

NINTH DAY - JANUARY 22, 2020**LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION****NINTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 22, 2020

PRAYER

The prayer was offered by Pastor Perry Gauthier, Capitol Ministries, Lincoln.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:30 a.m., President Foley presiding.

The roll was called and all members were present except Senators Bolz, Groene, B. Hansen, McCollister, Slama, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighth day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB910	Appropriations (rereferred)
LB1022	Government, Military and Veterans Affairs
LB1023	Education
LB1024	Banking, Commerce and Insurance
LB1025	Revenue
LB1026	Appropriations
LB1027	Judiciary
LB1028	Judiciary
LB1029	Judiciary
LB1030	Judiciary
LB1031	Judiciary
LB1032	Judiciary

LB1033 Revenue
LB1034 Revenue
LB1035 Executive Board
LB1036 Judiciary
LB1037 Health and Human Services
LB1038 Health and Human Services
LB1039 Education
LB1040 Agriculture
LB1041 Judiciary
LB1042 Revenue
LB1043 Health and Human Services
LB1044 Health and Human Services
LB1045 Revenue
LB1046 Transportation and Telecommunications
LB1047 Government, Military and Veterans Affairs
LB1048 Judiciary
LB1049 Health and Human Services
LB1050 Appropriations
LB1051 Health and Human Services
LB1052 Health and Human Services
LR282 Executive Board

(Signed) Mike Hilgers, Chairperson
Executive Board

NOTICE OF COMMITTEE HEARING(S)
Government, Military and Veterans Affairs
Room 1507

Wednesday, January 29, 2020 1:30 p.m.
LR283CA

Thursday, January 30, 2020 1:30 p.m.
LB911
LB896
LB850

Friday, January 31, 2020 1:30 p.m.
LB790
LB889
LB857

(Signed) Tom Brewer, Chairperson

MOTION(S) - Withdraw LB1000

Senator Blood offered her motion, [MO121](#), found on page 342, to withdraw LB1000.

The Blood motion to withdraw the bill prevailed with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1106. Introduced by Scheer, 19.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.02, Reissue Revised Statutes of Nebraska; to eliminate obsolete sales tax provisions; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1107. Introduced by Scheer, 19.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1301, Revised Statutes Supplement, 2019; to change provisions relating to notice of preliminary valuations; and to repeal the original section.

LEGISLATIVE BILL 1108. Introduced by Gragert, 40.

A BILL FOR AN ACT relating to property; to amend sections 69-1301, 69-1302, 69-1303, 69-1305, 69-1305.01, 69-1307, 69-1307.03, 69-1308, 69-1310, 69-1318, and 69-1322, Reissue Revised Statutes of Nebraska, and sections 76-1416 and 79-956, Revised Statutes Supplement, 2019; to change provisions relating to the Uniform Disposition of Unclaimed Property Act and the School Employees Retirement Act; to provide for donated claims; to change a security deposit provision under the Uniform Residential Landlord and Tenant Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1109. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.16, Revised Statutes Supplement, 2019; to provide a sales tax exemption for the furnishing of water service; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1110. Introduced by La Grone, 49.

A BILL FOR AN ACT relating to school district bond elections; to amend section 10-702, Reissue Revised Statutes of Nebraska; to change procedures for calling an election; and to repeal the original section.

LEGISLATIVE BILL 1111. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to school funding; to amend section 79-1035.02, Reissue Revised Statutes of Nebraska, sections 79-1018.01 and

79-1035, Revised Statutes Cumulative Supplement, 2018, and section 79-1003, Revised Statutes Supplement, 2019; to create a grant program; to create the Nebraska Public-Private Partnership for Common Schools Fund; to change provisions regarding and provide for transfers from the temporary school fund; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1112. Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to forensic testing; to amend section 81-1429.03, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to payment for sexual assault forensic examinations; and to repeal the original section.

LEGISLATIVE BILL 1113. Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-906, Reissue Revised Statutes of Nebraska; to change provisions relating to obstruction of a peace officer; and to repeal the original section.

LEGISLATIVE BILL 1114. Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 31-735, Reissue Revised Statutes of Nebraska; to change provisions regarding the election of the board of trustees in certain districts; and to repeal the original section.

LEGISLATIVE BILL 1115. Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to real property; to amend section 76-3413, Reissue Revised Statutes of Nebraska; to change provisions relating to the revocation of instruments under the Nebraska Uniform Real Property Transfer on Death Act; and to repeal the original section.

LEGISLATIVE BILL 1116. Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to buildings; to amend sections 71-6403 and 71-6406, Revised Statutes Supplement, 2019; to adopt the New School Construction and Water Access Act; to provide a duty for the Revisor of Statutes; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1117. Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-105.02, 29-2204.02, and 43-246.01, Reissue Revised Statutes of Nebraska, sections 28-105.01, 29-1816, and 29-2204, Revised Statutes Cumulative Supplement, 2018, and section 43-274, Revised Statutes Supplement, 2019; to change provisions relating to certain criminal sentences; to require consideration of certain factors at sentencing; to change provisions relating to the jurisdiction of county, district, and juvenile

courts; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1118. Introduced by Scheer, 19.

