

TWENTIETH DAY - FEBRUARY 6, 2020

LEGISLATIVE JOURNAL

**ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION**

TWENTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 6, 2020

PRAYER

The prayer was offered by Senator Clements.

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 Senator B. Hansen who was excused; and Senators McCollister, Morfeld, and Walz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the nineteenth day was approved.

ANNOUNCEMENT(S)

Priority designation(s) received:

Chambers - LB924

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 5, 2020, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Kelley Plucker, LLC
WellCare Health Plans, Inc. and Its Subsidiaries (Withdrawn 02/05/2020)
Kissel Kohout ES Associates, LLC

Mentor Nebraska
Lucariello, Katelin
Pharmaceutical Research and Manufacturers of America
Radcliffe, Walter H. of Radcliffe Gilbertson & Brady
American Amusements Co.

REPORTS

Agency reports electronically filed with the Legislature can be found on the [Nebraska Legislature's website](#).

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LR307 was adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR307.

MOTION(S) - Return LB880 to Select File

Senator Chambers moved to return LB880 to Select File for the following specific amendment:

[FA95](#)

Strike the enacting clause.

Senator Chambers withdrew his motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 880. With Emergency Clause.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1022, 79-1022.02, 79-1023, 79-1027, and 79-1031.01, Revised Statutes Supplement, 2019; to change the determination and certification dates relating to the distribution of aid, certification of certain budget limitations as prescribed, and duties of the Appropriations Committee of the Legislature; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Present and not voting, 2:

Cavanaugh Kolowski

Excused and not voting, 3:

Hansen, B. McCollister Morfeld

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LB880.

MOTION(S) - Return LB4 to Select File

Senator Chambers moved to return LB4 to Select File for the following specific amendment:

[FA96](#)

Strike the enacting clause.

SPEAKER SCHEER PRESIDING

Senator Chambers withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 4. With Emergency Clause.

A BILL FOR AN ACT relating to the Tax Equalization and Review Commission Act; to amend sections 77-5004 and 77-5013, Reissue Revised Statutes of Nebraska; to provide for mileage reimbursement as prescribed;

to change filing fees as prescribed; to eliminate provisions relating to notice; to repeal the original sections; to outright repeal section 77-5015.01, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 34:

Arch	Crawford	Howard	Linehan	Stinner
Blood	DeBoer	Hughes	McCollister	Vargas
Bolz	Dorn	Hunt	McDonnell	Walz
Brandt	Friesen	Kolowski	Murman	Wayne
Briese	Gragert	Kolterman	Pansing Brooks	Williams
Cavanaugh	Hansen, M.	Lathrop	Quick	Wishart
Chambers	Hilkemann	Lindstrom	Scheer	

Voting in the negative, 11:

Albrecht	Clements	Halloran	Lowe
Bostelman	Geist	Hilgers	Slama
Brewer	Groene	La Grone	

Present and not voting, 3:

Erdman	Morfeld	Moser
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Excused and not voting, 1:

Hansen, B.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 4A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 4, One Hundred Sixth Legislature, Second Session, 2020; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 36:

Arch	Crawford	Hughes	McDonnell	Walz
Blood	DeBoer	Hunt	Morfeld	Wayne
Bolz	Dorn	Kolowski	Murman	Williams
Brandt	Friesen	Kolterman	Pansing Brooks	Wishart
Brewer	Gragert	Lathrop	Quick	
Briese	Hansen, M.	Lindstrom	Scheer	
Cavanaugh	Hilkemann	Linehan	Stinner	
Chambers	Howard	McCollister	Vargas	

Voting in the negative, 9:

Albrecht	Clements	Halloran	La Grone	Slama
Bostelman	Geist	Hilgers	Lowe	

Present and not voting, 3:

Erdman	Groene	Moser
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Excused and not voting, 1:

Hansen, B.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB30 with 41 ayes, 4 nays, 3 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 30.

A BILL FOR AN ACT relating to the Professional Landscape Architects Act; to amend sections 81-8,183.01, 81-8,184, 81-8,186, 81-8,191, 81-8,191.01, 81-8,192, 81-8,194, 81-8,196, 81-8,198, 81-8,199, 81-8,200, 81-8,202, 81-8,204, 81-8,205, and 81-8,206, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to licensure and regulation of professional landscape architects; to provide and change penalties; to harmonize provisions; to repeal the original sections; and to outright repeal sections 81-8,184.01, 81-8,185, 81-8,187, 81-8,188, 81-8,195, 81-8,197, 81-8,200.01, 81-8,200.02, 81-8,201, and 81-8,203, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Hansen, B.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 93.

A BILL FOR AN ACT relating to paternity; to amend section 43-1411, Reissue Revised Statutes of Nebraska; to provide for intervention by a biological parent in certain proceedings involving juveniles as prescribed; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 2:

Erdman Halloran

Excused and not voting, 1:

Hansen, B.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 230.

A BILL FOR AN ACT relating to juvenile facilities; to amend sections 83-4,125, 83-4,126, 83-4,132, and 83-4,134.01, Revised Statutes Cumulative Supplement, 2018; to change provisions and provide requirements for room confinement for juveniles as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Present and not voting, 4:

Albrecht Groene Kolowski Lowe

Excused and not voting, 1:

Hansen, B.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 582.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1212.03, Reissue Revised Statutes of Nebraska; to change provisions relating to stolen firearms; to provide a penalty; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

Kolowski

Excused and not voting, 1:

Hansen, B.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 740.

