

**THIRTY-EIGHTH DAY - MARCH 10, 2020****LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE  
SECOND SESSION****THIRTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, March 10, 2020

**PRAYER**

The prayer was offered by Pastor Michael Warrick, Enduring Faith Christian Center, Omaha.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:20 a.m., Senator Williams presiding.

The roll was called and all members were present except Senators Blood and Brewer who were excused; and Senators M. Hansen, Pansing Brooks, Quick, Slama, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-seventh day was approved.

**COMMITTEE REPORT(S)**

Appropriations

**LEGISLATIVE BILL 1008.** Placed on General File with amendment. [AM2737](#) is available in the Bill Room.

**LEGISLATIVE BILL 1009.** Placed on General File with amendment. [AM2738](#)

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. The State Treasurer shall transfer three million eight  
4 hundred thousand dollars from the General Fund to the Critical  
5 Infrastructure Facilities Cash Fund on or before June 30, 2020, on such  
6 date as directed by the budget administrator of the budget division of  
7 the Department of Administrative Services.  
8 Sec. 2. Section 9-1,101, Revised Statutes Supplement, 2019, is  
9 amended to read:  
10 9-1,101 (1) The Nebraska Bingo Act, the Nebraska County and City  
11 Lottery Act, the Nebraska Lottery and Raffle Act, the Nebraska Pickle

12 Card Lottery Act, the Nebraska Small Lottery and Raffle Act, and section  
13 9-701 shall be administered and enforced by the Charitable Gaming  
14 Division of the Department of Revenue, which division is hereby created.  
15 The Department of Revenue shall make annual reports to the Governor,  
16 Legislature, Auditor of Public Accounts, and Attorney General on all tax  
17 revenue received, expenses incurred, and other activities relating to the  
18 administration and enforcement of such acts. The report submitted to the  
19 Legislature shall be submitted electronically.

20 (2) The Charitable Gaming Operations Fund is hereby created. Any  
21 money in the fund available for investment shall be invested by the state  
22 investment officer pursuant to the Nebraska Capital Expansion Act and the  
23 Nebraska State Funds Investment Act.

24 (3)(a) Forty percent of the taxes collected pursuant to sections  
25 9-239, 9-344, 9-429, and 9-648 shall be available to the Charitable  
26 Gaming Division for administering and enforcing the acts listed in  
27 subsection (1) of this section and providing administrative support for  
1 the Nebraska Commission on Problem Gambling. The remaining sixty percent  
2 shall be transferred to the General Fund. Any portion of the forty  
3 percent not used by the division in the administration and enforcement of  
4 such acts and section shall be distributed as provided in this  
5 subsection.

6 (b) Beginning July 1, 2019, through June 30, 2021, on or before the  
7 last day of the last month of each calendar quarter, the State Treasurer  
8 shall transfer one hundred thousand dollars from the Charitable Gaming  
9 Operations Fund to the Compulsive Gamblers Assistance Fund. ~~Beginning~~  
10 ~~July 1, 2021, on or before November 1 each year, the State Treasurer~~  
11 ~~shall transfer one hundred thousand dollars from the Charitable Gaming~~  
12 ~~Operations Fund to the Compulsive Gamblers Assistance Fund, except that~~  
13 ~~no transfer shall occur if the Charitable Gaming Operations Fund contains~~  
14 ~~less than one hundred thousand dollars.~~

15 (c) Any money remaining in the Charitable Gaming Operations Fund  
16 after the transfer pursuant to subdivision (b) of this subsection not  
17 used by the Charitable Gaming Division in its administration and  
18 enforcement duties pursuant to this section may be transferred to the  
19 General Fund and the Compulsive Gamblers Assistance Fund at the direction  
20 of the Legislature.

21 (4) The Tax Commissioner shall employ investigators who shall be  
22 vested with the authority and power of a law enforcement officer to carry  
23 out the laws of this state administered by the Tax Commissioner or the  
24 Department of Revenue and to enforce sections 28-1101 to 28-1117 relating  
25 to possession of a gambling device. For purposes of enforcing sections  
26 28-1101 to 28-1117, the authority of the investigators shall be limited  
27 to investigating possession of a gambling device, notifying local law  
28 enforcement authorities, and reporting suspected violations to the county  
29 attorney for prosecution.