A BILL FOR AN ACT relating to infants and juveniles; to amend section 43-1802, Reissue Revised Statutes of Nebraska; to provide for grandparent visitation; and to repeal the original section.

LEGISLATIVE BILL 1119. Introduced by La Grone, 49.

A BILL FOR AN ACT relating to special elections; to amend section 32-405, Reissue Revised Statutes of Nebraska; to change restrictions on special elections under the Election Act; and to repeal the original section.

LEGISLATIVE BILL 1120. Introduced by La Grone, 49.

A BILL FOR AN ACT relating to special elections; to amend section 32-405, Reissue Revised Statutes of Nebraska; to change restrictions on special elections held under the Election Act; and to repeal the original section.

LEGISLATIVE BILL 1121. Introduced by La Grone, 49.

A BILL FOR AN ACT relating to elections; to amend sections 32-545 and 79-552, Reissue Revised Statutes of Nebraska, section 32-606, Revised Statutes Cumulative Supplement, 2018, and section 32-552, Revised Statutes Supplement, 2019; to change certain incumbent filing deadlines; to eliminate obsolete provisions; and to repeal the original sections.

LEGISLATIVE BILL 1122. Introduced by La Grone, 49.

A BILL FOR AN ACT relating to the Election Act; to amend section 32-1027, Reissue Revised Statutes of Nebraska; to change provisions regarding early voting; and to repeal the original section.

LEGISLATIVE BILL 1123. Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to the Public Funds Deposit Security Act; to amend section 77-2387, Revised Statutes Supplement, 2019; to redefine the term security to include certain student loans; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1124. Introduced by Howard, 9; Lindstrom, 18.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Opioid Prevention and Treatment Act.

COMMITTEE REPORT(S)
Banking, Commerce and Insurance

LEGISLATIVE BILL 782. Placed on General File.

(Signed) Matt Williams, Chairperson

COMMITTEE REPORT(S)
Banking, Commerce and Insurance

The Banking, Commerce and Insurance Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Anthony Goins - Director - Department of Economic Development

Aye: 8. Gragert, Howard, Kolterman, La Grone, Lindstrom, McCollister, Quick, Williams. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Matt Williams, Chairperson

NOTICE OF COMMITTEE HEARING(S)
Natural Resources
Room 1525

Wednesday, January 29, 2020 1:30 p.m.
Jan K. tenBensel - Nebraska Ethanol Board
LB855
LB769

(Signed) Dan Hughes, Chairperson

MOTION - Escort Chief Justice

Senator Geist moved that a committee of five be appointed to escort the Chief Justice of the Supreme Court to the Legislative Chamber for the purpose of delivering the State of the Judiciary Address.

The motion prevailed.

The Chair appointed Senators Brandt, Hilgers, Lathrop, Pansing Brooks, and Wayne to serve on said committee.

STATE OF THE JUDICIARY ADDRESS

Mr. President, Mr. Speaker, Members of the Legislature, fellow Justices of the Nebraska Supreme Court, and fellow Nebraskans.

Thank you to the members of this legislative body, particularly Speaker Scheer, for inviting me to address you this morning. It is once again an honor for me to report on the accomplishments of our Judicial Branch and to discuss our upcoming plans with you.

First, I will introduce my fellow Justices.

To my immediate right is Justice Lindsey Miller-Lerman of Omaha; to Justice Miller-Lerman's right is Justice Jonathan Papik, also of Omaha. To my immediate left is Justice William Cassel of O'Neill; to his left is Justice Jeff Funke of Nebraska City; and to Justice Funke's left is Justice John Freudenberg of Rushville. Justice Stephanie Stacy of Lincoln is unable to be with us this morning.

INTRODUCTION

Today, I will highlight the commitment of Nebraska's Judicial Branch, including juvenile and adult probation, access, outreach, and efficiency.

Access to Justice

A primary goal of the judiciary is access to justice for all Nebraska citizens. To realize that goal, the Nebraska Supreme Court has created an Access to Justice Commission. The purpose of the Commission is to provide equal access to expeditious and fair justice for all Nebraskans, regardless of income, race, ethnicity, gender, disability, age, or language.

Language Access Program

First, I will address language access. In Fiscal Year 2019, the Supreme Court's Language Access Program provided interpreters in 65 of Nebraska's 93 counties. Collectively, those interpreters communicated in 49 different languages, including the following:

- Russian;
- Dinka, spoken in South Sudan;
- Ewe, spoken in Togo and Ghana;
- Hindi, spoken in India;
- Krio, spoken in Sierra Leone; and
- Tigrinya, spoken in Eritrea and Ethiopia.

Spanish, of course, remains the most frequently interpreted language in Nebraska's courts. But in addition to Spanish interpreters, last year each Judicial District needed interpreters for at least two other languages.

One of the challenges we are currently facing is the shortage of certified court interpreters, both in Nebraska and nationally. To address the shortage, this year our Court's Language Access Program collaborated with Northeast Community College in Norfolk to provide a no-cost adult education course for aspiring court interpreters.

This program is the first of its kind in the nation and is proving to be very successful. Our Language Access partnership story was broadcast both locally and nationally when it was featured on Nebraska Public Radio. We hope to expand this initiative in the near future.