A BILL FOR AN ACT relating to the State Treasurer; to repeal a section providing for certain transfers of funds on August 30, 2009; and to outright repeal section 84-621, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Hansen, B.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION(S) - Return LB741 to Select File

Senator Chambers moved to return LB741 to Select File for the following specific amendment:

[FA98](#)

Strike the enacting clause.

Senator Chambers withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 741.

A BILL FOR AN ACT relating to labor; to repeal provisions governing the Subsidized Employment Pilot Program that terminated on July 1, 2018; and to outright repeal sections 48-3101, 48-3102, 48-3103, 48-3104, 48-3105, 48-3106, 48-3107, and 48-3108, Revised Statutes Cumulative Supplement, 2018.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Hansen, B.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 68.

A BILL FOR AN ACT relating to cities; to amend sections 19-4029.02 and 19-4029.03, Revised Statutes Cumulative Supplement, 2018, and sections 19-4021, 19-4027, 19-4029.01, 19-4029.04, and 19-4029.05, Revised Statutes Supplement, 2019; to change provisions of the Business Improvement District Act as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Hansen, B.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 76.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-6202, Reissue Revised Statutes of Nebraska; to change provisions relating to the nameplate capacity tax; to provide an operative date; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

Walz

Excused and not voting, 1:

Hansen, B.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION(S) - Recommit LB107 to Committee

Senator Chambers offered the following motion to LB107:

[MO150](#)

Recommit to the Urban Affairs Committee.

Senator Chambers withdrew his motion to recommit to committee.

BILLS ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 107.

A BILL FOR AN ACT relating to cities and villages; to amend sections 18-1901, 18-1902, 18-1903, 18-1904, 18-1906, 18-1908, 18-1911, and 18-1914, Reissue Revised Statutes of Nebraska; to change provisions relating to plumbing boards and their terms of office, organization, appointment, and meetings; to change provisions relating to plumbing licenses, renewal licenses, license fees, and variance fees; to change penalties; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Arch	Crawford	Howard	McCollister	Stinner
Blood	DeBoer	Hughes	McDonnell	Vargas
Bolz	Dorn	Hunt	Morfeld	Walz
Brandt	Gragert	Kolowski	Moser	Williams
Brewer	Groene	Kolterman	Murman	Wishart
Briese	Halloran	Lathrop	Pansing Brooks	
Cavanaugh	Hansen, M.	Lindstrom	Quick	
Chambers	Hilkemann	Linehan	Scheer	

Voting in the negative, 8:

Albrecht	Clements	Hilgers	Lowe
Bostelman	Geist	La Grone	Slama

Present and not voting, 3:

Erdman	Friesen	Wayne
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Excused and not voting, 1:

Hansen, B.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB148 with 40 ayes, 4 nays, 4 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 148.

A BILL FOR AN ACT relating to state and local government; to amend section 13-506, Revised Statutes Cumulative Supplement, 2018, and sections 13-503 and 84-1411, Revised Statutes Supplement, 2019; to redefine a term; to change provisions relating to public hearings on proposed budget statements and notice of meetings of public bodies; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Present and not voting, 3:

Cavanaugh Friesen Hansen, M.

Excused and not voting, 1:

Hansen, B.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB236 with 39 ayes, 6 nays, 3 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 236.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2711, Revised Statutes Supplement, 2019; to change provisions relating to access to sales and use tax information by municipalities; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 2:

Albrecht Lowe

Excused and not voting, 1:

Hansen, B.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 731.

A BILL FOR AN ACT relating to political subdivisions; to amend sections

14-403.01, 15-1102, and 23-114.02, Reissue Revised Statutes of Nebraska, and section 19-903, Revised Statutes Supplement, 2019; to change provisions relating to new or updated comprehensive plans; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

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

Voting in the negative, 2:

Bostelman Clements

Present and not voting, 5:

Albrecht Erdman Lowe Slama Walz

Excused and not voting, 1:

Hansen, B.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 287. Placed on Final Reading.

ST41

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

1. In the E&R amendments, ER156, on page 18, line 16, "and" has been inserted after the second comma; the matter beginning with the third comma in line 16 through "orders" in line 18 has been struck; and in line 22 the first "for" has been struck and "or entering certain" inserted.

(Signed) Julie Slama, Chairperson

COMMITTEE REPORT(S)
Nebraska Retirement Systems**LEGISLATIVE BILL 1054.** Placed on General File.

(Signed) Mark Kolterman, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 461. Placed on General File with amendment.
[AM2205](#) is available in the Bill Room.

