5) All payments to political subdivisions, sewer utilities, or  
 1 water utilities under the Infrastructure Improvement and Replacement  
 2 Assistance Act are made subject to specific appropriation for such  
 3 purpose.  
 4 2. On page 1, line 3, strike "5" and insert "6".  
 5 3. On page 3, line 15, strike "shall" and insert "may".  
 6 4. Renumber the remaining sections accordingly.

Senator Pansing Brooks filed the following amendment to LB848:  
[AM2263](#)

1 1. On page 2, lines 5 and 6, strike "No business shall be transacted  
 2 on that day at any department of state.".

### **MOTION(S) - Print in Journal**

Senator Chambers filed the following motion to LR279CA:  
[MO147](#)  
 Recommit to the Executive Board.

### **NOTICE OF COMMITTEE HEARING(S)**

Revenue  
 Room 1524

Wednesday, February 12, 2020 1:30 p.m.  
 LB892  
 LR300CA  
 LB1130  
 LB1203

(Signed) Lou Ann Linehan, Chairperson

Agriculture  
 Warner Chamber

Tuesday, February 18, 2020 1:30 p.m.  
 Beth Smith - Nebraska State Fair Board  
 State Fair Briefing  
 LB1200  
 LB1165

(Signed) Steve Halloran, Chairperson

Education  
 Room 1525

Tuesday, February 11, 2020 1:30 p.m.  
 LB1076  
 LB1080

LB1134  
LB1073

(Signed) Mike Groene, Chairperson

Transportation and Telecommunications  
Room 1113

Tuesday, February 11, 2020 1:30 p.m.  
LB787 (cancel)

(Signed) Curt Friesen, Chairperson

**COMMITTEE REPORT(S)**  
Revenue

**LEGISLATIVE BILL 923.** Placed on General File.

**LEGISLATIVE BILL 1074.** Placed on General File.

**LEGISLATIVE BILL 1070.** Placed on General File with amendment.

[AM2236](#)

1 1. On page 2, line 8, after the second comma insert "seed tender  
2 trailers."

(Signed) Lou Ann Linehan, Chairperson

**VISITOR(S)**

Visitors to the Chamber were members from the Music Therapy State Task Force from Omaha, Lincoln, Maryland, Virginia, and Iowa; Deion Wells-Ross from Omaha; a group of Physical Therapy students from UNMC, Clarkson, Creighton, and Southeast Community College; members of the Nebraska State Education Association-Retired from across the state; and students from Trinity Lutheran, Lincoln.

The Doctor of the Day was Dr. Josue Gutierrez from Lincoln.

**ADJOURNMENT**

At 11:42 a.m., on a motion by Senator Walz, the Legislature adjourned until 9:00 a.m., Wednesday, February 5, 2020.

Patrick J. O'Donnell  
Clerk of the Legislature