30 (5) The Charitable Gaming Division may charge a fee for publications  
31 and listings it produces. The fee shall not exceed the cost of  
1 publication and distribution of such items. The division may also charge  
2 a fee for making a copy of any record in its possession equal to the  
3 actual cost per page. The division shall remit the fees to the State  
4 Treasurer for credit to the Charitable Gaming Operations Fund.

5 (6) For administrative purposes only, the Nebraska Commission on  
6 Problem Gambling shall be located within the Charitable Gaming Division.  
7 The division shall provide office space, furniture, equipment, and  
8 stationery and other necessary supplies for the commission. Commission  
9 staff shall be appointed, supervised, and terminated by the director of  
10 the Gamblers Assistance Program pursuant to section 9-1004.

11 Sec. 3. Section 13-2704, Revised Statutes Supplement, 2019, is  
12 amended to read:  
13 13-2704 (1) The Civic and Community Center Financing Fund is

14 created. The fund shall be administered by the department. Any money in  
 15 the fund available for investment shall be invested by the state  
 16 investment officer pursuant to the Nebraska Capital Expansion Act and the  
 17 Nebraska State Funds Investment Act. Transfers may be made from the fund  
 18 to the General Fund, the Department of Revenue Enforcement Fund, and the  
 19 State Colleges Sport Facilities Cash Fund at the direction of the  
 20 Legislature.

21 (2)(a) The department shall use the Civic and Community Center  
 22 Financing Fund for the following purposes:

23 (i) For grants of assistance as described in section 13-2704.01;

24 (ii) For grants of assistance as described in section 13-2704.02;

25 and

26 (iii) For reasonable and necessary costs of the department directly  
 27 related to the administration of the fund, ~~not to exceed the amount~~  
 28 ~~needed to employ a one-half full-time equivalent employee.~~

29 (b) Grants of assistance shall not be used for programming,  
 30 marketing, advertising, or facility-staffing activities.

31 (3) The State Treasurer shall transfer two hundred fifty thousand  
 1 dollars from the Civic and Community Center Financing Fund to the State  
 2 Colleges Sport Facilities Cash Fund on October 1 of 2012, 2013, and 2014.  
 3 Commencing October 1, 2015, and every year thereafter, the State  
 4 Treasurer shall transfer three hundred thousand dollars from the Civic  
 5 and Community Center Financing Fund to the State Colleges Sport  
 6 Facilities Cash Fund.

7 Sec. 4. Section 61-222, Reissue Revised Statutes of Nebraska, is  
 8 amended to read:

9 61-222 The Water Sustainability Fund is created in the Department of  
 10 Natural Resources. The fund shall be used in accordance with the  
 11 provisions established in Laws 2014, LB1098, and for costs directly  
 12 related to the administration of the fund, except that transfers may be  
 13 made from the fund as provided in this section.

14 The fund shall consist of money transferred to the fund by the  
 15 Legislature, other funds as appropriated by the Legislature, and money  
 16 donated as gifts, bequests, or other contributions from public or private  
 17 entities. Funds made available by any department or agency of the United  
 18 States may also be credited to the fund if so directed by such department  
 19 or agency. Any money in the fund available for investment shall be  
 20 invested by the state investment officer pursuant to the Nebraska Capital  
 21 Expansion Act and the Nebraska State Funds Investment Act. Investment  
 22 earnings from investment of money in the fund shall be credited to the  
 23 fund.

24 It is the intent of the Legislature that twenty-one million dollars  
 25 be transferred from the General Fund to the Water Sustainability Fund in  
 26 fiscal year 2014-15 and that eleven million dollars be transferred from  
 27 the General Fund to the Water Sustainability Fund each fiscal year  
 28 beginning in fiscal year 2015-16. It is the intent of the Legislature  
 29 that three million dollars be transferred annually from the Water  
 30 Sustainability Fund to the Nebraska Resources Development Fund in  
 31 FY2015-16 and in FY2016-17.