(Signed) Curt Friesen, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 852. Placed on General File.**LEGISLATIVE BILL 908.** Placed on General File.**LEGISLATIVE BILL 939.** Placed on General File.**LEGISLATIVE BILL 764.** Placed on General File with amendment.
[AM2194](#)

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 8-224.01, Reissue Revised Statutes of Nebraska,
4 is amended to read:
5 8-224.01 (1) No charge shall be allowed against an estate or trust
6 for legal services performed by an attorney who is a salaried employee of
7 the trust company or when a portion of the charge for legal service is
8 retained by the trust company. Any officer or employee of the trust
9 company causing or consenting to such division of fee for legal service
10 shall be guilty of a Class I misdemeanor. No investments of an estate or
11 trust shall be made in the capital stock or securities of the trust
12 company, in the stock or securities of its affiliated companies, or in
13 obligations, either direct or indirect, of any director, officer, or
14 employee of the trust company. The trust company shall not substitute any
15 of the assets of an estate or trust under its control for securities of
16 the trust company. A trust company may administer, in a fiduciary
17 capacity, an estate or trust which contains such capital stock,
18 securities, or obligations as part of its assets if such assets are
19 received in kind from the grantor of the estate or trust and retention of
20 such capital stock, securities, or obligations is properly authorized by
21 the terms of the governing document. Any officer or employee of the trust
22 company making such an investment or consenting to such an investment or
23 causing such substitution or consenting to such substitution shall be
24 guilty of a Class III felony.
25 (2) No loan of the assets of the trust company shall be made to any
26 officer or director of such corporation. No trust company shall cause or
27 allow funds of any account entrusted to the trust company to be loaned,
1 directly or indirectly, to any director, officer, or employee of the
2 trust company except when the director, officer, or employee has a
3 specific beneficial interest in the account and such loans are allowed in
4 governing account documents and are not prohibited by other state or
5 federal law. Any director, officer, or employee of the trust company
6 causing, consenting to, or receiving funds from a loan made in violation
7 of this section shall be guilty of a Class III felony.
8 (3) This section shall not apply to:

9 (a) Investments authorized in section 30-3205; or
 10 (b) Investments for which the will or trust states that the stock of
 11 the trust company or securities of a company or companies affiliated with
 12 the trust company may be acquired for the estate or trust.
 13 Sec. 2. Section 30-3205, Reissue Revised Statutes of Nebraska, is
 14 amended to read:
 15 30-3205 (1) Notwithstanding the prohibition on investments in
 16 section 8-224.01, a A fiduciary holding funds for investment may invest
 17 such funds in securities of, or other interests in, a private investment
 18 fund or any open-end or closed-end management-type investment company or
 19 investment trust registered or exempt from registration under pursuant to
 20 the federal Investment Company Act of 1940, as amended, if a court order,
 21 will, agreement, or other instrument creating or defining the investment
 22 powers of the fiduciary directs, requires, authorizes, or permits the
 23 investment of such funds in any of the following:
 24 (a) Such investments as the fiduciary may, in his or her discretion,
 25 select;
 26 (b) ~~Investments~~ investments generally, other than those in which
 27 fiduciaries are by law authorized to invest trust funds; and
 28 (c) United States Government obligations if the portfolio of such
 29 investment company or investment trust is limited to United States
 30 Government obligations and to repurchase agreements fully collateralized
 31 by such obligations and if such investment company or investment trust
 1 takes delivery of the collateral, either directly or through an
 2 authorized custodian.
 3 (2)(a) Notwithstanding the prohibition on investments in section
 4 8-224.01, a (2) A bank or trust company acting as a fiduciary, agent, or
 5 otherwise may, in the exercise of its investment discretion or at the
 6 direction of another person authorized to direct investment of funds held
 7 by the bank or trust company as a fiduciary, invest and reinvest
 8 interests in the securities of a private investment fund or an open-end
 9 or closed-end management-type investment company or investment trust
 10 registered or exempt from registration under pursuant to the federal
 11 Investment Company Act of 1940, as amended, or may retain, sell, or
 12 exchange such interests so long as the portfolio of the investment
 13 company or investment trust as an entity consists substantially of
 14 investments not prohibited by the instrument governing the fiduciary
 15 relationship.
 16 (b) The fact that the bank or trust company or an affiliate of the
 17 bank or trust company provides services to the investment company, or
 18 investment trust, or private investment fund, such as that of an
 19 investment advisor, custodian, transfer agent, registrar, sponsor,
 20 distributor, manager, or otherwise, and is receiving reasonable
 21 compensation for the services shall not preclude the bank or trust
 22 company from investing, reinvesting, retaining, or exchanging any
 23 interest held by the trust estate in the securities of a private
 24 investment fund or any open-end or closed-end management-type investment
 25 company or investment trust registered or exempt from registration under
 26 pursuant to the federal Investment Company Act of 1940, as amended.
 27 Sec. 3. Original sections 8-224.01 and 30-3205, Reissue Revised
 28 Statutes of Nebraska, are repealed.

LEGISLATIVE BILL 853. Placed on General File with amendment.