Access - Public Engagement Sessions

Also through our Access to Justice Commission, the courts began significant outreach programming with tribal, state, and federal courts. This past fall, grant-funded engagement sessions, directed by Tribal Court Judge Patrick Runge of the Winnebago and Ponca Tribes, and State District Court Judge Andrea Miller of Scottsbluff, were held in Omaha, Niobrara, Macy, and Winnebago.

These sessions fostered conversations with Nebraska's Native American communities regarding court relationships, jurisdictional issues, and the Indian Child Welfare Act. By organizing and hosting these sessions, we hope to strengthen Native American communities' confidence in our court system. A second public engagement session is planned for later this year in northwestern Nebraska.

Details regarding the Access to Justice Commission are available in the Judicial Branch Annual Report provided to you today. The report is also available on the Court's website.

Access - Nebraska Strong

Our courts remained accessible in all 93 of Nebraska's counties, despite the heavy snows of last winter and the catastrophic flooding we experienced this past spring. I am pleased to report that with very few exceptions, where travel was impossible, we were able to maintain full court services during these devastating weather events.

I am proud to say that our courts, court staff, probation, public guardians, mediators, and interpreters remained 'Nebraska Strong' throughout 2019. Again, we commend these essential staff members for their commitment.

Access - Children in the Courts

The welfare of Nebraska's children and the elderly continues to be a priority for the judiciary. As part of our commitment to these populations, our Court Improvement Project has been involved in a number of outreach programs across Nebraska.

Our Through the Eyes of the Child teams continue to work throughout the state to improve the court system's response to abused and neglected children. There are 25 teams across Nebraska, each led by a trial court judge, working locally to improve our juvenile court system.

To enhance those efforts, we also began hosting Children's Summits in 2006 to better the lives of children and their families in our courts. This year, the Court Improvement Project hosted a Children's Summit in Kearney. The Summit was attended by nearly 600 participants from the legal community, social services, probation, tribal members, foster parents, and the therapeutic community.

Also, in Dawson, Lancaster, and Madison Counties, our Court Improvement Project took the lead in a joint pilot program with the Nebraska Department of Health and Human Services. The goal of this program is to increase the number of foster children reunified with their parents. The design was prompted by the actions of Judge Jeff Wightman of

Lexington, and has been implemented by Judge Linda Porter of Lincoln and Judge Ross Stoffer of Norfolk.

Access - Public Guardian

Annually, I also report on the Office of Public Guardian. The role of the office is two-fold: to provide guardianship services for individuals when no private alternative is available, and to develop required education for court-appointed individuals serving as guardians or conservators.

Many of Nebraska's court-appointed guardians are family members, caring for loved ones who have minimal assets and support. Since its inception in late 2015, the Office of Public Guardian has provided education to nearly 5,000 recently court-appointed private guardians in

Nebraska, and our associate public guardians have helped over 600 vulnerable individuals. This year, to manage the volume of necessary trainings, the office of Public Guardian added an online class to educate Nebraska's private guardians in a quicker, more cost-efficient manner.

In August of 2019, an editorial appeared in the *Omaha World Herald*, crediting our Office of Public Guardian with uncovering fraudulent Medicaid billings and financial abuse of an elderly client. The article commended our public guardians for their work in helping vulnerable, elderly Nebraskans, and pointed out that from 2010 to 2030, the number of Nebraskans aged 65 and above is projected to increase by 160,000 people, from 240,000 to 400,000.

The editorial called on the State to address current shortcomings in medical, behavioral health, and nursing home services, along with calling for additional public guardians to meet the current need. Unfortunately, our Office of Public Guardian has reached its service capacity in most areas of the State. As a result, nearly 100 cases were necessarily referred to a waiting list.

Access - Guardians and Conservators

To complement the Office of Public Guardian, in 2015 the Supreme Court established the Commission on Guardianships and Conservatorships. The Commission is led by Judge Todd Hutton of Papillion, Judge Holly Parsley of Lincoln, and Judge Sheryl Lohaus of Omaha, and is responsible for the continued analysis and study of statutes, court rules and procedures, and the ways laws and procedures often challenge the system of legal guardians.

The Supreme Court recently approved rules to support the Commission's recommended changes, simplifying over 150 guardianship and conservatorship forms. These rule changes result in lessening the burden on family members and others serving as volunteer guardians.

Courts in Your Communities

In addition to maintaining our regular caseloads, the judiciary is consistently involved in local and regional educational events throughout the year. In 2019, this Supreme Court held oral argument sessions at both of Nebraska's law schools, as well as Boys Town, Scottsbluff High School, and South Sioux City High School.

Last year, the Court of Appeals held its Constitution Day arguments at Concordia University in Seward. And for the convenience of our citizens, the Court of Appeals regularly travels to various locations around the State to hold oral arguments. We are grateful for the Court of Appeals' continuing efforts to reach out to Nebraska's many communities.

Our trial court judges are also engaged in law-related educational programs. Judges often turn their courtrooms into classrooms when contacted by educators within their jurisdictions, and when participating in activities such as County Government Day, 5th Grade Law-Day Job Shadowing, and High School Mock Trial competitions.