1 The State Treasurer shall transfer one hundred seventy-five thousand  
 2 dollars from the Water Sustainability Fund to the Department of Natural  
 3 Resources Cash Fund on or before June 30, 2020, on such dates and in such  
 4 amounts as directed by the budget administrator of the budget division of  
 5 the Department of Administrative Services.

6 The State Treasurer shall transfer four hundred twenty-five thousand  
 7 dollars from the Water Sustainability Fund to the Department of Natural  
 8 Resources Cash Fund on or before June 30, 2021, on such dates and in such  
 9 amounts as directed by the budget administrator of the budget division of  
 10 the Department of Administrative Services.

11 The State Treasurer shall transfer five hundred thousand dollars

12 from the Water Sustainability Fund to the General Fund on or before June  
 13 30, 2021, on such dates and in such amounts as directed by the budget  
 14 administrator of the budget division of the Department of Administrative  
 15 Services.  
 16 Sec. 5. Section 61-224, Reissue Revised Statutes of Nebraska, is  
 17 amended to read:  
 18 61-224 There is hereby created the Critical Infrastructure  
 19 Facilities Cash Fund in the Department of Natural Resources. The fund  
 20 shall consist of funds appropriated or transferred by the Legislature.  
 21 The fund shall be used by the Department of Natural Resources (1) to  
 22 provide a grant to a natural resources district to offset costs related  
 23 to soil and water improvements intended to protect critical  
 24 infrastructure facilities within the district which includes military  
 25 installations, transportation routes, and wastewater treatment facilities  
 26 and (2) to provide a grant to an irrigation district for reimbursement of  
 27 costs related to temporary repairs to the main canal and tunnels of an  
 28 interstate irrigation system which experienced a failure. Any funds  
 29 remaining after all such project costs have been completely funded shall  
 30 be transferred to the General Fund. Transfers may be made from the  
 31 Critical Infrastructure Facilities Cash Fund ~~fund~~ to the General Fund at  
 1 the direction of the Legislature. The State Treasurer shall transfer  
 2 three hundred eighty-four thousand two hundred twenty-two dollars plus  
 3 any accrued interest through April 5, 2018, from the Critical  
 4 Infrastructure Facilities Cash Fund to the General Fund on or before June  
 5 30, 2019, on such dates and in such amounts as directed by the budget  
 6 administrator of the budget division of the Department of Administrative  
 7 Services. Any money in the Critical Infrastructure Facilities Cash Fund  
 8 available for investment shall be invested by the state investment  
 9 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska  
 10 State Funds Investment Act, and any interest earned by the fund shall be  
 11 credited to the General Fund.  
 12 Sec. 6. Original sections 61-222 and 61-224, Reissue Revised  
 13 Statutes of Nebraska, and sections 9-1,101 and 13-2704, Revised Statutes  
 14 Supplement, 2019, are repealed.  
 15 Sec. 7. The following section is outright repealed: Section 46-752,  
 16 Reissue Revised Statutes of Nebraska.  
 17 Sec. 8. Since an emergency exists, this act takes effect when  
 18 passed and approved according to law.

(Signed) John Stinner, Chairperson

### MESSAGE(S) FROM THE GOVERNOR

March 6, 2020

Mr. President, Speaker Scheer  
 and Members of the Legislature  
 State Capitol  
 Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the State Racing Commission:

Shelby Bakenhus, 38578 490th Avenue, Saint Edward, NE 68660

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

### GENERAL FILE

**LEGISLATIVE BILL 912.** The second committee amendment, [AM2831](#), found on page 881, was renewed.

### SPEAKER SCHEER PRESIDING

### SENATOR WILLIAMS PRESIDING

Senator Lathrop moved for a call of the house. The motion prevailed with 24 ayes, 3 nays, and 22 not voting.