AM2271

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. For purposes of sections 1 to 3 of this act:
 4 (1) Account means a contract of deposit of funds between the
 5 depositor and a financial institution and:
 6 (a) The account is owned by a vulnerable adult or senior adult,

7 whether individually or with one or more other persons; or
8 (b) A vulnerable adult or senior adult is a beneficiary of the
9 account, including a formal or informal trust account, a payable on death
10 account, a conservatorship account, or a guardianship account;
11 (2) Department means the Department of Health and Human Services;
12 (3) Financial exploitation means:
13 (a) The wrongful or unauthorized taking, withholding, appropriation,
14 or use of the money, assets, or other property or the identifying
15 information of a vulnerable adult or senior adult by any person; or
16 (b) An act or omission by a person, including through the use of a
17 power of attorney on behalf of, or as the conservator or guardian of, a
18 vulnerable adult or senior adult, to:
19 (i) Obtain control, through deception, intimidation, fraud, or undue
20 influence, over the vulnerable adult's or senior adult's money, assets,
21 or other property to deprive the vulnerable adult or senior adult of the
22 ownership, use, benefit, or possession of the property; or
23 (ii) Convert the money, assets, or other property of a vulnerable
24 adult or senior adult to deprive a vulnerable adult or senior adult of
25 the ownership, use, benefit, or possession of the property;
26 (4) Financial institution means a bank, savings bank, building and
27 loan association, savings and loan association, or credit union, whether
1 chartered by the Department of Banking and Finance, the United States, or
2 a foreign state agency; any other similar organization which is covered
3 by federal deposit insurance; a subsidiary or affiliate of any such
4 entity; or a trust company as defined in section 8-230;
5 (5) Law enforcement agency has the same meaning as in section
6 28-359;
7 (6) Senior adult has the same meaning as in section 28-366.01;
8 (7) Transaction means any of the following as applicable to services
9 provided by a financial institution:
10 (a) A transfer or request to transfer or disburse funds or assets in
11 an account;
12 (b) A request to initiate a wire transfer, initiate an automated
13 clearinghouse transfer, or issue a money order, cashier's check, or
14 official check;
15 (c) A request to negotiate a check or other negotiable instrument;
16 (d) A request to change the ownership of, or access to, an account;
17 (e) A request for a loan, guarantee of a loan, extension of credit,
18 or draw on a line of credit;
19 (f) A request to encumber any movable or immovable property,
20 including real property, personal property, or fixtures; and
21 (g) A request to designate or change the designation of
22 beneficiaries to receive any property, benefit, or contract right for a
23 vulnerable adult or senior adult at death; and
24 (8) Vulnerable adult has the same meaning as in section 28-371.
25 Sec. 2. (1) It is the intent of the Legislature to provide legal
26 protection to financial institutions so that they have the discretion to
27 take action to assist in detecting and preventing financial exploitation;
28 (2) The Legislature recognizes that financial institutions are in a
29 unique position to potentially discover financial exploitation when
30 conducting transactions on behalf of and at the request of their
31 customers;
1 (3) The Legislature recognizes that financial institutions have
2 duties imposed by contract and duties imposed by both federal and state
3 law to conduct transactions requested by their customers faithfully and
4 timely in accordance with the customer's instructions; and
5 (4) The Legislature recognizes that financial institutions do not
6 have a duty to contravene the valid instructions of their customers and
7 nothing in sections 1 to 3 of this act creates such a duty.
8 Sec. 3. (1) When a financial institution, or an employee of a

9 financial institution, reasonably believes, or has received information
10 from the department or a law enforcement agency demonstrating that it is
11 reasonable to believe, that financial exploitation of a vulnerable adult
12 or senior adult may have occurred, may have been attempted, is occurring,
13 or is being attempted, the financial institution may, but is not required
14 to:
15 (a) Delay or refuse a transaction with or involving the vulnerable
16 adult or senior adult;
17 (b) Delay or refuse to permit the withdrawal or disbursement of
18 funds contained in the vulnerable adult's or senior adult's account;
19 (c) Prevent a change in ownership of the vulnerable adult's or
20 senior adult's account;
21 (d) Prevent a transfer of funds from the vulnerable adult's or
22 senior adult's account to an account owned wholly or partially by another
23 person;
24 (e) Refuse to comply with instructions given to the financial
25 institution by an agent or a person acting for or with an agent under a
26 power of attorney signed or purported to have been signed by the
27 vulnerable adult or senior adult; or
28 (f) Prevent the designation or change the designation of
29 beneficiaries to receive any property, benefit, or contract rights for a
30 vulnerable adult or senior adult at death.
31 (2) A financial institution is not required to act under subsection
1 (1) of this section when provided with information alleging that
2 financial exploitation may have occurred, may have been attempted, is
3 occurring, or is being attempted, but may use the financial institution's
4 discretion to determine whether or not to act under subsection (1) of
5 this section based on the information available to the financial
6 institution at the time.
7 (3)(a)(i) A financial institution may notify any third party
8 reasonably associated with a vulnerable adult or senior adult if the
9 financial institution reasonably believes that the financial exploitation
10 of a vulnerable adult or senior adult may have occurred, may have been
11 attempted, is occurring, or is being attempted.
12 (ii) A third party reasonably associated with a vulnerable adult or
13 senior adult includes, but is not limited to, the following: (A) A
14 parent, spouse, adult child, sibling, or other known family member or
15 close associate of a vulnerable adult or senior adult; (B) an authorized
16 contact provided by a vulnerable adult or senior adult to the financial
17 institution; (C) a co-owner, additional authorized signatory, or
18 beneficiary on a vulnerable adult's or a senior adult's account; (D) an
19 attorney in fact, trustee, conservator, guardian, or other fiduciary who
20 has been selected by a vulnerable adult or senior adult, a court, or a
21 third party to manage some or all of the financial affairs of the
22 vulnerable adult or senior adult; and (E) an attorney known to represent
23 or have represented the vulnerable adult or senior adult.
24 (b) A financial institution may choose not to notify any third party
25 reasonably associated with a vulnerable adult or senior adult of
26 suspected financial exploitation of the vulnerable adult or senior adult
27 if the financial institution reasonably believes the third party is, may
28 be, or may have been engaged in the financial exploitation of the
29 vulnerable adult or senior adult or if requested to refrain from making a
30 notification by a law enforcement agency, if such notification could
31 interfere with a law enforcement investigation.
1 (c) Nothing in this subsection shall prevent a financial institution
2 from notifying the department or a law enforcement agency, if the
3 financial institution reasonably believes that the financial exploitation
4 of a vulnerable adult or senior adult may have occurred, may have been
5 attempted, is occurring, or is being attempted.
6 (4) The authority granted the financial institution under subsection