Pandemic Preparedness

Another recent Judicial Branch initiative involved preparing courts for pandemics. According to national experts, a pandemic is not just possible – it is highly probable.

In May of 2019, Nebraska's Judicial Branch hosted an innovative National State Court Summit on Pandemic Preparedness at the University of Nebraska Medical Center in Omaha. UNMC is home to the country's largest biocontainment unit and has treated Ebola patients on at least three occasions.

The Summit brought together court leaders, public health officials, legislators, and executive branch officials to discuss the need to plan and prepare for a pandemic. The session included teams from 25 states and three territories.

Prior to the Summit, and with the assistance of UNMC Chancellor Dr. Jeffrey Gold and his management team, a committee chaired by Judge Leigh Ann Retelsdorf of Omaha developed a Bench Book for Nebraska Courts to assist judges facing pandemic-related issues. Nebraska judges are now better prepared for the need to respond quickly and efficiently to pandemic quarantines and related legal issues.

It was an honor to serve as host for this group. I would like to take this opportunity to thank Governor Pete Ricketts for his welcoming address at the Summit, and Chancellor Gold and the UNMC staff for their great work and dedication to this project. Several photos of our session can be seen in the Judicial Branch Annual Report.

COURT EFFICIENCY

I will now speak to you about efforts we have made to improve the efficiency of our courts and adult and juvenile probation. Most recently, we have worked with four counties to provide court clerk services for both district and county courts. Because district court clerks have traditionally been funded by county property taxes, this option has resulted in cost savings for those counties.

By utilizing this option, duties within the court system are streamlined, and court clerk positions are no longer funded by those local property tax dollars. This is real property tax relief, with the potential for expansion with further legislative support.

Problem-Solving Courts

Likewise, in 2019, problem-solving courts continued to be an important and cost-effective judicial resource. These courts operate within the district, county, or juvenile courts in all 12 of Nebraska's Judicial Districts. Currently, 32 problem-solving courts are operating in Nebraska under the authority of 46 different judges. Nebraska problem-solving court models include Drug and DUI Courts, Veterans Treatment Courts, Reentry Courts, and Young Adult Courts. All of these courts adhere to Best Practice Standards approved by the Nebraska Supreme Court. In the coming months, the Supreme Court will also review Best Practice Standards for proposed Mental Health Treatment Courts.

As a result of LB919 introduced in 2016, as well as recent appropriations last year, the Judicial Branch added six new problem-solving courts and expanded the capacity of three of its existing problem-solving courts. Between 2015 and 2019, the number of problem-solving court participants has increased by 31%.

These courts effectively reduce recidivism and increase community safety, while being very cost-effective. The average cost to supervise a problem-solving court participant is approximately \$2,865 taxpayer dollars per year. In comparison, the average cost to incarcerate a prisoner can reach as high as \$38,000 taxpayer dollars per year.

Judicial Workload Study

However, operating problem-solving courts increases judicial workloads. The Judicial Branch has recently undertaken a judicial workload study, which will allow us to better compare judicial caseloads throughout our State. The results of this study will assist us, and you, in allocating our judicial resources.

Adult Probation

Since the passage of LB605 in 2015, adult probation continues to experience significant growth in the number of the individuals it serves, in both felony probation and post-release supervision. In 2019, the felony probation population expanded to over 4,800 individuals.

Adult probation provides community corrections through supervision, case management, support services, and rehabilitative services, including access to behavioral health. We have probation officers in all 93 counties and 16 regional day and evening reporting centers, serving populations that are at a high risk to reoffend.

In 2017, we developed our transitional living assistance program to provide recently-released prisoners with short-term, stable, and structured housing in an environment conducive to behavioral change. As the lead agency of a Department of Justice grant known as Project Integrate, Nebraska Probation has been able to maximize transitional living services while reducing costs. Project Integrate is a partnership between probation, parole, the Nebraska Department of Correctional Services, and Douglas County.

This initiative places individuals in a supportive and sober environment, enabling them to concentrate on treatment, employment, and

reintegration into the community. Participants needing transitional living assistance ultimately learn to become self-sufficient and are then able to reimburse the program for their living expenses.

JUVENILE JUSTICE

Juvenile justice continues to be an important priority for the Judicial Branch. Juvenile probation has made great strides toward best practice approaches for investigating and supervising youth found to be responsible for delinquencies and/or status offenses. We have emphasized fiscal responsibility while increasing juvenile justice services.

A September 2019 Legislative Performance Audit confirms that juvenile probation has increased its use of in-home and community-based alternatives, including intensive case management and transition planning for youth in out-of-home placements, while also reducing costs. These cost savings have made service expansion efforts possible.

Office of Dispute Resolution

One example of such community-based alternatives is Victim Youth Conferencing. With the passage of LB595 in 2019, the Restorative Justice bill, our Office of Dispute Resolution continues to partner with a network of six regional community mediation centers to offer Victim Youth Conferencing throughout the State.

This restorative process is significant to youth, their families, victims, communities, and the court system. This past year, 300 youth took responsibility for their actions and participated in face-to-face dialogues with their victims.

CONCLUSION

In conclusion, while facing many challenges, the Judicial Branch continued to expand its services and programming over the past year.