Senator Lathrop requested a roll call vote on the second committee amendment.

Voting in the affirmative, 21:

Bolz	DeBoer	Kolterman	Pansing Brooks	Wishart
Brandt	Hansen, M.	Lathrop	Quick	
Cavanaugh	Howard	McCollister	Vargas	
Chambers	Hunt	McDonnell	Walz	
Crawford	Kolowski	Morfeld	Wayne	

Voting in the negative, 24:

Albrecht	Dorn	Groene	La Grone	Murman
Arch	Erdman	Halloran	Lindstrom	Scheer
Bostelman	Friesen	Hansen, B.	Linehan	Stinner
Briese	Geist	Hilgers	Lowe	Williams
Clements	Gragert	Hilkemann	Moser	

Excused and not voting, 4:

Blood	Brewer	Hughes	Slama
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The second committee amendment lost with 21 ayes, 24 nays, and 4 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

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

Senator Bolz filed the following amendment to LB219:  
AM2812

(Amendments to E & R amendments, ER166)

1 1. Strike section 3 and insert the following new sections:  
2 Sec. 3. Section 68-1212, Revised Statutes Supplement, 2019, is  
3 amended to read:  
4 68-1212 (1) Except as provided in subsection (2) of this section,  
5 for all cases in which a court has awarded a juvenile to the care of the  
6 Department of Health and Human Services according to subsection (1) of  
7 section 43-285 and for any noncourt and voluntary cases, the case manager  
8 shall be an employee of the department. Such case manager shall be  
9 responsible for and shall directly oversee: Case planning; service  
10 authorization; investigation of compliance; monitoring and evaluation of  
11 the care and services provided to children and families; and  
12 decisionmaking regarding the determination of visitation and the care,  
13 placement, medical services, psychiatric services, training, and  
14 expenditures on behalf of each juvenile under subsection (1) of section  
15 43-285. Such case manager shall be responsible for decisionmaking and  
16 direct preparation regarding the proposed plan for the care, placement,  
17 services, and permanency of the juvenile filed with the court required  
18 under subsection (2) of section 43-285. The health and safety of the  
19 juvenile shall be the paramount concern in the proposed plan in  
20 accordance with such subsection.  
21 (2) The department may contract with a lead agency for a case  
22 management lead agency model pilot project in the department's eastern  
23 service area as designated pursuant to section 81-3116. The department  
24 shall include in the pilot project the appropriate conditions,  
25 performance outcomes, and oversight for the lead agency, including, but  
26 not be limited to:  
1 (a) The reporting and survey requirements of lead agencies described  
2 in sections 43-4406 and 43-4407;  
3 (b) Departmental monitoring and functional capacities of lead  
4 agencies described in section 43-4408;  
5 (c) The key areas of evaluation specified in subsection (3) of  
6 section 43-4409;  
7 (d) Compliance and coordination with the strategic child welfare  
8 priorities determined by the Nebraska Children's Commission as provided  
9 in section 43-4204; and  
10 (e) Assurance of financial accountability and reporting by the lead  
11 agency.  
12 (3) A lead agency contracted to provide community-based care for  
13 children and families shall:  
14 (a) Have a board of directors of which at least fifty-one percent of  
15 the membership is comprised of Nebraska residents who are not employed by  
16 the lead agency or by a subcontractor of the lead agency;  
17 (b) ~~Demonstrate readiness shown by the completion of~~ Complete a  
18 readiness assessment as developed by the Department of Health and Human  
19 Services to determine the lead agency's viability. The ~~readiness~~  
20 assessment shall evaluate organizational, operational, and programmatic  
21 capabilities and performance, including ~~readiness review~~ of: The ~~strength~~  
22 ~~of the~~ board of directors; compliance and oversight; financial risk  
23 management; financial liquidity and performance; infrastructure