7 (1) of this section expires upon the sooner of: (a) Thirty business days
 8 after the date on which the financial institution first acted under
 9 subsection (1) of the section; (b) when the financial institution is
 10 satisfied that the transaction or act will not result in financial
 11 exploitation of the vulnerable adult or senior adult; or (c) upon
 12 termination by an order of a court of competent jurisdiction.
 13 (5) Unless otherwise directed by order of a court of competent
 14 jurisdiction, a financial institution may extend the duration under
 15 subsection (4) of this section based on a reasonable belief that the
 16 financial exploitation of a vulnerable adult or senior adult may continue
 17 to occur or continue to be attempted.
 18 (6) A financial institution and its bank holding company, if any,
 19 and any employees, agents, officers, and directors of the financial
 20 institution and its bank holding company, if any, shall be immune from
 21 any civil, criminal, or administrative liability that may otherwise exist
 22 (a) for delaying or refusing to execute a transaction, withdrawal, or
 23 disbursement, or for not delaying or refusing to execute such
 24 transaction, withdrawal, or disbursement under this section and (b) for
 25 actions taken in furtherance of determinations made under subsections (1)
 26 through (5) of this section.
 27 (7)(a) Notwithstanding any other law to the contrary, the refusal by
 28 a financial institution to engage in a transaction as authorized under
 29 subsection (1) of this section shall not constitute the wrongful dishonor
 30 of an item under section 4-402, Uniform Commercial Code.
 31 (b) Notwithstanding any other law to the contrary, a reasonable
 1 belief that payment of a check will facilitate the financial exploitation
 2 of a vulnerable adult or senior adult shall constitute reasonable grounds
 3 to doubt the collectability of the item for purposes of the federal Check
 4 Clearing for the 21st Century Act, 12 U.S.C. 5001 et seq., the federal
 5 Expedited Funds Availability Act, 12 U.S.C. 4001 et seq., and 12 C.F.R.
 6 part 229, as such acts and part existed on January 1, 2020.

LEGISLATIVE BILL 854. Placed on General File with amendment.
[AM2154](#)

1 1. On page 3, line 28, after "director" insert "or administrator".
 2 2. On page 7, line 18, after "method" insert "if the governmental
 3 unit has agreed in advance to receive such report by accessing the
 4 administrator's web site".

(Signed) Matt Williams, Chairperson

AMENDMENT(S) - Print in Journal

Senator Hilkemann filed the following amendment to [LB827](#):
[AM2320](#)

1 1. Strike original section 1 and insert the following new section:
 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 There is hereby appropriated \$3,730,149 from the General Fund to the
 6 Department of Health and Human Services, for Program 424.
 7 There is included in the amount shown as aid in Program 424 for
 8 FY2020-21 \$3,730,149 General Funds and there is included in the amount
 9 shown as aid in Program 348 for FY2020-21 \$4,507,813 federal funds for
 10 rates paid to providers of developmental disability services as
 11 determined by the rate study conducted by the Division of Developmental
 12 Disabilities 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.

NOTICE OF COMMITTEE HEARING(S)

Revenue
Room 1524

Thursday, February 13, 2020 1:30 p.m.

LB987
LB989
LB1013
LB1109

(Signed) Lou Ann Linehan, Chairperson

Natural Resources
Room 1525

Thursday, February 13, 2020 1:30 p.m.

Karl Barfuss - Environmental Quality Council
LB933
LB1205

(Signed) Dan Hughes, Chairperson

Appropriations
Room 1003

Thursday, February 13, 2020 1:30 p.m.

Nebraska State Historical Society

Note: Cash Gift and an Addendum thereto for renovations to the Abbot
Visitor Center at Chimney Rock National Park

(Signed) John Stinner, Chairperson

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business,
the Speaker signed the following: LBs 4, 4A, 30, 93, 230, 582, 740, 741, 68,
76, 107, 148, 236, and 731.

SELECT FILE

LEGISLATIVE BILL 734. [ER152](#), found on page 422, was adopted.

Senator Hunt offered her amendment, [AM2120](#), found on page 381.