The Nebraska Judicial Branch remains committed to the delivery of justice in a fair and timely manner. We will carry out this mission efficiently, while continuing to provide equal access for all Nebraska citizens.

Thank you for this opportunity to speak with you today, and thank you for your support of the Judicial Branch.

The committee escorted the Chief Justice from the Chamber.

COMMITTEE REPORT(S)

Education

LEGISLATIVE BILL 880. Placed on General File.

(Signed) Mike Groene, Chairperson

NOTICE OF COMMITTEE HEARING(S)

Judiciary
Room 1113

Thursday, January 30, 2020 1:30 p.m.

LB748
LB751
LB900
LB941
LB964
LB986
LB994

Wednesday, January 29, 2020 1:30 p.m.

LB873
LB883
LB895
LB966
LB1006
LB1020
LB1031

(Signed) Steve Lathrop, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1125. Introduced by Cavanaugh, 6; Dorn, 30; Hansen, M., 26; Howard, 9.

A BILL FOR AN ACT relating to homestead exemptions; to amend sections 77-3512 and 77-3514.01, Reissue Revised Statutes of Nebraska, and section 77-3508, Revised Statutes Supplement, 2019; to provide a new homestead exemption and authorize late applications as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1126. Introduced by Vargas, 7.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-125, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to award of attorney's fees or assessment of penalties or interest as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1127. Introduced by Vargas, 7.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-162, Reissue Revised Statutes of Nebraska; to change and provide

powers relating to the contempt power of the Nebraska Workers' Compensation Court; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1128. Introduced by Vargas, 7.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-148, Reissue Revised Statutes of Nebraska; to provide an exception for a claim based on bad faith; to provide a limitation of action; and to repeal the original section.

LEGISLATIVE BILL 1129. Introduced by Vargas, 7.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-116, Reissue Revised Statutes of Nebraska; to change evasion of law provisions to ensure certain coverage under the act; and to repeal the original section.

LEGISLATIVE BILL 1130. Introduced by Groene, 42.

A BILL FOR AN ACT relating to the Mutual Finance Assistance Act; to amend sections 35-1204 and 35-1207, Revised Statutes Supplement, 2019; to change provisions relating to mutual finance organization agreements; to change certain deadlines for applications and notifications; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1131. Introduced by Groene, 42.

A BILL FOR AN ACT relating to education; to amend sections 38-316, 38-10,109, 38-1813, 38-2613, 38-2616, 38-3106, 71-8404, 76-2203.01, 77-2704.12, 77-27,119, 79-422, 79-433, 79-449, 79-8,133, 79-10,119, 79-1103, 79-1605, 79-2118, 85-505, 85-507, and 85-1609, Reissue Revised Statutes of Nebraska, sections 1-116, 38-3901, 58-809, 79-611, 79-8,137.01, 79-1007.11, 79-1035, 79-1065.02, 79-1075, 79-1241.03, 79-1504, 79-2104.02, 79-2603, 79-2604, 79-2605, and 79-2606, Revised Statutes Cumulative Supplement, 2018, and sections 77-1601.02, 79-807, 79-1003, and 79-1074, Revised Statutes Supplement, 2019; to change tax levy notice provisions; to eliminate obsolete provisions and terminology; to update terminology; to redefine terms and eliminate obsolete provisions in the Tax Equity and Educational Opportunities Support Act; to change provisions relating to distribution of school funds from school lands as prescribed; to remove a hearing requirement; to reflect boundary changes and the timing of payments of core services and technology infrastructure funds as prescribed; to change the membership of the Education Commission of the States; to change diversity plan requirements; to change reporting deadlines; to change requirements under the Nebraska Reading Improvement Act as prescribed; to eliminate a grant program; to harmonize provisions; to repeal the original sections; and to outright repeal sections 79-308 and 79-309.01,

Revised Statutes Cumulative Supplement, 2018.

MOTION(S) - Withdraw LB947

Senator Erdman offered his motion, [MO122](#), found on page 342, to withdraw LB947.

The Erdman motion to withdraw the bill prevailed with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

MOTION(S) - Withdraw LB953

Senator Wishart offered her motion, [MO123](#), found on page 356, to withdraw LB953.

The Wishart motion to withdraw the bill prevailed with 31 ayes, 1 nay, 15 present and not voting, and 2 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 266. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1132. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to net metering; to amend sections 70-2001, 70-2002, and 70-2003, Reissue Revised Statutes of Nebraska; to state legislative declarations; to redefine net metering and qualified facility; to change and provide powers for a local distribution utility; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1133. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the Nebraska Hospital-Medical Liability Act; to amend sections 44-2824, 44-2827, 44-2830, 44-2831.01, 44-2832, and 44-2833, Reissue Revised Statutes of Nebraska, and section 44-2825, Revised Statutes Cumulative Supplement, 2018; to increase caps on medical malpractice liability; to change provisions relating to proof of financial responsibility and the Excess Liability Fund; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1134. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to education; to amend sections 79-234 and 79-2,136, Revised Statutes Cumulative Supplement, 2018; to change enrollment option limits and provisions for part-time enrollment; and to repeal the original sections.