24 maintenance; funding sources, including state, federal, and external  
 25 private funding; and operations, including reporting, staffing,  
 26 evaluation, training, supervision, contract monitoring, and program  
 27 performance tracking capabilities;  
 28 (c) Have the ability to provide directly or by contract through a  
 29 local network of providers the services required of a lead agency. A lead  
 30 agency shall not directly provide more than thirty-five percent of direct  
 31 services required under the contract; and  
 1 (d) Provide accountability for meeting the outcomes and performance  
 2 standards related to child welfare services established by Nebraska child  
 3 welfare policy and the federal government.  
 4 (4) Each condition of subsection (3) of this section shall be met  
 5 prior to the assumption of service provision by such lead agency under  
 6 this section. Nothing in this section shall prohibit the department from  
 7 phasing the transition of case management services to such lead agency  
 8 over a period of time.  
 9 (5) The Director of Children and Family Services of the Division of  
 10 Children and Family Services of the Department of Health and Human  
 11 Services shall notify the Health and Human Services Committee of the  
 12 Legislature when the readiness assessment required under subdivision (3)  
 13 (b) of this section is complete and provide assurance that the lead  
 14 agency has demonstrated full readiness, prior to the assumption of  
 15 service provision by such lead agency.  
 16 Sec. 4. Original section 43-4704, Revised Statutes Cumulative  
 17 Supplement, 2018, and sections 43-1311.03 and 68-1212, Revised Statutes  
 18 Supplement, 2019, are repealed.

### COMMITTEE REPORT(S)

#### Enrollment and Review

**LEGISLATIVE BILL 760.** Placed on Select File with amendment.

[ER198](#)

1 1. On page 1, line 2, after the semicolon insert "to define terms:".

**LEGISLATIVE BILL 965.** Placed on Select File with amendment.

[ER199](#)

1 1. On page 1, line 1, strike beginning with the second "to" through  
 2 line 7 and insert "to recognize American Sign Language as a distinct and  
 3 separate language; to authorize schools and postsecondary educational  
 4 institutions to offer courses in American Sign Language; to define terms;  
 5 to establish a language assessment program for children who are deaf or  
 6 hard of hearing; to provide duties for the Commission for the Deaf and  
 7 Hard of Hearing and the State Department of Education; to provide for an  
 8 advisory committee; and to provide a duty for the Revisor of Statutes.".

(Signed) Julie Slama, Chairperson

### COMMITTEE REPORT(S)

#### Business and Labor

**LEGISLATIVE BILL 927.** Placed on General File with amendment.

[AM2822](#)

1 1. Strike original section 1 and insert the following new sections:  
 2 Section 1. The following sum of money, or so much thereof as may be  
 3 required, is hereby appropriated from the General Fund or from other  
 4 funds as indicated in the state treasury, not otherwise appropriated, for

5 the payment of a state settlement, which has been settled by the Attorney  
 6 General in the district court and which requires the approval of the  
 7 Legislature for payment.  
 8 \$107,243.21 for 8:16CV546, a self-insured liability settlement with  
 9 Riley Nicole Shadle, against the State of Nebraska, pay to Michael D.  
 10 Gooch, Attorney, 7215 North 162nd Street, Bennington, NE 68007, out of  
 11 the General Fund.

12 The claim included in this section shall be paid through Program 536  
 13 in Agency 65.

14 For informational purposes only, the appropriation contained in this  
 15 section and fund source:

<u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
17 <u>GENERAL FUND</u>	<u>\$107,243.21</u>
18 <u>CASH FUND</u>	<u>\$-0-</u>
19 <u>REVOLVING FUND</u>	<u>\$-0-</u>
20 <u>TOTAL</u>	<u>\$107,243.21</u>

21 Sec. 2. The following sums of money, or so much thereof as may be  
 22 required, are hereby appropriated from the General Fund or from other  
 23 funds as indicated in the state treasury, not otherwise appropriated, for  
 24 the payment of tort claims which have been settled by the State Claims  
 25 Board and approved by the district court, which have been settled by the  
 26 Attorney General in the district court, or in which court judgments have  
 27 been entered and which require the approval of the Legislature for  
 1 payment.