The Hunt amendment was adopted with 33 ayes, 0 nays, 15 present and not
voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

SENATOR HILGERS PRESIDING

LEGISLATIVE BILL 734A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 310. [ER155](#), found on page 460, was adopted.

Senator Vargas offered the following amendment:

[AM2306](#)

(Amendments to E&R amendments, ER155)

- 1 1. On page 1, strike beginning with "and" in line 15 through
- 2 "application" in line 16, show as stricken, and insert ". The person
- 3 whose request is approved shall then apply"; and in line 27 strike
- 4 "petition the department directly", show as stricken, and insert "apply
- 5 to the department".
- 6 2. On page 2, strike beginning with "referral" in line 5 through
- 7 "petition" in line 7 and insert "receiving an application"; and in lines
- 8 8 and 15 strike "request for final approval" and insert "application".

The Vargas amendment was adopted with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 310A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 518. [ER157](#), found on page 472, was adopted.

Senator Chambers offered his amendment, [AM2243](#), found on page 500.

SPEAKER SCHEER PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 15 ayes, 4 nays, and 30 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 3:

Cavanaugh Chambers Kolowski

Voting in the negative, 34:

Albrecht	Clements	Halloran	Linehan	Scheer
Arch	Dorn	Hilgers	Lowe	Slama
Blood	Erdman	Hilkemann	McDonnell	Vargas
Bostelman	Friesen	Hughes	Moser	Walz
Brandt	Geist	Kolterman	Murman	Wayne
Brewer	Gragert	La Grone	Pansing Brooks	Williams
Briese	Groene	Lindstrom	Quick	

Present and not voting, 10:

Bolz	DeBoer	Howard	Lathrop	Morfeld
Crawford	Hansen, M.	Hunt	McCollister	Wishart

Excused and not voting, 2:

Hansen, B. Stinner

The Chambers amendment lost with 3 ayes, 34 nays, 10 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Blood offered the following amendment:

[AM2327](#)

(Amendments to Standing Committee amendments, AM899)

- 1 1. Insert the following new section:
- 2 Sec. 10. (1) For purposes of this section:
- 3 (a) Certifying agency means a state or local law enforcement agency,
- 4 prosecutor, or other authority that has responsibility for the
- 5 investigation or prosecution of qualifying criminal activity, as
- 6 described in 8 C.F.R. 214.14(a)(2).
- 7 (b) Certifying official means the head of the certifying agency or
- 8 any person in a supervisory role who has been specifically designated by
- 9 the head of the certifying agency to issue U nonimmigrant status
- 10 certifications on behalf of that agency, as described in 8 C.F.R.
- 11 214.14(a)(3).
- 12 (c) Form I-914B means Form I-914, Supplement B, Declaration of Law
- 13 Enforcement Officer for Victim of Trafficking in Persons, of the
- 14 Department of Homeland Security, United States Citizenship and
- 15 Immigration Services;
- 16 (d) Form I-918B means Form I-918, Supplement B, U Nonimmigrant
- 17 Status Certification, of the Department of Homeland Security, United
- 18 States Citizenship and Immigration Services;
- 19 (e) Investigation or prosecution has the same meaning as in 8 C.F.R.
- 20 214.14;
- 21 (f) Law enforcement agency means a state or local law enforcement
- 22 agency, prosecutor, or other authority that has responsibility for the
- 23 investigation or prosecution of severe forms of trafficking in persons,
- 24 as described in 8 C.F.R. 214.11(a);
- 25 (g) Qualifying criminal activity has the same meaning as in 8 C.F.R.
- 26 214.14;
- 1 (h) Victim of qualifying criminal activity has the same meaning as
- 2 in 8 C.F.R. 214.14;
- 3 (i) Victim of a severe form of trafficking in persons has the same

4 meaning as in 8 C.F.R. 214.11; and

5 (j) All references to federal statutes and regulations refer to such
6 statutes and regulations as they existed on January 1, 2020.

7 (2)(a) On request from an individual whom a law enforcement agency
8 reasonably believes to be a victim of a severe form of trafficking in
9 persons, for purposes of a nonimmigrant T visa, pursuant to the criteria
10 in 8 U.S.C. 1101(a)(15)(T)(i)(I) and (II), a law enforcement agency, no
11 later than ninety business days after receiving the request:

12 (i) Shall complete, sign, and return to the individual the Form
13 I-914B; and

14 (ii) May submit a written request to an appropriate federal law
15 enforcement officer asking such officer to file an application for
16 continued presence pursuant to 22 U.S.C. 7105(c)(3).

17 (b) If the law enforcement agency determines that an individual does
18 not meet the requirements of the law enforcement agency for completion of
19 a Form I-914B, the law enforcement agency shall, no later than ninety
20 business days after receiving the request, inform the individual of the
21 reason and that the individual may make another request with additional
22 evidence or documentation to satisfy such requirements. The law
23 enforcement agency shall permit the individual to make such additional
24 request.

25 (3)(a) On request from an individual whom a certifying agency
26 reasonably believes to be a victim of qualifying criminal activity, for
27 purposes of a nonimmigrant U visa, pursuant to the certification criteria
28 in 8 U.S.C. 1101(a)(15)(U)(i)(II) to (IV) and (iii), a certifying
29 official in the certifying agency, no later than ninety business days
30 after receiving the request, shall complete, sign, and return to the
31 individual the Form I-918B.