LEGISLATIVE BILL 1135. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to cities and villages; to amend section 15-322, Reissue Revised Statutes of Nebraska, section 17-610, Revised Statutes Cumulative Supplement, 2018, and section 16-319, Revised Statutes Supplement, 2019; to provide duties for a city attorney of a city of the metropolitan class; to provide a prosecutorial exception for city attorneys and village attorneys as prescribed; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 1136. Introduced by Williams, 36.

A BILL FOR AN ACT relating to political accountability and disclosure; to amend section 49-14,103.01, Reissue Revised Statutes of Nebraska; to redefine officer for purposes of prescribing when an interest in a contract is prohibited; to eliminate a prohibition against an interest in a contract by a board member of a public power and irrigation district; to harmonize provisions; to repeal the original section; and to outright repeal section 70-642.02, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1137. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to civil procedure; to provide for certification of a class of plaintiffs and removal for adjudication in district court of certain contested cases under the Administrative Procedure Act; to provide a waiver of sovereign immunity; to define terms; and to provide a duty of the Revisor of Statutes.

LEGISLATIVE BILL 1138. Introduced by Wishart, 27.

A BILL FOR AN ACT relating to disease; to establish a dementia registry; and to provide powers and duties for the Department of Health and Human Services.

LEGISLATIVE BILL 1139. Introduced by Wishart, 27.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-301, 60-393, 60-395, 60-396, 60-3,104, and 60-3,130.04, Revised Statutes Supplement, 2019; to provide for Pets for Vets Plates; to create the Pets for Vets Cash Fund; to provide powers and duties for the Department of Veterans' Affairs; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1140. Introduced by Health and Human Services

Committee: Howard, 9, Chairperson; Arch, 14; Cavanaugh, 6; Hansen, B., 16; Murman, 38; Walz, 15; Williams, 36.

A BILL FOR AN ACT relating to youth rehabilitation and treatment centers; to provide requirements for youth rehabilitation and treatment centers; to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 1141. Introduced by Health and Human Services Committee: Howard, 9, Chairperson; Arch, 14; Cavanaugh, 6; Hansen, B., 16; Murman, 38; Walz, 15; Williams, 36.

A BILL FOR AN ACT relating to the Department of Health and Human Services; to provide for youth rehabilitation and treatment center operations plans.

LEGISLATIVE BILL 1142. Introduced by Health and Human Services Committee: Howard, 9, Chairperson; Arch, 14; Cavanaugh, 6; Hansen, B., 16; Murman, 38; Walz, 15; Williams, 36.

A BILL FOR AN ACT relating to the Department of Health and Human Services; to amend sections 43-401 and 43-403, Reissue Revised Statutes of Nebraska, and section 43-251.01, Revised Statutes Cumulative Supplement, 2018; to define a term; to change provisions relating to the Office of Juvenile Services; to harmonize provisions; to provide for youth rehabilitation and treatment center emergency plans; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1143. Introduced by Health and Human Services Committee: Howard, 9, Chairperson; Arch, 14; Cavanaugh, 6; Hansen, B., 16; Murman, 38; Walz, 15; Williams, 36.

A BILL FOR AN ACT relating to the Department of Health and Human Services; to provide for a needs assessment and cost analysis study and report on an inpatient adolescent psychiatric unit; and to declare an emergency.

LEGISLATIVE BILL 1144. Introduced by Health and Human Services Committee: Howard, 9, Chairperson; Arch, 14; Cavanaugh, 6; Hansen, B., 16; Murman, 38; Walz, 15; Williams, 36.

A BILL FOR AN ACT relating to the office of Public Counsel; to amend section 81-8,251, Reissue Revised Statutes of Nebraska, and section 43-4318, Revised Statutes Cumulative Supplement, 2018; to provide for notice and reporting to the office of Inspector General of Nebraska Child Welfare; to require an annual review and physical inspection of and a staffing report on certain state institutions; and to repeal the original sections.

LEGISLATIVE BILL 1145. Introduced by Health and Human Services

Committee: Howard, 9, Chairperson; Arch, 14; Cavanaugh, 6; Hansen, B., 16; Murman, 38; Walz, 15; Williams, 36.

A BILL FOR AN ACT relating to the Office of Juvenile Services; to amend section 43-401, Reissue Revised Statutes of Nebraska; to provide for a policy on the use of mechanical restraints and transportation of juveniles; and to repeal the original section.

LEGISLATIVE BILL 1146. Introduced by Howard, 9.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for construction of dormitories at the Youth Rehabilitation and Treatment Center-Kearney.

LEGISLATIVE BILL 1147. Introduced by Vargas, 7; Cavanaugh, 6; Howard, 9.

A BILL FOR AN ACT relating to the youth rehabilitation and treatment centers; to provide powers and duties for the Department of Health and Human Services.

LEGISLATIVE BILL 1148. Introduced by Vargas, 7; Howard, 9; Lathrop, 12.

A BILL FOR AN ACT relating to juveniles; to amend sections 43-407, 43-408, 83-108.04, and 83-901, Reissue Revised Statutes of Nebraska, and section 43-286, Revised Statutes Supplement, 2019; to change provisions relating to the Office of Juvenile Services and to placements of juveniles at a youth rehabilitation and treatment center; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1149. Introduced by Vargas, 7; Howard, 9; Lathrop, 12.