2 \$335,000.00 for Tort Claim Number 2017-16279, against the State of  
 3 Nebraska, pay to Disability Rights Nebraska Trust Account on behalf of  
 4 Ruth Cecetka, 134 South 13th Street, Suite 600, Lincoln, NE 68508, out of  
 5 the General Fund.

6 \$850,000.00 for Tort Claim Numbers 2018-18149 and 2018-18150,  
 7 against the State of Nebraska, pay jointly to Christine Allen (now  
 8 "Harms") and Cynthia Allen; Woods & Aitken LLP, 301 South 13th Street,  
 9 Suite 500, Lincoln, NE 68508-2578, out of the General Fund.

10 The claims included in this section shall be paid through Program  
 11 591 in Agency 65.

12 For informational purposes only, the appropriations contained in  
 13 this section and fund source:

<u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
15 <u>GENERAL FUND</u>	<u>\$1,185,000.00</u>
16 <u>CASH FUND</u>	<u>\$-0-</u>
17 <u>REVOLVING FUND</u>	<u>\$-0-</u>
18 <u>TOTAL</u>	<u>\$1,185,000.00</u>

19 Sec. 4. The following sums of money, or so much thereof as may be  
 20 required, are hereby appropriated from the General Fund or from other  
 21 funds as indicated in the state treasury, not otherwise appropriated, for  
 22 the payment of tort claims which have been settled by the State Claims  
 23 Board and approved by the district court, which have been settled by the  
 24 Attorney General in the district court, or in which court judgments have  
 25 been entered and which require the approval of the Legislature for  
 26 payment.

27 \$90,000.00 for Tort Claim Number 2016-15375, against the State of  
 28 Nebraska, pay to Jennifer Urbina and Dyer Law, Attorney, Dyer Law PC,  
 29 LLO, 2611 South 117th Street, Omaha, NE 68144, out of the State Insurance  
 30 Fund.

1 \$112,000.00 for Tort Claim Number 2016-16049, against the State of  
 2 Nebraska, pay to Copple and Rockey Trust Account, 2425 Taylor Avenue,  
 3 P.O. Box 78, Norfolk, NE 68701, out of the State Insurance Fund.

4 \$323,846.79 for Tort Claim Number 2017-16406, against the State of  
 5 Nebraska, pay to Kevin Nibble and Law Office of Sodoro, Mooney, and  
 6 Lenaghan, 13924 Gold Circle, Omaha, NE 68144, out of the State Insurance  
 7 Fund.



8 The claims included in this section shall be paid through Program  
 9 594 in Agency 65.  
 10 For informational purposes only, the appropriations contained in  
 11 this section and fund source:

<u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
13 <u>GENERAL FUND</u>	<u>\$-0-</u>
14 <u>CASH FUND</u>	<u>\$-0-</u>
15 <u>REVOLVING FUND</u>	<u>\$525,846.79</u>
16 <u>TOTAL</u>	<u>\$525,846.79</u>

17 2. On page 3, after line 4, insert the following new paragraph:  
 18 "\$25,000.00 for a workers' compensation claim, pay to Michael Morgan  
 19 and Joe Dowding, Dowding, Dowding & Urbom Law Office, 201 North  
 20 8th Street, Suite 242, P.O. Box 83103, Lincoln, NE 68510, out of the  
 21 Workers' Compensation Claims Revolving Fund."; and in lines 12 and 13  
 22 strike "\$257,733.72" and insert "\$282,733.72".  
 23 3. On page 4, line 7, strike "\$113,813.12" and insert "\$110,998.88";  
 24 in line 13 strike "\$63,386,644.68" and insert "\$63,342,441.64"; and in  
 25 line 21 strike "\$4.00" and insert "\$3.00".  
 26 4. Renumber the remaining sections accordingly.

(Signed) Matt Hansen, Chairperson

### GENERAL FILE

**LEGISLATIVE BILL 1140.** Title read. Considered.

Committee [AM2663](#), found on page 834, was adopted with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 45 ayes, 0 nays, 2 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 1144.** Title read. Considered.