1 (b) For purposes of determining helpfulness pursuant to 8 U.S.C.
2 1101(a)(15)(U)(i)(III), an individual shall be considered helpful if,
3 since the initiation of cooperation, the individual has not unreasonably
4 refused to cooperate or failed to provide information and assistance
5 reasonably requested by law enforcement or the prosecutor.

6 (c) If the certifying official determines that an individual does
7 not meet the requirements of the certifying agency for completion of a
8 Form I-918B, the certifying official shall, no later than ninety business
9 days after receiving the request, inform the individual of the reason and
10 that the individual may make another request with additional evidence or
11 documentation to satisfy such requirements. The certifying official shall
12 permit the individual to make such additional request.

13 (4) An investigation, the filing of charges, a prosecution, or a
14 conviction are not required for an individual to request and obtain the
15 signed and completed Form I-914B or Form I-918B from a law enforcement
16 agency or certifying official.

17 (5) It is the exclusive responsibility of the federal immigration
18 authorities to determine whether a person is eligible for a T or U visa.
19 Completion of a Form I-914B or Form I-918B by a law enforcement agency or
20 certifying official only serves to verify information regarding certain
21 criteria considered by the federal government in granting such visas.

22 (6) A law enforcement agency, certifying agency, or certifying
23 official has the discretion to revoke, disavow, or withdraw a previous
24 completion of a Form I-914B or Form I-918B at any time after initial
25 completion, as provided in 8 C.F.R. 214.11(d)(3)(ii) and 8 C.F.R.
26 214.14(h)(2)(i)(A).

27 (7) A law enforcement agency or certifying agency that receives a
28 request under this section shall maintain an internal record of such
29 request, including whether such request was granted or denied and, if
30 denied, the reasons for such denial. Such record shall be maintained for
31 at least three years from completion or denial of the request.

1 2. Renumber the remaining sections accordingly.

The Blood amendment was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 541. [ER158](#), found on page 472, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 540. [ER161](#), found on page 486, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 643. [ER162](#), found on page 486, was adopted.

Senator Kolterman offered the following amendment:

[FA94](#)

Strike Sec. 1.

Senator Kolterman withdrew his amendment.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 387. [ER163](#), found on page 511, was adopted.

Advanced to Enrollment and Review for Engrossment.

COMMITTEE REPORT(S)
Judiciary

LEGISLATIVE BILL 745. Placed on General File.

LEGISLATIVE BILL 751. Placed on General File.

LEGISLATIVE BILL 924. Placed on General File.

LEGISLATIVE BILL 43. Placed on General File with amendment.

[AM2037](#) is available in the Bill Room.

LEGISLATIVE BILL 58. Placed on General File with amendment.

[AM2123](#) is available in the Bill Room.

LEGISLATIVE BILL 832. Placed on General File with amendment.

[AM2293](#)

1 1. Strike the original sections and insert the following new

2 sections:

3 Section 1. Section 25-21,186, Reissue Revised Statutes of Nebraska,

4 is amended to read:

5 25-21,186 (1) No person who renders emergency care at the scene of

6 an accident or other emergency gratuitously, shall be held liable for any

7 civil damages as a result of any act or omission by such person in
 8 rendering the emergency care or as a result of any act or failure to act
 9 to provide or arrange for medical treatment or care for the injured
 10 person.
 11 (2) For purposes of this section, rendering emergency care at the
 12 scene of an accident or other emergency includes entering a motor vehicle
 13 to remove a child when entering the vehicle and removing the child is
 14 necessary to avoid immediate harm to the child.
 15 Sec. 2. Original section 25-21,186, Reissue Revised Statutes of
 16 Nebraska, is repealed.

(Signed) Steve Lathrop, Chairperson

Education

LEGISLATIVE BILL 1166. Placed on General File with amendment. [AM2310](#)

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. Section 79-499, Revised Statutes Cumulative Supplement,
 4 2018, is amended to read:
 5 79-499 (1) If the fall school district membership or the average
 6 daily membership of an existing Class III school district shows fewer
 7 than thirty-five students in grades nine through twelve, the district
 8 shall submit a plan for developing cooperative programs with other high
 9 schools, including the sharing of curriculum and certificated and
 10 noncertificated staff, to the State Committee for the Reorganization of
 11 School Districts. The cooperative program plan shall be submitted by the
 12 school district by September 1 of the year following such fall school
 13 district membership or average daily membership report. A cooperative
 14 program plan shall not be required if there is no high school within
 15 fifteen miles from such district on a reasonably improved highway. The
 16 state committee shall review the plan and provide advice and
 17 communication to such school district and other high schools.
 18 (2) If for two consecutive years the fall school district
 19 membership, or for two consecutive years the average daily membership, of
 20 an existing Class III school district is fewer than twenty-five pupils in
 21 grades nine through twelve as determined by the Commissioner of Education
 22 or if for one year an existing Class III school district contracts with a
 23 neighboring school district or districts to provide educational services
 24 for all of its pupils in grades nine through twelve, such school district
 25 shall, except as provided in subsection (3) or (4) of this section, be
 26 dissolved pursuant to the procedures described in subdivision (4)(b) of
 27 this section through the order of the state committee if the high school
 1 is within fifteen miles on a reasonably improved highway of another high
 2 school.
 3 This subsection does not apply to any school district located on an
 4 Indian reservation and substantially or totally financed by the federal
 5 government.
 6 (3) Any Class III school district which has a fall school district
 7 membership or an average daily membership of fewer than twenty-five
 8 students in grades nine through twelve may contract with another school
 9 district to provide educational services for its pupils in grades nine
 10 through twelve. Such contract may continue for a period not to exceed one
 11 year. At the end of such one-year period, the school district may resume
 12 educational services for grades nine through twelve if the average daily
 13 membership in grades nine through twelve for such school district has
 14 reached at least fifty students. If the school district has not achieved
 15 such fall school district membership or average daily membership, it