A BILL FOR AN ACT relating to the Office of Juvenile Services; to amend sections 43-401, 43-403, 43-404, 43-405, 43-406, 43-407, 43-408, 43-410, 43-417, 43-420, 43-425, 83-108.04, and 83-113, Reissue Revised Statutes of Nebraska, and section 83-108, Revised Statutes Cumulative Supplement, 2018; to change and eliminate definitions; to eliminate obsolete provisions; to update a reference to federal law; to change and provide duties for the Office of Juvenile Services and the Department of Health and Human Services; to provide for evidence-based policies, practices, procedures, and services; to prohibit denial of in-person visitation and communication as a sanction; to harmonize provisions; to repeal the original sections; and to outright repeal sections 43-414, 43-415, 43-416, 43-418, 43-419, 43-421, 43-422, 43-423, 43-4002, and 83-101, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1150. Introduced by Brandt, 32; Briese, 41;

Cavanaugh, 6; Chambers, 11; DeBoer, 10; Dorn, 30; Friesen, 34; Gragert, 40; Halloran, 33; Hilkemann, 4; Howard, 9; Hunt, 8; Kolowski, 31; Kolterman, 24; Lathrop, 12; McDonnell, 5; Morfeld, 46; Murman, 38; Pansing Brooks, 28; Quick, 35; Vargas, 7; Walz, 15; Wayne, 13; Wishart, 27.

A BILL FOR AN ACT relating to juveniles; to require the youth rehabilitation and treatment centers to be fully operational as prescribed; and to require a report.

LEGISLATIVE BILL 1151. Introduced by Vargas, 7; Walz, 15.

A BILL FOR AN ACT relating to the Nebraska Opportunity Grant Act; to amend sections 85-1907 and 85-1911, Reissue Revised Statutes of Nebraska; to redefine eligible student; to provide for prioritization of awards; and to repeal the original sections.

LEGISLATIVE BILL 1152. Introduced by Halloran, 33; Brandt, 32; Wayne, 13.

A BILL FOR AN ACT relating to hemp; to amend section 28-401.01, Revised Statutes Cumulative Supplement, 2018, and sections 2-501, 2-503, 2-504, 2-505, 2-506, 2-507, 2-510, 2-511, 2-512, 2-514, 2-515, 2-516, 2-517, 2-5701, and 28-101, Revised Statutes Supplement, 2019; to provide, change, and eliminate definitions; to change provisions relating to licenses, the cultivation, testing, and transportation of hemp, violations, Department of Agriculture duties and powers, and appointment of the Nebraska Hemp Commission; to provide legislative intent regarding licensing and appropriations; to provide a termination date; to provide a penalty; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1153. Introduced by Vargas, 7; Hansen, M., 26; Linehan, 39.

A BILL FOR AN ACT relating to education; to amend section 79-730, Reissue Revised Statutes of Nebraska; to require approval of alternative tests for a diploma of high school equivalency; to allow development of skill-based or competency-based assessments for a diploma of high school equivalency; to make testing available across the state; to provide duties for the Commissioner of Education; and to repeal the original section.

LEGISLATIVE BILL 1154. Introduced by Hansen, M., 26; Vargas, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the State Department of Education for state aid to adult basic education programs and institutions offering high school equivalency programs; and to declare an emergency.

LEGISLATIVE BILL 1155. Introduced by Vargas, 7.

A BILL FOR AN ACT relating to economic development; to adopt the Middle Income Workforce Housing Investment Act; to create a fund; to provide for a transfer of funds from the General Fund; to provide a civil penalty; and to declare an emergency.

LEGISLATIVE BILL 1156. Introduced by Vargas, 7; Lindstrom, 18.

A BILL FOR AN ACT relating to schools; to define terms; to require development and implementation of a statewide school panic button program; to provide powers and duties; and to state intent regarding appropriations.

LEGISLATIVE BILL 1157. Introduced by Vargas, 7; McCollister, 20; Wayne, 13.

A BILL FOR AN ACT relating to redistricting; to provide for counting Nebraska residents confined to prison in Nebraska as prescribed.

LEGISLATIVE BILL 1158. Introduced by Arch, 14.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-901, Revised Statutes Supplement, 2019; to require information regarding job-skills programs and a report; to provide powers and duties; and to repeal the original section.

LEGISLATIVE BILL 1159. Introduced by Stinner, 48.

A BILL FOR AN ACT relating to the Pesticide Act; to amend section 2-2642, Revised Statutes Supplement, 2019; to change noncertified applicator pesticide use restrictions; to provide for unlimited license examination attempts; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1160. Introduced by Hansen, M., 26; Bolz, 29.

A BILL FOR AN ACT relating to labor; to adopt the Nebraska Workforce and Education Reporting System Act; and to declare an emergency.

LEGISLATIVE BILL 1161. Introduced by Hansen, M., 26; Bolz, 29; Lathrop, 12.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Health and Human Services for competency restoration treatment as prescribed.