Committee [AM2785](#), found on page 878, was adopted with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, 3 present and not voting, and 3 excused and not voting.

### VISITOR(S)

Visitors to the Chamber were Kate Kelley from Omaha; students from Cottonwood Elementary, Omaha; students and teacher from Central Valley High School, Greeley; and Ella Levy from Omaha.

### RECESS

At 11:44 a.m., on a motion by Senator Wishart, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:30 p.m., Senator Lindstrom presiding.

**ROLL CALL**

The roll was called and all members were present except Senators Blood and Brewer who were excused; and Senator Pansing Brooks who was excused until she arrives.

**GENERAL FILE**

**LEGISLATIVE BILL 1188.** Title read. Considered.

Committee [AM2736](#), found on page 839, was offered.

Senator Brandt offered his amendment, [AM2769](#), found on page 879, to the committee amendment.

Senator Brandt moved for a call of the house. The motion prevailed with 22 ayes, 4 nays, and 23 not voting.

Senator Brandt requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 32:

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

Voting in the negative, 9:

Albrecht	Clements	Geist	Lowe	Slama
Bostelman	Erdman	La Grone	Moser	

Present and not voting, 3:

Halloran	Hughes	Linehan
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Excused and not voting, 5:

Blood	Brewer	Groene	Hilgers	Wishart
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The Brandt amendment was adopted with 32 ayes, 9 nays, 3 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

The committee amendment, as amended, was adopted with 32 ayes, 5 nays, 6 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 4 nays, 7 present and not voting, and 6 excused and not voting.

**COMMITTEE REPORT(S)**  
General Affairs

**LEGISLATIVE BILL 1064.** Placed on General File.

(Signed) Tom Briese, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**  
Health and Human Services  
Room 1510

Wednesday, March 18, 2020 1:00 p.m.  
Rui Yi - Stem Cell Research Advisory Committee  
Daniel J. Rosenthal - State Board of Health  
Benjamin R. Iske - Nebraska Rural Health Advisory Commission

(Signed) Sara Howard, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 1148.** Title read. Considered.

**SPEAKER SCHEER PRESIDING**

Committee [AM2637](#), found on page 785, was offered.

**SENATOR LINDSTROM PRESIDING**

Senator Lathrop offered his amendment, [AM2666](#), found on page 796, to the committee amendment.

Senator Vargas moved for a call of the house. The motion prevailed with 21 ayes, 3 nays, and 24 not voting.

The Lathrop amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator Lathrop offered his amendment, [AM2810](#), found on page 876, to the committee amendment.

The Lathrop amendment was adopted with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

The committee amendment, as amended, was adopted with 33 ayes, 1 nay, 8 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 1 nay, 6 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 835.** Title read. Considered.

Committee [AM2185](#), found on page 481, was offered.

Senator Chambers offered the following amendment to the committee amendment:

[FA109](#)

Amend AM2185

P.1, line 24, strike "proper" and insert "appropriate".

**SENATOR HUGHES PRESIDING**

Pending.

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

Senator Geist filed the following amendment to [LB814](#):

[AM2867](#)

1 1. Strike original section 8 and insert the following new section:  
 2 Sec. 8. Upon request in any civil, criminal, or administrative  
 3 proceeding or action brought under sections 3 to 7 of this act, the court  
 4 shall take every possible measure allowable under the law to protect the  
 5 anonymity of any woman upon whom an abortion has been performed or  
 6 attempted to be performed and to preserve her identity from public  
 7 disclosure. The court shall make a ruling, accompanied by specific  
 8 written findings, explaining why the anonymity of the woman should or  
 9 should not be preserved from public disclosure. Upon determining that her  
 10 anonymity should be preserved, the court shall issue orders to the  
 11 parties, witnesses, and counsel and shall direct the sealing of the  
 12 record and exclusion of individuals from courtrooms or hearing rooms to  
 13 the extent necessary to safeguard her identity from public disclosure.  
 14 Each such order shall be accompanied by specific written findings  
 15 explaining why the anonymity of the woman should be preserved from public  
 16 disclosure, why the order is essential to that end, how the order is  
 17 narrowly tailored to serve that interest, and why no less restrictive  
 18 alternative exists. In the absence of written consent of the woman upon  
 19 whom an abortion is performed or attempted to be performed, any person  
 20 other than a public official who brings an action under section 4 or 5 of  
 21 this act shall do so under a pseudonym. This section may not be construed  
 22 to conceal the identity of the plaintiff or of witnesses from the  
 23 defendant or from attorneys for the defendant.