16 shall be dissolved pursuant to the procedures described in subdivision
17 (4)(b) of this section by order of the state committee entered after
18 thirty days' notice to the district but without a hearing,
19 notwithstanding the distance on a reasonably improved highway to the
20 nearest school district conducting a high school.

21 (4)(a) Any Class III school district maintaining the only public
22 high school in the county with a fall school district membership or an
23 average daily membership of fewer than twenty-five students in grades
24 nine through twelve shall be subject to this subsection until such school
25 district reaches a fall school district membership or an average daily
26 membership in grades nine through twelve of at least thirty-five students
27 or, for two consecutive years, fewer than fifteen students in grades nine
28 through twelve or such school district dissolves. Such school district
29 may continue to operate the high school if:

30 (i) The plan submitted pursuant to subsection (1) of this section
31 provides a broad-based curriculum as determined by the state committee;
1 and
2 (ii) At a districtwide election held the second Tuesday of November
3 by whatever means the county conducts balloting, in the second
4 consecutive school year that the fall school district membership for
5 grades nine through twelve is fewer than twenty-five students, a majority
6 of voters approve a ballot issue to continue to operate the high school
7 for the immediately following school year. If such ballot issue succeeds
8 in the initial election, the school board shall annually determine if
9 such a districtwide election is necessary for each subsequent year that
10 the school district is subject to this subsection, except that such
11 school board shall hold such districtwide election if four years have
12 passed since the last election pursuant to this section and the school
13 district has remained subject to this subsection.

14 (b) If such ballot issue as provided in subdivision (4)(a)(ii) of
15 this section fails, or if a school district falls within the provisions
16 of subsection (2) or (3) of this section, the state committee shall
17 dissolve the school district and attach the territory to other school
18 districts based on the preferences of each landowner if such preference
19 is provided in the time and manner required by the state committee and
20 would transfer such parcels to a school district with a boundary
21 contiguous to the school district being dissolved. Landowners submitting
22 such preferences shall sign a statement that the district of preference
23 is the district which children who might reside on the property, at the
24 time of the dissolution or in the future, would be expected to attend.
25 For property for which a preference is not provided in the time and
26 manner required by the state committee, the state committee shall
27 transfer such property to one or more of the school districts with
28 boundaries contiguous to the district being dissolved in a manner that
29 will best serve children who might reside on such property, at the time
30 of the dissolution or in the future, and that will, to the extent
31 possible, create compact and contiguous districts.

1 (c) This subsection shall not apply to any school district if the
2 fall school district membership or an average daily membership falls to
3 fewer than fifteen students in grades nine through twelve for two
4 consecutive years.

5 (5) For purposes of this section, when calculating fall school
6 district membership or average daily membership, a resident school
7 district as defined in section 79-233 shall not count students attending
8 an option district as defined in such section and a Class III school
9 district shall not count foreign exchange students and nonresident
10 students who are wards of the court or state.

11 Sec. 2. Original section 79-499, Revised Statutes Cumulative
12 Supplement, 2018, is repealed.

13 Sec. 3. Since an emergency exists, this act takes effect when

14 passed and approved according to law.

(Signed) Mike Groene, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 6, 2020, at 11:25 a.m. were the following: LBs 880e, 4e, 4Ae, 30, 93, 230, 582, 740, 741, 68, 76, 107, 148, 236, and 731.

(Signed) Jamie Leishman
Clerk of the Legislature's Office

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Wayne name added to LB68.
Senator Wayne name added to LB230.
Senator McCollister name added to LB242.
Senator Wayne name added to LB387.
Senator Wayne name added to LB540.
Senator Wayne name added to LB582.
Senator Wayne name added to LB731.
Senator Wayne name added to LB734.
Senator Linehan name added to LB772.
Senator Blood name added to LB831.

VISITOR(S)

Visitors to the Chamber were Andrew Kitzing from Lincoln and Lori Kitzing from Ruskin; James Prange from Omaha and Clark Kolterman and Rick Endicott from Seward; members of the Lincoln and Omaha Young Professional groups; and members of Leadership Tomorrow of Grand Island and Leadership Hastings.

The Doctor of the Day was Dr. Derrick Anderson from Omaha.

ADJOURNMENT

At 11:51 a.m., on a motion by Senator Cavanaugh, the Legislature adjourned until 9:00 a.m., Monday, February 10, 2020.

Patrick J. O'Donnell
Clerk of the Legislature