LEGISLATIVE BILL 1162. Introduced by Wishart, 27.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-908, 77-2717, 77-2734.03, and 77-3806, Reissue Revised Statutes of Nebraska, and section 77-2715.07, Revised Statutes Supplement, 2019; to adopt the Fueling Station Tax Credit Act; to harmonize provisions; and to repeal the original sections.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 298. Introduced by Howard, 9; Arch, 14; Bolz, 29; Brandt, 32; Cavanaugh, 6; Groene, 42; Hansen, B., 16; Lathrop, 12; Murman, 38; Quick, 35; Stinner, 48; Walz, 15; Williams, 36.

WHEREAS, in the summer of 2019, the Department of Health and Human Services notified the Health and Human Services Committee of the Legislature of deteriorating conditions at the Youth Rehabilitation and Treatment Center-Geneva. Such conditions necessitated the relocation of female youth from the Youth Rehabilitation and Treatment Center-Geneva due to living conditions posing a threat to the health, safety, and welfare of the female youth residing at the facility under court order; and

WHEREAS, the Health and Human Services Committee of the Legislature found, through a series of public hearings and comments during the 2019 interim, that there was a breakdown in the day-to-day operations of the Youth Rehabilitation and Treatment Center-Geneva, including (1) disrepair of the facilities making them uninhabitable, (2) inadequate staffing, (3) a lack of proper behavioral or mental health services and treatment programming, and (4) a lack of healthcare, including, but not limited to, medication management; and

WHEREAS, the Department of Health and Human Services has released a business plan to reorganize the youth rehabilitation and treatment center model in Nebraska on a condensed timeline without consultation or input from the Legislature or stakeholders with experience and expertise in youth rehabilitation and treatment; and

WHEREAS, the safety, quality of life, and right to a safe treatment environment for these youth is of the utmost concern to the Legislature and it is clear the Youth Rehabilitation and Treatment Center-Geneva has reached a critical point in its ability to care for the female youth entrusted to its care.

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

1. That the Legislature hereby calls for the Executive Board of the Legislative Council to meet forthwith and appoint a special committee of the Legislature to be known as the Youth Rehabilitation and Treatment Center Special Oversight Committee of the Legislature. The committee shall consist of nine members of the Legislature appointed by the Executive Board. Members shall include three members of the Health and Human Services Committee of the Legislature, one member of the Appropriations Committee of the Legislature, one member of the Education Committee of the Legislature, three members of the Judiciary Committee of the

Legislature, and one at-large member of the Legislature. The committee shall elect a chairperson and vice-chairperson from the membership of the committee. The Executive Board is hereby authorized to provide the committee with a legal counsel, committee clerk, and other staff as required by the committee from existing legislative staff. The Executive Board is also authorized to hire outside legal counsel, consultants, and investigators as required by the committee. The committee shall be an oversight committee and is hereby authorized to hold hearings, request and receive progress reports from the Department of Health and Human Services regarding the youth rehabilitation and treatment centers, and issue subpoenas as deemed necessary by the committee.

2. The Youth Rehabilitation and Treatment Center Special Oversight Committee of the Legislature is hereby authorized to study the quality of care and related issues at the youth rehabilitation and treatment centers. The committee shall provide oversight of the administration and operations, including funding, capacity, and staffing practices at the youth rehabilitation and treatment centers. The committee shall provide oversight for planning at the youth rehabilitation and treatment centers. The committee shall utilize existing studies, reports, and legislation developed to address the current conditions. The committee shall not be limited to such studies, reports, or legislation. The committee shall issue a report with its findings and recommendations to the Legislature on or before December 15, 2020.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR298 was referred to the Reference Committee.

COMMITTEE REPORT(S)

Urban Affairs

LEGISLATIVE BILL 795. Placed on General File.

LEGISLATIVE BILL 799. Placed on General File.

LEGISLATIVE BILL 821. Placed on General File.

LEGISLATIVE BILL 885. Placed on General File.

(Signed) Justin Wayne, Chairperson

NOTICE OF COMMITTEE HEARING(S)

Revenue
Room 1524

Wednesday, January 29, 2020 1:30 p.m.

LB805
LB865
LB1042

(Signed) Lou Ann Linehan, Chairperson

Health and Human Services
Room 1510

Wednesday, January 29, 2020 1:30 p.m.

LB932
LB851
LB955
LB956

(Signed) Sara Howard, Chairperson

MOTION(S) - Print in Journal

Senator Blood filed the following motion to LB754:

[MO124](#)

Withdraw bill.

AMENDMENT(S) - Print in Journal

Senator Hunt filed the following amendment to LB734:

[AM2120](#) is available in the Bill Room.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Howard name added to LB791.

Senator Walz name added to LB1073.

Senator Hunt name added to LB1084.

VISITOR(S)

Visitors to the Chamber were Judge PaTricia Freeman, Chair of the NSBA House of Delegates, Susan Sapp, Chair-Elect of the NBSA House of Delegates, and Liz Neeley, Executive Director of the NSBA.

ADJOURNMENT

At 12:02 p.m., on a motion by Senator Arch, the Legislature adjourned until 9:00 a.m., Thursday, January 23, 2020.

Patrick J. O'Donnell
Clerk of the Legislature