Senator Williams filed the following amendment to [LB1055](#):  
[AM2856](#)

(Amendments to E & R amendments, ER195)

1 1. On page 23, line 10, strike "direct pecuniary fee", show as  
 2 stricken, and insert "payment, fee,"; strike lines 26 through 30 and show  
 3 as stricken; and in line 31 strike "(7)", show as stricken, and insert  
 4 "(6)".  
 5 2. On page 24, line 6, strike "(8)", show as stricken, and insert  
 6 "(7)"; in line 11 strike "(9)", show as stricken, and insert "(8)"; and  
 7 in line 13 strike "(10)(a)", show as stricken, and insert "(9)(a)".

### GENERAL FILE

**LEGISLATIVE BILL 835.** The Chambers amendment, [FA109](#), found in this day's Journal, to the committee amendment, was renewed.

Senator Chambers moved for a call of the house. The motion prevailed with 12 ayes, 3 nays, and 34 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 0.

Voting in the negative, 41:

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

Present and not voting, 4:

Cavanaugh	Chambers	Erdman	Pansing Brooks
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Excused and not voting, 4:

Blood	Brewer	McCollister	Walz
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The Chambers amendment lost with 0 ayes, 41 nays, 4 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Pending.

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

Senator Lathrop filed the following amendment to [LB1198](#):

[AM2844](#)

1 1. Insert the following new section:

2 Sec. 2. There is hereby appropriated \$52,000,000 from the General

3 Fund for FY2020-21 to the Department of Correctional Services for the

4 construction or expansion of a community corrections facility with three

5 hundred new beds in the Omaha metropolitan area.

6 The new or expanded facility shall be consistent with the increase

7 of community corrections capacity in the Omaha area recommended in Phase

8 1 of the Department of Correctional Services 2014 Master Plan Report.

**BILL ON FIRST READING**

The following bill was read for the first time by title:

**LEGISLATIVE BILL 918A.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 918, One Hundred Sixth Legislature, Second Session, 2020.

**GENERAL FILE**

**LEGISLATIVE BILL 835.** Senator Chambers offered the following motion:

[MO164](#)

Reconsider the vote taken on FA109.

Senator Chambers asked unanimous consent to withdraw his motion to reconsider. No objections. So ordered.

Committee [AM2185](#), found on page 481 and considered in this day's Journal, was renewed.

The committee amendment was adopted with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 7 present and not voting, and 8 excused and not voting.

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator DeBoer name added to LB627.

Senator DeBoer name added to LB755.

**VISITOR(S)**

Visitors to the Chamber were Amelia Stoner from Lincoln; students from Harvey Oaks Elementary, Omaha; a group from the University of Nebraska from across the state; and Phil, Jessica, and Josh Gebers from Lincoln.

The Doctor of the Day was Dr. Bret Elliott from Omaha.

**MOTION - Adjournment**

Senator Pansing Brooks moved to adjourn until 9:00 a.m., Wednesday, March 11, 2020.

Senator Chambers moved for a call of the house. The motion failed with 7 ayes, 27 nays, and 15 not voting.

Senator Wayne requested a roll call vote on the motion to adjourn.

The Pansing Brooks motion to adjourn prevailed with 28 ayes, 8 nays, 5 present and not voting, and 8 excused and not voting, and at 4:57 p.m., the Legislature adjourned until 9:00 a.m., Wednesday, March 11, 2020.

Patrick J. O'Donnell  
Clerk of the Legislature

